

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1001

Adopting the West of Sandy River Rural Area Transportation and Land Use Plan and Wildlife Habitat and Stream Corridor ESEE Report as Part of the Multnomah County Comprehensive Framework Plan, Zoning Code Chapter 36 as Part of the Multnomah County Code of Ordinances Volume II: Land Use, and Zoning Map Amendments in Continuation of the County Rural Area Planning Program and the Reorganization Efforts of Ordinance Nos. 910 and 953 to Revise, Amend, Restate, Codify and Repeal Certain Existing Code Provisions, and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. Chapter 11.05 Planning Authority was adopted by Ordinance 133 on October 19, 1976 [and as subsequently amended].
- b. Chapter 11.10 Comprehensive Plan was adopted by Ordinance 147 on September 6, 1977 [and as subsequently amended].
- c. Chapter 11.12 Annexation Policy was adopted by Ordinance 163 on May 11, 1978 [and as subsequently amended].
- d. Chapter 11.15 Zoning Regulations. Multnomah County first adopted zoning regulations on May 26, 1953, on an interim basis. A permanent ordinance was enacted for the North-Central portion of the County on April 19, 1955, and successive geographic areas were added until the entire unincorporated County had permanent zoning on December 11, 1958. (Interim regulations, adopted August 15, 1955, applied to those areas awaiting permanent zoning). On November 15, 1962, the permanent zoning ordinance was re-enacted for the entire unincorporated County as Ordinance No. 100. Ordinance No. 100 underwent several amendments over the years, the last of which was its codification as Chapter 11.15 of the Multnomah County Code on March 23, 1982 through Ordinance No. 300. Since that date, Chapter 11.15 has undergone amendments, in which various sections and subsections have been added, repealed, modified, or renumbered.
- e. Chapter 11.45 Land Division was adopted by Ordinance 174 on September 19, 1978 [and as subsequently amended].
- f. 1990 Code. The last periodic comprehensive review of code provisions relating to zoning and land use occurred in 1990 (1990 Code). On February 2, 1990, Ordinances 641, 642 and 643 were adopted amending MCC Chapters 11.05, 11.45 and 11.15 respectively, to comply with the periodic review requirements of the Oregon Department of Land Conservation and Development.
- g. Ordinance No. 910 adopted on June 25, 1998, enacted a revision of Multnomah County Codes and Ordinances that established a Volume I: General Code and set up the framework for a future Volume II: Land Use within a renumbered and reformatted Code of Ordinances. The extensive organization and numbering changes that were necessary to adapt the existing land use code chapters into a new Volume II prompted the initiation of a proposal to further reorganize

Volume II into a format that recognized and further implemented the Rural Plan Area Planning Program.

h. Ordinance No. 953 adopting Volume II: Land Use on November 30, 2000, in consideration of the Rural Area Planning Program, contains separate Zoning Ordinances for each of the recognized Rural Area Plans: Chapter 33 West Hills; Chapter 34 Sauvie Island / Multnomah Channel; Chapter 35 East of Sandy River; Chapter 38 Columbia River Gorge National Scenic Area; and provides for Chapter 36 West of Sandy River.

i. This ordinance adopts the new Chapter 36 West of Sandy River Rural Area Plan that replaces Chapter 11.15 for the West of Sandy River area in continuation of this Zoning Code reorganization effort.

j. For the remaining time that Multnomah County has jurisdictional planning responsibility for a few discrete unincorporated urban areas within the Urban Growth Boundary MCC 11.05 Planning Authority, 11.10 Comprehensive Plan, 11.12 Annexation Policy, 11.15 Zoning Ordinance and 11.45 Land Division (all 1990 Code) will continue to be applicable to those areas only.

The Multnomah County Board of Commissioners Ordains as Follows:

Section 1. The West of Sandy River Rural Area Transportation and Land Use Plan attached as Exhibit A., which contains the Transportation System Plan for the area and land use policies is adopted as a portion of the Multnomah County Comprehensive Framework Plan.

Section 2. The Wildlife Habitat and Stream Corridor ESEE Report attached as Exhibit B., which contains the inventory of wildlife resources in the plan area, the analysis of the potential impacts to those resources from development, and that supports the decision to limit conflicting uses, is adopted into the Multnomah County Comprehensive Framework Plan.

Section 3. Chapter 36, West of Sandy River Rural Plan Area of the Multnomah County, Oregon Code of Ordinances, Volume II: Land Use attached as Exhibit C. is enacted as the general and permanent land use law of Multnomah County applicable to the geographic area of that rural area plan.

Section 4. The following Sectional Zoning Maps are amended to apply the SEC overlay zone in order to protect the significant riparian corridors and wildlife habitat as described in the ESEE Report, and as shown on Map 1 therein, and as shown on the Significant Environmental Concern Overlay Zone Map in Exhibit D: 543, 544 & 545, 586, 592, 597 & 598, 603 & 604, 610, 624 – 628, 630 – 634, 651, 667 – 674, 679, 683 – 686, 688 – 691, 692 – 699, 700 & 701, and 703 – 717.

Section 5. The following Sectional Zoning Maps are amended by replacing the RC designation with the designations of OR and OCI in the Orient community, and PH-RC in the Pleasant Home community as shown on the zoning map attached as Exhibit E: 628, and 703 – 709.

Section 6. Except as provided in Section 7, all prior ordinances and codes relating to land use in the West of Sandy River Rural Plan geographic area are repealed from the effective date of this ordinance, except as they are included and reenacted in whole or in part in this Code. This repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance. This repeal shall not affect any other ordinance of special nature or pertaining to subject not contained in or covered by the Code.

Section 7. Until repealed, replaced, or superceded by subsequent code chapter provisions adopted after this ordinance, the existing Multnomah County Land Use Ordinances, also known as 1990 Code Chapters 11.05 Planning Authority, 11.10 Comprehensive Plan, 11.12 Annexation Policy, 11.15 Zoning Ordinance, and 11.45 Land Division shall remain in effect except Chapter 37 shall apply for all properties within the unincorporated area of Multnomah County within the Urban Growth Boundary, for all Columbia River Islands within the planning jurisdiction of Multnomah County that are outside the Columbia River Gorge National Scenic Area.

Section 8. The Code shall be presumptive evidence in all courts and places of the ordinances and all provisions, sections, penalties and regulations contained therein, and of the date of enactment. The Code also shall be presumptive evidence that it has been properly enacted, signed, attested and published, and that all public notices and hearings requirements have been met.

Section 9. Time extension for submittal of applications for Design Review, Hillside Development Permits, and Grading and Erosion Control Permits for certain Type II and III decisions. A time extension until January 1, 2004 shall be allowed for submitting applications for Design Review, Hillside Development Permits, and Erosion Control Permits under the applicable provisions of MCC 11.15 and MCC 29.300. Those applications shall be "follow-up applications" to developments already approved as Type II or III decisions in which application for the development was submitted prior to January 1, 2003 and the approval has not expired under the provisions of MCC 37.0690, 37.0700, or 37.0750.

Section 10. An emergency is declared in order to comply with the intergovernmental agreement with Metro to be in compliance with the 2040 Plan by December 31, 2002. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect on January 1, 2003.

FIRST READING:	<u>October 24, 2002</u>
SECOND READING:	<u>October 31, 2002</u>
THIRD READING	<u>December 5, 2002</u>
FOURTH READING AND ADOPTION:	<u>December 12, 2002</u>



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

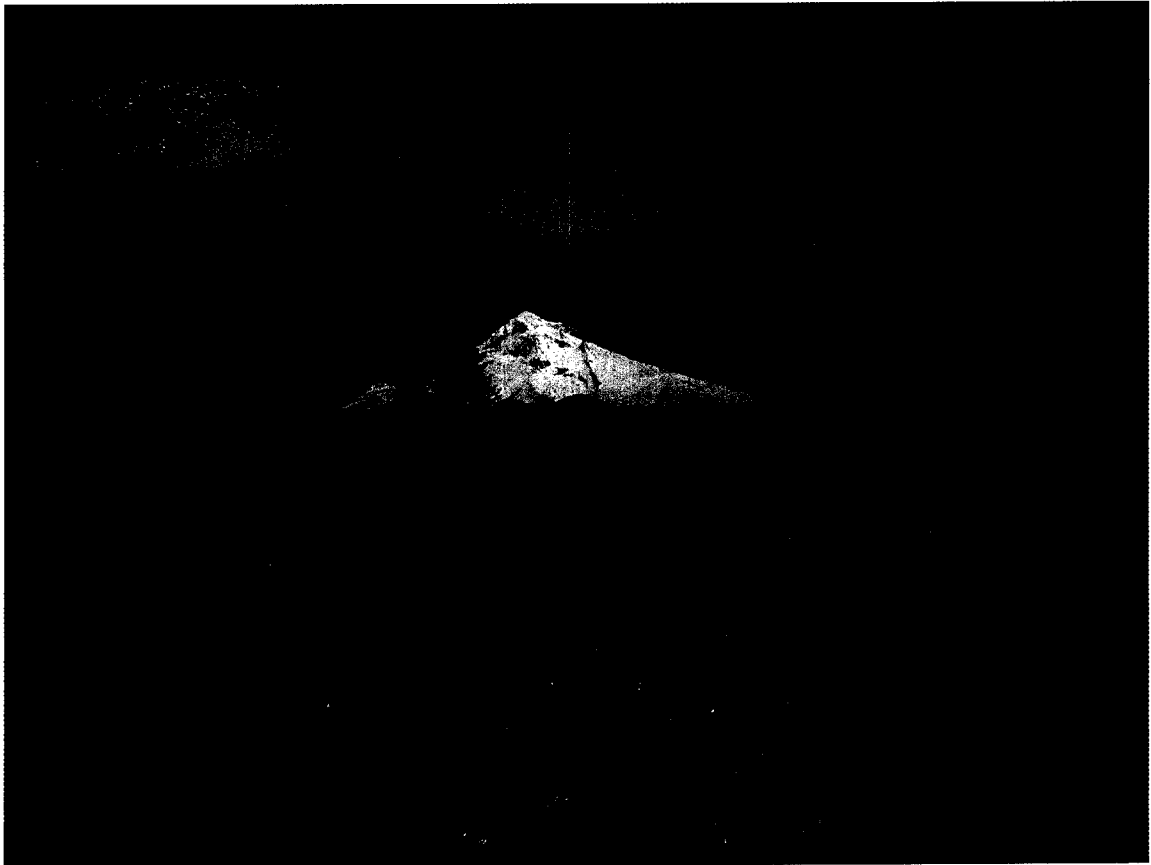
THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Assistant County Attorney

EXHIBIT LIST FOR ORDINANCE

- Exhibit A.** The West of Sandy River Rural Area Transportation and Land Use Plan and Transportation System Plan.
- Exhibit B.** The Wildlife Habitat and Stream Corridor ESEE Report.
- Exhibit C.** Chapter 36 on the Multnomah County Code of Ordinances.
- Exhibit D.** Significant Environmental Concern Overlay Zone Map.
- Exhibit E.** Orient and Pleasant Home Zone Map.

This information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda web site (<http://www.co.multnomah.or.us/cc/index.html>) under Adopted County Documents, Ordinance No. 1001, or may be purchased on CD-Rom from the Land Use and Transportation Program. Please contact the Board Clerk at 503.988-3277 or the Planning Program at 503.988.3043 for further information.



Board of Commissioners Draft
October 24, 2002

MULTNOMAH COUNTY West of Sandy River Transportation and Land Use Plan

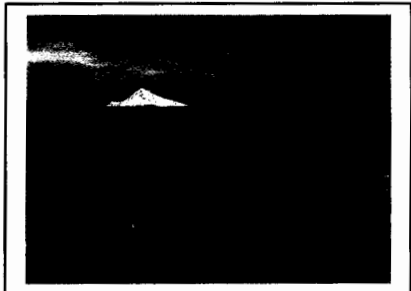
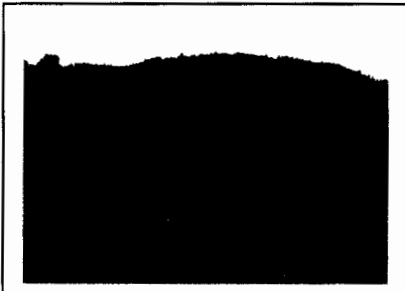
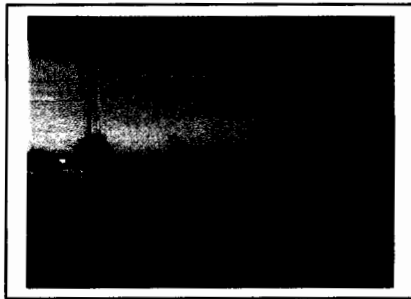
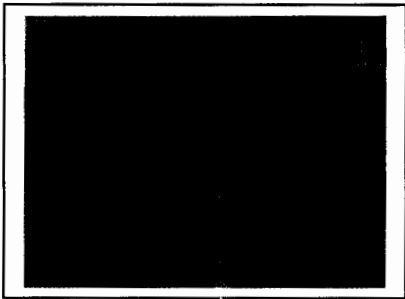
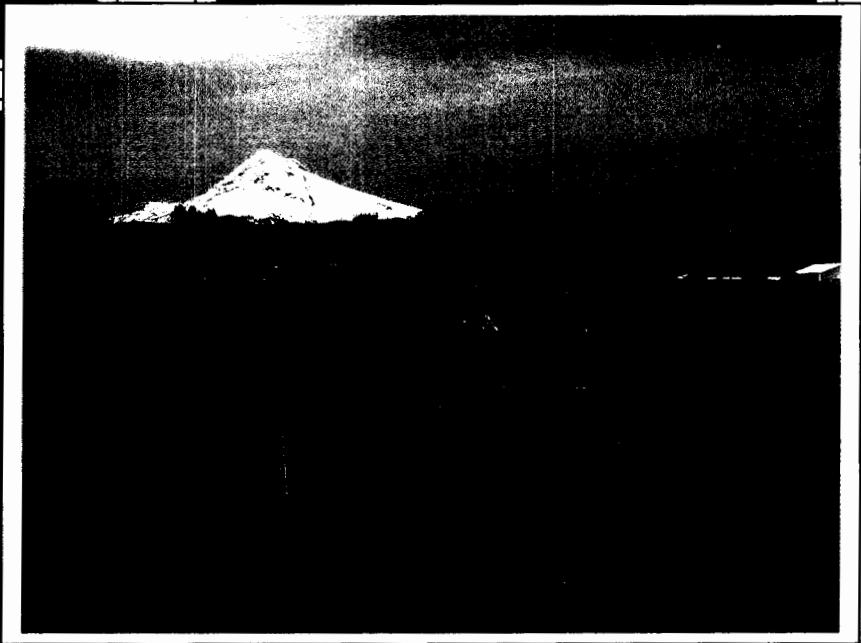
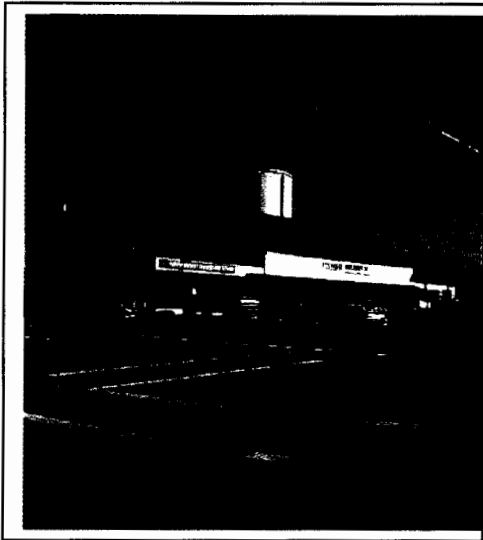
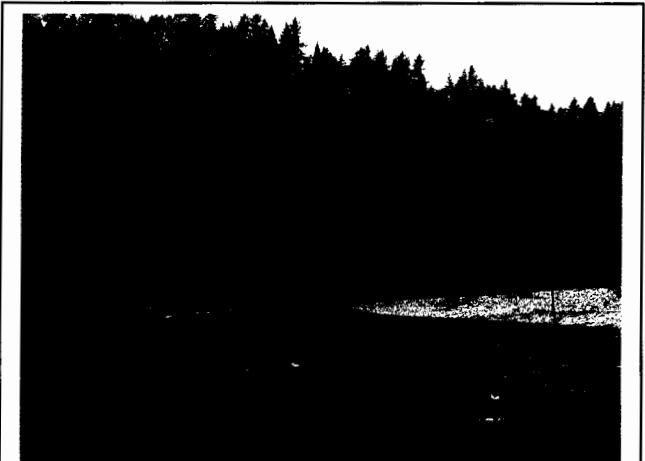
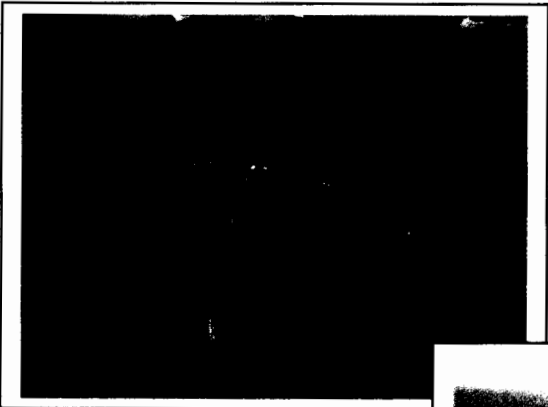


**MULTNOMAH
COUNTY**

Parametrix

West of Sandy River Plan Area

Images



Multnomah County
West of Sandy River Rural Area
Transportation and Land Use Plan

Prepared for

Multnomah County Oregon
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ACKNOWLEDGEMENTS

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EXECUTIVE SUMMARY

The West of Sandy River Transportation and Land Use Plan is a rural area plan that is intended to guide development in the area over the next 20 years. In 1993, the Multnomah County Board of Commissioners initiated a Rural Area Planning Program for five areas of rural Multnomah County in order to recognize community needs and values as they relate to land use issues. This plan represents the fourth rural area plan, and contains policy direction intended to support realization of the community Vision.

The West of Sandy River plan area is located between the Sandy River and the east edge of the cities of Gresham and Troutdale. The landscape consists of gently sloping open land that becomes steeper along the Beaver Creek and Johnson Creek drainages near the cities. The land flattens out toward the east presenting scenic vistas of hills and farms against the backdrop of Mt. Hood, before dropping abruptly down into the forested Sandy River canyon. The area has historically been used for farming, and the high quality soils continue to support cultivation of berries and nursery stock. It is part of a larger nursery growing area that extends southward into Clackamas County, and is the center for nursery farming in Multnomah County.

The plan area is significant in that it has the Multnomah County portion of the Sandy Wild and Scenic River along the east edge, and contains the two rural unincorporated communities of Orient and Pleasant Home. Oxbow Regional Park and Camp Collins are popular attractions for people from all over the region who come to the river for recreation, camping, and nature study. The Orient and Pleasant Home communities, which were first settled in the 1850's, contain a number of old structures and continue to provide services to the rural area. Orient is the larger of the two communities. It is connected to the City of Gresham on the west, has two schools, a fire station, feed store, lumber yard, and several retail nursery businesses.

The West of Sandy River plan addresses a number of needs and mandates. The plan area is adjacent to the growing Gresham-Troutdale urban areas, and is experiencing some impacts from urbanization. Protection of farming in the area from urban influences emerged as an important issue during the planning process. The streams in the plan area do not have the fish and wildlife habitat protection measures found in other areas of the county. This is important because the streams contain or support habitat for salmon which have been designated as threatened under the federal Endangered Species Act. In addition, Title 3 of the Metro 2040 Functional Plan contains mandates to protect water quality which must be met for a large portion of the area. The county must also develop a plan for the Orient and Pleasant Home rural communities in order to continue to allow development there that is more intensive than is otherwise allowed in rural areas. And finally, the county is meeting its responsibility for transportation system planning with the plan.

The plan document is organized into the four subject areas of Environment and Natural Resources, Land Use, Rural Center, and Transportation System Plan. The policies that are within these sections have been consolidated into the following list. They are intended to both implement the community vision and to provide the framework for a zoning ordinance specific to the West of Sandy River area. The policies are organized into the subject areas of:

- Goal 5 - Wildlife habitat and riparian corridors in Policies 1 - 5;
- Water quality – Title 3 in Policies 6 – 8;

EXECUTIVE SUMMARY

- Policies for the various zones beginning with Exclusive Farm Use in Policies 11 – 15;
- Parks and open spaces in Policies 16 – 19;
- Flood hazard areas in Policy 20;
- The Orient and Pleasant Home rural communities in Policies 21 – 27;
- Transportation system plan in Policies 28 - 38.

West of Sandy River Vision

The citizen task force created a vision to help guide the planning process, as follows:

As residents and landowners in the area between the cities of Gresham and Troutdale and the Sandy River, our vision is that we will continue to enjoy our rural lifestyle. We value all of the features that make this a rural place including the quiet open spaces, vistas of productive farm and forest lands and of Mt. Hood, country roads, healthy air, soils and streams, and a night sky where we can clearly see the stars.

We envision that the Orient and Pleasant Home rural centers will continue to prosper within defined areas in order to provide for the needs of residents and visitors. We want our roads to continue to serve as the transportation network for the area, while remaining usable for people enjoying the country and accessing the Sandy River, with opportunities for exercise by walking, running, bicycling and horseback riding.

In order to maintain this vision, we recognize that the planned density of residential development must not increase, that the agricultural economy of the area must remain strong, and that development of new non-agricultural businesses should serve the needs of the local area. This plan is intended to help us in our stewardship of the environment, our lifestyle, and our community over the next 20 years.

West of Sandy River Transportation and Land Use Plan

List of Policies and Strategies approved by the Planning Commission September 9, 2002

POLICIES AND STRATEGIES

Goal 5 Policies

Policy 1

Multnomah County recognizes the importance of identifying and protecting natural resources in order to promote a healthy environment and natural landscape that contribute to the livability of the West of Sandy River Rural Area.

Strategies:

- 1.1 Multnomah County shall prepare and maintain an inventory of the location, quality, and quantity of wildlife habitat areas and riparian corridors within the West of Sandy River Rural Area. This inventory should include the riparian corridors associated with the rural eastside streams of Beaver Creek, Johnson Creek and Kelly Creek that are listed in Framework Plan Policy 16G as either significant or potentially significant.
- 1.2 Multnomah County shall utilize the Statewide Wetlands Inventory to identify the general location of wetlands within the West of Sandy River Rural Area.

Policy 2

Multnomah County shall designate selected riparian corridors and wildlife habitat areas as significant natural resources pursuant to Statewide Planning Goal 5.

Strategies:

- 2.1 Those wildlife habitat areas that have been rated as “high” value for at least one of the following ecological functions shall be designated as “significant”:
 - Wildlife Habitat,
 - Water Quality Protection,
 - Ecological Integrity,
 - Connectivity, and
 - Uniqueness.
- 2.2 Those riparian areas that have been rated as “high” value for at least one of the following ecological functions shall be designated as “significant”:
 - Fish Habitat
 - Wildlife Habitat,
 - Water Quality Protection,
 - Ecological Integrity, and
 - Connectivity.

Policy 3

Multnomah County shall protect significant riparian corridors and associated impact areas and limit conflicting uses within these areas in the West of Sandy River Rural Area. In considering the protection of these resources, the County shall emphasize an ecosystem based, watershed approach.

Strategies:

- 3.1 Multnomah County shall implement this policy with amendments to the Multnomah County Zoning Code, Significant Environmental Concern Zoning Overlay District for riparian corridors and water resources within the West of Sandy River Rural Area. The protection measures that are incorporated into the SEC Overlay District ordinance will utilize the measures that protect water quality under Policy 6 as one tool to protect riparian corridors and associated impact areas.
- 3.2 This overlay district shall be applied to both the resource and its impact area and shall include areas within 200 feet of each significant stream as measured from top of bank. As stated in Section 6.4 of the *West of The Sandy River Rural Area Transportation and Land Use Plan Natural Resource Inventory and ESEE Report*, this distance is based in the science of the functions and values of riparian corridors. The weight of the science indicates that a significant measure of the functions of riparian corridor habitat exists within the distance that is defined by one potential tree height (PTH) from a stream. The US Fish and Wildlife Service suggests that 200 feet is the appropriate potential tree height (PTH) for Multnomah County based on soils and native trees (Metro, 1999). In addition, the County needs to adopt a Title 3 Water Quality and Floodplain ordinance that can include regulated areas up to 200 feet wide.
- 3.3 The limitation on conflicting uses in this district shall apply to those uses that are regulated by the County and shall allow for conflicting uses within the district if an alternatives analysis demonstrates that no reasonable alternative exists. The standards shall be most protective of the riparian corridor itself and may allow more flexibility for areas outside the corridor but within the impact area.
- 3.4 The County should investigate and consider whether the overlay district ordinance should have as a primary objective, maintaining the Properly Functioning Condition of the riparian corridors and impact areas of significant streams in order to support maintenance and recovery of fish in the area.
- 3.5 Streams in the study area have been significantly impacted by clearing and development. The County should investigate and consider development of a restoration program for study area streams in order to restore fish habitat.

Policy 4

Multnomah County shall protect significant wildlife areas and will limit conflicting uses within these significant natural resource areas and their associated impact areas in the West of Sandy River Rural Area. In considering the protection of these resources the County shall emphasize an ecosystem based, watershed approach.

Strategies:

- 4.1 Multnomah County shall implement this policy by establishing a specific Multnomah County Zoning Code Significant Environmental Concern Zoning Overlay District for wildlife resources within the West of Sandy River Rural Area.
- 4.2 This district shall be applied to areas designated as significant wildlife resources in *West of the Sandy River Rural Area Transportation and Land Use Plan Natural Resource Inventory and ESEE Report* and associated impact areas.

Policy 5

Multnomah County recognizes the need to protect the outstanding public values for which sections of the Sandy River have been designated a National Wild and Scenic River and a State Scenic Waterway.

Strategy:

- 5.1 Work with State Parks and other agencies to review development standards in the County Significant Environmental Concern provisions and in the Oregon Administrative Rules specific to the designated areas.

Water Quality Policies (Title 3, Goal 6)

Policy 6

Multnomah County recognizes the importance of protecting the water quality within the West of Sandy River Rural Area and shall adopt standards to protect the water quality resources from the impacts of development pursuant to the requirements of Title 3 of the *Metro Urban Growth Management Functional Plan (3.07.340)*.

Strategies:

- 6.1 Multnomah County shall implement this policy by establishing a specific Multnomah County Zoning Code Significant Environmental Concern Zoning Overlay District for riparian corridors and water resources which substantially complies with the water quality standards of *Title 3 of the Metro Urban Growth Management Function Plan*.
- 6.2 Standards adopted to protect water quality shall preserve the water quality related functions and values of primary and secondary protected water features:
 - Primary protected water features shall include: Title 3 wetlands, rivers, streams, and watercourses downstream from the point at which an area of 100

acres or more is drained to that water feature (regardless of whether it carries year-round flow); streams that carry year-round flow; springs which feed streams and wetlands and have year-round flow; and natural lakes.

- Secondary protected water features shall include intermittent streams, watercourses, and seeps downstream of the point at which 50 acres are drained and upstream of the point at which 100 acres are drained to that water feature.

6.3 Standards adopted to regulate the water quality impacts of “development” shall apply to the following:

- “Development” means any man-made change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. In addition, any other activity that results in the removal of more than 10 percent of the vegetation in a protected water feature or its vegetated corridor on a lot is defined as development.
- Development shall not include the following:
 - Stream enhancement or restoration projects approved by cities and counties;
 - Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of Title 3; and
 - Forest practices conducted under an Oregon Department of Forestry permit.

Policy 7

Multnomah County recognizes that it is important to protect vegetated corridors in order to maintain their water quality functions including the following:

- Separation of protected water features from development;
- Maintaining or reducing stream temperatures;
- Maintaining natural stream corridors;
- Minimizing erosion, nutrient and pollutant loading into water;
- Filtering, infiltration and natural water purification; and,
- Stabilizing slopes to prevent landslides contributing to sedimentation of water features.

Strategy:

7.1 Require that new development or redevelopment maintain vegetated corridors along primary and secondary water features whenever feasible. The width of the vegetated corridors shall be based on the type of water resource and the slope of the adjacent banks.

- The width of vegetated corridors adjacent to primary protected water features shall be 50 feet from the top of bank or ravine. The top of the ravine is the break in the greater than or equal to 25% slope. The starting point for measurements shall be the top of bank, which is the same as “bankful stage” defined in OAR 141-85-010(2).

- The width of vegetated corridors adjacent to secondary protected water features with slopes less than 25% shall be 15 feet and where slopes are greater than or equal to 25%, the vegetated corridor shall be 50 feet.
- In no case shall the width of the vegetated corridor be required to exceed 200 feet from top of bank.

Policy 8

Multnomah County shall take steps to limit visible and measurable erosion from development throughout the West of Sandy River planning area in accordance with the water quality standards of *Title 3 of the Metro Urban Growth Management Function Plan*.

Strategies:

Multnomah County shall implement this policy by establishing standards that:

- 8.1 Apply erosion and sediment control regulations to all development activities that may result in visible or measurable erosion. Visible or measurable erosion includes, but is not limited to:
 - Deposits of mud, dirt sediment or similar material exceeding one-half cubic foot in volume on public or private streets, adjacent property, or onto the storm and surface water system, either by direct deposit, dropping discharge, or as a result of the action of erosion.
 - Evidence of concentrated flows of water over bare soils; turbid or sediment-laden flows; or evidence of on-site erosion such as rivulets on bare soil slopes, where the flow of water is not filtered or captured on the site.
 - Earth slides, mudflows, earth sloughing, or other earth movement that leaves the property.
- 8.2 Help prevent erosion by requiring the use of prevention practices such as non-disturbance areas, construction schedules, erosion blankets and mulch covers. To the extent that erosion cannot be completely prevented, sediment control measures are to be designed to capture, and retain on site, soil particles that have become dislodged by erosion.
- 8.3 Adopt a limited construction season for development within primary and secondary water feature corridors to allow disturbance to occur during dry parts of the year and limit it during wet seasons.
- 8.4 Control stormwater from developed areas in a manner that does not increase runoff, and does not contribute to increased flow in area drainages and creeks. Investigate how runoff could be reduced from parking and maneuvering areas through use of pervious materials.
- 8.5 Require that stream crossings be avoided where possible, and when unavoidable, require maintaining watershed function in development of regulations for stream crossings, e.g. crossing does not disturb the bed or banks of the stream, is of the minimum width necessary to allow passage of peak winter flows, etc.

Other General Policies

Policy 9

Regulations to protect natural resources and water quality should allow changes to existing development when the overall resource value of the property is improved.

Strategy:

- 9.1 Include language in natural resource protection and water quality standards that allows changes to existing development which result in a net benefit to the protected resource.

Policy 10

Multnomah County shall continue to make information about other agency programs and educational materials available to the public at the planning counter and on the internet.

Strategy:

- 10.1 Multnomah County will work with the East Multnomah Soil and Water Conservation District, the Oregon Department of Agriculture, the County Assessor, the U.S. Natural Resources Conservation Service and others to provide landowners with information about various agency programs. Programs may include property tax deferral and exemption programs available for stream enhancement and agricultural plans to protect streams and their watersheds.

Policies and Strategies for EFU Lands

Policy 11

The County's policy of the West of Sandy River rural area is to help ensure a viable farm economy in the area by preserving agricultural lands for farm uses.

Strategies:

- 11.1 Multnomah County generally does not support zone changes that remove productive agricultural land from the protection afforded under Goal 3 of the Oregon Statewide Planning Program (Farm Lands).
- 11.2 Continue to require approval of dwellings and other development to be contingent upon compliance with Lot of Record standards as contained in the existing EFU zoning code.
- 11.3 Include provisions in the zoning code that limit new non-agricultural uses, and expansion of existing non-agricultural uses, in both type and scale to serve the needs of the local rural area. This will result in a farm protection program for the area that is more restrictive than what state statutes and rules require.

Policies and Strategies for CFU Lands

Policy 12

Maintain existing forestlands from further parcelization that detracts from forest operations and incidental protection of open space, wildlife habitat, and rural community values.

Strategy:

- 12.1 Multnomah County generally does not support zone changes that remove productive forest land from the protections of Goal 4 of the Oregon Statewide Planning Program (Forest Lands).

Policy 13

Allow new dwellings and other development on lands designated for commercial forest use consistent with state requirements, and will be permitted when upon demonstration that they will have no significant impact upon farm or forest management.

Strategies:

- 13.1 Continue to require that applications for new development comply with Lot of Record standards described in the existing CFU zoning code.
- 13.2 Continue to allow new template dwellings under the current standards of the CFU zone that are more restrictive than state requirements.

Policies and Strategies for MUA-20 Lands

Policy 14

Protect farm land from encroachment by residential and other non-farm uses in a manner that is consistent with the existing Framework Policy 10 Multiple Use Agricultural Land Area and the associated strategies.

Strategies:

- 14.1 Ensure that new, replacement, or expanding uses minimize impacts to farmland by requiring “right to farm” measures to be implemented. This shall be accomplished by requiring recordation of a covenant that recognizes the rights of adjacent farm managers to farm their land.
- 14.2 New non-agricultural businesses should be limited in scale and type to serve the needs of the local rural area through provisions in the zoning ordinance.

Policies and Strategies for RR Lands

Policy 15: Protect farmland from encroachment by residential and other non-farm uses that locate in the RR zone.

Strategies:

- 15.1 Ensure that new, replacement, or expanding uses minimize impacts to farm land by requiring “right to farm” measures to be implemented. This shall be accomplished by requiring recordation of a covenant that recognizes the rights of adjacent farm managers to farm their land.
- 15.2 New non-agricultural businesses should be limited in scale and type to serve the needs of the local rural area through provisions in the zoning ordinance.

Polices and Strategies for Parks and Open Spaces

Policy 16

Publicly owned parks are a significant resource for the region. The County’s policy is to support maintenance and upgrading of park facilities consistent with the character of the rural areas in which they are located.

Strategies:

- 16.1 Work with Metro to investigate development of an ordinance to implement a park zone for Oxbow Park.

Policy 17

Multnomah County recognizes and supports the Management Goals, Standards and Guidelines of the Sandy Wild and Scenic River and State Scenic Waterway Management Plan (1993). The County will continue to play the regulatory role described in the zoning and land use authority section of the plan, and as prescribed in state law. The Sandy River Management Plan recommendations are intended to protect and enhance the following outstandingly remarkable values: scenic, recreation, wildlife habitat, water quality and quantity, fisheries, geological, botanical/ecological and cultural.

Strategy:

- 17.1 Multnomah County will work with State Parks and Metro to develop a park zone to facilitate recreational development consistent with the County Comprehensive Framework Plan, zoning ordinance, rural area plan, and the Sandy Wild and Scenic River and State Scenic Waterway Management Plan.
- 17.2 Work with State Parks, BLM, Metro, Clackamas County and other agencies to review and update design strategies and development standards that protect scenic, wildlife, geological, water quality and quantity, fisheries, botanical/ecological and cultural resource values in designated sections of the river.

Policy 18

Open space in the area is maintained through parks and trails and through rural, farm and forest zoning that works to protect the rural character.

Strategy:

- 18.1 Ensure that any zone changes do not detract from the open spaces and rural character of the area.

Policy 19

State and regional parks that are primarily intended to protect and conserve important natural resources and provide primarily natural resource based recreation and education opportunities for the benefit of all residents of the County will most likely need to be located in areas possessing unique or desirable natural resource values.

Policies and Strategies for Flood Hazard Areas

Policy 20

Multnomah County will regulate flood management areas consistent with the requirements of Title 3 of the Metro Functional Plan in order to reduce the risk of flooding, prevent or reduce the risk to human life and property, and maintain functions and values of floodplains such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems.

Strategy:

- 20.1 Multnomah County shall implement this policy by establishing standards to reduce the risk of flooding and maintain the functions and values of floodplains pursuant to *Title 3 of the Metro Urban Growth Management Function Plan*, including:
- Establishing a definition of “flood management areas” which includes the area of inundation for the February 1996 flood, as well as all lands within the 100-year floodplain, flood areas and floodways as shown on the Federal Emergency Management Agency Flood Insurance Maps.
 - Requiring development, excavation and fill within flood management areas be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.
 - Requiring all fill placed at or below the design flood elevation in flood management areas be balanced with at least an equal amount of soil material removal. Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.
 - Requiring temporary fills permitted during construction be removed.
 - Prohibiting areas of unconfined hazardous materials as defined by DEQ in the Flood Management Areas.

Orient and Pleasant Home Rural Communities

Policy 21

The County’s policy is to plan for the Orient and Pleasant Home Rural Communities to provide for community development that is consistent with and implements the Community Vision. Key elements of the vision are to maintain the rural character of the

communities, to support the agricultural economy of the area, and to ensure that new non-agricultural businesses primarily support the needs of residents and tourism.

Strategies:

- 21.1 The County should adopt plan policies and ordinances that meet the state Unincorporated Community Rule codified as Oregon Administrative Rule OAR 660-022-0000 through 0070.
- Orient should be designated and planned as a Rural Community because it is composed primarily of residential uses.
 - Pleasant Home should be designated and planned as a Rural Service Center in order to allow the maximum flexibility in location of uses in the limited land area.
 - Revise the RC zoning ordinance to reflect the needs of the Pleasant Home community consistent with the Division 22 OAR for Unincorporated Communities.
- 21.2 Ensure that new or expanding uses minimize impacts to EFU zoned land that is adjacent to the RC zone by requiring “right to farm” measures to be implemented. These measures can be in the form of maintaining a larger setback between the new development and the zone boundary, and/or requiring recordation of a covenant that recognizes the rights of adjacent farm managers to farm their land.

Commercial and Industrial Development

Policy 22

New commercial and industrial uses within the Orient Rural Community will be small-scale and low impact in nature as defined by the State Unincorporated Communities Rule. These uses will not adversely impact agriculture or forestry uses and will reinforce the rural nature of the Orient Rural Community and the Pleasant Home Rural Service Center.

Strategies:

- 22.1 Multnomah County will update the Community Development Ordinance to implement the Unincorporated Communities Rule for small-scale, low impact commercial and industrial uses. Due to the proximity of the communities to the Urban Growth Boundary, the plan does not attempt to justify new uses that are larger than the small-scale, low impact limits in the Rule.
- Existing commercial uses may expand up to the small-scale, low impact limit of 4,000 square feet subject to approval criteria in the ordinance.
 - Expansion of existing industrial uses shall be subject to the small-scale, low impact limit of 10,000 square feet and to approval criteria in the ordinance.
- 22.2 Multnomah County will update its implementing regulations to ensure that new or expanded commercial and industrial uses will not result in public health hazards or adverse environmental impacts.

- 22.3 Multnomah County will update its implementing regulations to ensure that new or expanded commercial and industrial development will not exceed the carrying capacity of the soil or of the existing water supply and waste disposal services.
- 22.4 Ensure that new and expanded commercial or industrial uses are subject to Design Review in order to ensure compatibility with the community character.
- 22.5 Develop zoning ordinance standards for lot coverage of commercial and industrial development that allow adequate development area while ensuring the rural character of these areas is retained.

Residential Development

Policy 23

New residential development within the Orient Rural Community and the Pleasant Home Rural Service Center will not increase the number of dwellings that would be allowed in the community under the existing zoning ordinance, and will continue to reinforce the rural nature of the areas through the zoning code.

Strategies:

- 23.1 Multnomah County will update the zoning ordinance to implement the Unincorporated Communities Rule for residential development
- 23.2 Include provisions in the residential zone that allow for Type A home occupations outright, and Type B home occupations through an administrative review process and design review.
- 23.3 The zoning code will require that new residential parcels in the Rural Center will be at least one acre in size in order to not increase residential density and to ensure that the carrying capacity of public services and the environment is not exceeded.

Design

Policy 24

Accommodate the changing conditions within the Orient Rural Community and the Pleasant Home Rural Service Center while preserving their rural function and appearance.

Strategies:

- 24.1 Multnomah County should develop and adopt design standards regulating commercial and industrial development which reflect and enhance the rural character of the Orient Rural Community.

- 24.2 Multnomah County should allow flexibility of setback and parking requirements to accommodate irregular lots and existing development to help preserve the rural character of the area.

Protection of Views

Policy 25

Multnomah County shall help preserve critical viewsheds in the Orient Rural Community and Pleasant Home Rural Service Center and balance protection of scenic views with flexibility of use by property owners. The county shall rely on education – i.e. providing information regarding identified viewsheds to property owners – rather than regulations to implement this policy.

Policy 26

Enhance all modes of travel in a manner consistent with the rural character of the Orient Rural Community and Pleasant Home Rural Service Center.

Strategies:

- 26.1 Provide pedestrian and bicycle access to schools, transit and commercial activities within the Orient Rural Community and Pleasant Home Rural Service Center, consistent with the rural character of the area.
- 26.2 Review the existing parking standard for schools to ensure sufficient parking is provided to meet demand.

Preservation of the Night Sky

Policy 27

In keeping with the rural nature of the Orient Rural Community and Pleasant Home Rural Service Center, Multnomah County will require lighting in these areas to be low intensity and designed in a manner that minimizes the amount of light pollution.

Strategy:

- 27.1 Multnomah County will update the Community Development Ordinance to insure that new development meets lighting standards that minimize the amount of light pollution in the Orient Rural Community and Pleasant Home Rural Service Center.

Policies and Strategies for the West of Sandy River TSP

Policy 28

Implement a balanced transportation system that is safe and efficient in meeting the needs of all modes of travel for area residents and those traveling through the area by improving roadways to provide safe conditions for motorized and non-motorized travel.

Strategies:

- 28.1 Monitor crash rates for all modes of travel, and focus safety improvement resources on the locations with high rates and/or severity of crashes.
- 28.2 Implement operational improvements within budgetary constraints.
- 28.3 Apply the County's access management and driveway spacing standards for proposed new access locations.
- 28.4 Implement feasible and cost-effective intersection consolidations to reduce potential conflict points.
- 28.5 Consolidate driveway access points in the rural center through the land development process and other appropriate methods.
- 28.6 Coordinate with Metro to identify potential improvements to the roadways providing direct access to Oxbow Regional Park.
- 28.7 Ensure that the County's Capital Improvement Plan evaluation criteria adequately considers the needs of the West of Sandy River Rural Area.
- 28.8 Update County ordinances to meet the requirements of the Transportation Planning Rule.

Policy 29

Actively support safe travel speeds on the transportation system.

Strategies:

- 29.1 Support speed limit enforcement.
- 29.2 Apply design standards that encourage appropriate motor vehicle and truck speeds.

Policy 30

Provide safe facilities for bicyclists and pedestrians.

Strategies:

- 30.1 Make intersection and minor realignment improvements focusing on safety, sight distance, and efficiency.

- 30.2 Widen and pave shoulders to safely accommodate vehicular, bicycle, and pedestrian needs.
- 30.3 Maintain safe conditions for pedestrians and bicyclists during roadway maintenance and improvement work.

Policy 31

Encourage mobility for the transportation disadvantaged.

Strategy:

- 31.1 Work with public transportation providers and other non-profit groups to monitor and encourage the provision of transportation service for the transportation disadvantaged.

Policy 32

Develop a transportation system that supports the surrounding rural character and land use designations of rural Multnomah County west of the Sandy River by discouraging through traffic on local rural roads.

Strategies:

- 32.1 Reduce conflicts between street classification and street use, by providing appropriate traffic control devices.
- 32.2 Periodically review and update functional classification of trafficways in rural Multnomah County.
- 32.3 Coordinate with ODOT, Metro and Clackamas County in efforts to implement “Green Corridor” policies along US 26.

Policy 33

Balance the need of roadway users with potential impacts to the environment, fish, wildlife and agricultural resources and users when applying roadway design standards.

Strategies:

- 33.1 Develop a program for retrofitting drainage facilities in conformance with requirements adopted by the National Marine Fisheries Service and the U.S. Fish and Wildlife Service.
- 33.2 Secure funding for identification, prioritization and remediation of all deficient stream crossings for fish and wildlife passage.
- 33.3 Develop and adopt drainage system design guidelines and standards to accommodate fish passage where appropriate.
- 33.4 Develop and implement standards for all transportation projects with regard to water quality treatment and detention of runoff from existing and new impervious surfaces to avoid further degradation of water quality as well as fish and wildlife habitats.

- 33.5 Develop and implement standards for all transportation projects with regard to protection of existing, and restoration of deficient, riparian buffers where waters of the state border current and future road and path segments.
- 33.6 Identify and protect critical fish and wildlife migration corridors to prevent the further fragmentation of existing habitats by future project alignments.

Policy 34

Encourage preservation of critical view sheds by placing new pipelines and transmission lines in existing rights-of-way whenever possible.

Strategy:

- 34.1 Enhance and preserve the rural character and scenic qualities of the area by placing utilities underground when possible.
- 34.2 Coordinate street improvements with utility improvements whenever possible to minimize cost, visual impact and disruption to traffic flow.

Policy 35

Coordinate transportation improvements with appropriate regulatory agencies to meet federal, state and regional air, noise and water standards.

Strategies:

- 35.1 Obtain permits as necessary for transportation improvement projects and maintenance activities.
- 35.2 Develop closer working relationships with regulatory agencies by providing opportunities for participation and input at the project development phase of projects.
- 35.3 Encourage transportation staff to attend programs regarding regulatory processes such as the Endangered Species Act, The Clean Water Act and Metro's Green Streets Program.

Policy 36

Provide ongoing coordination with state, regional, and local business interests to assure efficient movement of goods and services to support a healthy rural economy.

Strategies:

- 36.1 Support north/south arterial improvements between I-84 and US-26 in the East County urban area.
- 36.2 Coordinate with ODOT to ensure continued safe access onto and across US-26.
- 36.3 Review truck weight and size restrictions based on new roadway improvements and current state law.

Policy 37

Provide a transportation system that ensures economically viable transportation of goods from farm to market.

Strategies:

37.1 Evaluate and implement safety improvements for trucks on rural arterials.

37.2 Seek funding for improvements to rural arterials.

Policy 38

Maximize cost-effectiveness of transportation improvements using the Capital Improvement Plan process and maintenance program.

Strategies:

38.1 Coordinate intersection improvements as appropriate through the County's Capital Improvement Plan and the County's maintenance program.

38.2 Provide minor improvements during maintenance projects where possible.

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ACRONYMS

Acronym	Definition
CFU (zoning)	Commercial Forest Use
CIP	Capital Improvement Plan
DSL	Division of State Lands
EFU (zoning)	Exclusive Farm Use
EMCTC	East Multnomah County Transportation Committee
ESA	Endangered Species Act
ESEE	Economic, Social, Environmental and Energy
ESU	Evolutionary Significant Units
Exception area/zone	Zones that have been approved as exempt from the requirements of a statewide planning goal. For the WSR, exception lands are not required to meet Goal 3 (farmland) or Goal 4 (forest land).
LCDC	Land Conservation and Development Commission
Metro Jurisdictional Boundary	Defines the area within which the Functional Plan has legal effect. It is located outside of the UGB in several areas around the region.
MPO	Metropolitan Planning Organization
MTIP	Metropolitan Transportation Improvement Program
MUA-20 (zoning)	Multiple Use Agriculture, 20-acre minimum lot
NMFS	National Marine Fisheries Service
OAR	Oregon Administrative Rules
ODOT	Oregon Department of Transportation
RC (zoning)	Rural Center
RR (zoning)	Rural Residential
RTP	Regional Transportation Plan
STIP	Statewide Transportation Improvement Program
SWI	Statewide Wetland Inventory
Title 3	Metro Urban Growth Management Functional Plan – Water Quality, Flood Management, and Fish and Wildlife Conservation. Imposes requirements upon local governments to adopt regulations to substantially comply.
TPR	Transportation Planning Rule
TSP	Transportation System Plan
UGB	Urban Growth Boundary
USFWS	United States Fish and Wildlife Service
SEC (zoning)	Significant Environmental Concern
LOS	Level of Service
SEC-H (Zoning)	Significant Environmental Concern – Habitat
SEC-WR (Zoning)	Significant Environmental Concern – Water Resources
PTH	Potential Tree Height

INTRODUCTION

CONTEXT

The West of Sandy River Rural Area Plan is an integrated land use and transportation plan that builds upon the County's Comprehensive Framework Plan. Upon adoption by the Board of County Commissioners, it will constitute an official element of the Framework Plan. The Plan contains specific policy direction and implementation measures for the West of Sandy River area. The County began the planning effort for the West of Sandy River area in October of 1998 with a Community Open House to identify issues and opportunities in the study area. This "scoping phase" began the planning process and included a scoping report that was adopted by the Board of County Commissioners. During this time, a group of Portland State University Students developed a planning document for the Orient and Pleasant Home Rural Centers.

After adoption of the Scoping Report in 1999 the Multnomah County Chair appointed the West of Sandy River Area Task Force, consisting of thirteen citizens from the area. One Planning Commissioner, a representative of the elected County Commissioner from the area, and a representative from the Sandy River Basin Watershed Council all served liaison roles during the planning process. The Committee held monthly meetings between September 1999 and November 2001 to review all elements of the plan. The Committee's role was to review and comment upon materials prepared by Planning Division staff, make policy recommendations to the Multnomah County Planning Commission and Board of Commissioners, and provide a forum for additional public involvement in the preparation of the West of Sandy River Rural Area Plan.

Planning and Zoning History

Planning in the study area began in 1958 when zoning was first introduced with the application of a range of zoning categories. Areas in the vicinity of Orient and Pleasant Home were designated with zones appropriate for urban development including a 10,000 square foot parcel size for residential uses, and designation of land into commercial and manufacturing zones. Land surrounding the rural communities was zoned with the "SR" designation that allowed a range of parcel sizes from 40,000 down to 10,000 square feet. The east and northern areas along the Sandy River were zoned for a minimum of 2 acre parcel sizes.

A draft area plan, *Framework Plan for East Central Area of Multnomah County*, was completed in November of 1974, but was apparently not adopted. The coverage area of this plan was between SE 162nd Ave. and the Sandy River, and the Multnomah – Clackamas County line and the Columbia River. This area included land within the five local government jurisdictions of Fairview, Gresham, Troutdale, Wood Village, and Multnomah County. The plan did distinguish between rural and urban land, and contains a Sewerage Service area boundary map that closely matches the current UGB location.

In October 1977, the original zoning categories were updated to meet the requirements of the new statewide planning system. Primary objectives of this effort were to separate urban and rural land, and to decide which lands should be protected for farm or forest resource use, and which were committed to non-resource uses to comply with Statewide Planning Goals. This was a county-wide effort, and resulted in new zones including EFU-38, CFU-38, MUF-20, MUA-20, RR, RC, and SEC (Goal 5 natural resources overlay zone). All land outside of Urban Growth Boundaries or cities was assumed to be rural resource land unless the County was able to show why an "exception" to the use requirements of Goal 3

(farmland) or Goal 4 (forest land) was justified. The adopted ordinances, plan, and zoning maps were subject to review and acknowledgement by the Land Conservation and Development Commission. The County plan was acknowledged by LCDC in June of 1980, after zoning designations for some properties were changed to either include them as exception land or resource land.

Multnomah County followed up the 1977 comprehensive rezoning of the County with a study of all of the rural communities. The planning staff at that time produced a draft *Rural Centers Plan*, dated September 1981, that analyzed the eight communities that had received Rural Center (RC) zoning in 1977. The study noted that the policy for RC areas that was adopted in the 1977 Comprehensive Framework Plan was to limit the “intensity and types of uses in the rural centers ...to be appropriate for a rural community.” The study identified several planning issues that affected the Orient and Pleasant Home communities including proximity to the urban services in Gresham, limitations of the soils for septic systems, use of urban standards for design review, and zoning for residential, commercial, and industrial uses. These are among the issues that are addressed in the proposed West of Sandy River plan.

In October of 1983, the County completed a process that included additional analysis of some parcels to determine whether they could be rezoned as exception rather than resource land. Parcels totaling 4,100 acres in 42 locations county wide were successfully changed from the resource designations of EFU and MUF to exception land zones MUA-20 and RR through this process. Land within the West of Sandy River area was rezoned during this process. The October 1983 changes marked the end of the County’s efforts to distinguish between resource and exception land. The 1987-98 Periodic Review process included changes to the County plan and ordinances, most of which had little if any affect on land in the study area.

COUNTY APPROACH TO RURAL AREA PLANNING

The County Framework Plan contains policies and strategies intended to guide development county wide. Policy 1, Plan Relationships, sets out how the county wide Framework Plan policies relate to the community plan policies. The policies in the West of Sandy River Rural Area Plan should be designed to be consistent with the Framework Plan. The provisions of the community plan are intended to prevail over any conflicting provisions of the Framework Plan.

The Rural Area Planning Program, of which this plan is a part, was initiated in 1993 by Multnomah County. With the annexation of urban unincorporated communities and the increasing land use issues faced in the rural areas of Multnomah County, the Board of Commissioners directed the creation of five rural area plans in order to address land use issues in and community needs and values in these areas. The other four rural areas and plan adoption dates are:

- West Hills Rural Area Plan (adopted October, 1996)
- Sauvie Island/Multnomah Channel Rural Area Plan (adopted October, 1997)
- East of Sandy River Rural Area Plan (adopted July, 1997)
- Columbia Gorge Rural Area Plan (planning process is pending)

Tables 1 and 2 are intended to compare the West of Sandy River plan area to the other completed rural area plans. The numbers in Table 1 show that the WSR plan area is the smallest of the four plan areas so far with over 5,000 acres less than the next largest plan area, Sauvie Island. It is also a distant second to Sauvie Island in the amount of farmland in the EFU zone, but it has a significantly larger amount of land in the EFU than either West Hills or East of Sandy River. A very small amount of land is in the CFU zone relative to both the West Hills and East of Sandy River plan areas, and nearly all of this is located

along the Sandy River. The plan area also has a significantly larger amount of RC zoning than any of the other plan areas, and this is located primarily within the Orient rural community.

Table 1: Acreage in Zones-Rural Plan Areas

	EFU	CFU	MUA-20	RR	RC	Total
West Hills	1,820	15,110	280	2,090		19,300
East of Sandy River	2,017	21,871	626	724	73	*25,311
Sauvie Island	11,800		3,600		3	15,400
West of Sandy River	3,691	2,008	3,170	590	151	9,610

*Total acreage does not include 53,920 acres in National Forest.

**Data sources are the listed RAP's.

Table 2: Farmland and Dwelling Comparisons

	Land in Farm Zones*	Total Dwellings	Acres of Land per Dwelling
West Hills	11%	920	21.0
East of Sandy River	10%	731	34.6
Sauvie Island	99.99%	270	57.0
West of Sandy River	70%	1,234	7.8

*Land in Farm Zones includes both EFU and MUA-20

In Table 2, the column, "Land in Farm Zones," represents the amount of land in the plan areas that is in both the EFU and MUA-20 zones combined. Farming occurs on land in both the EFU and MUA-20 zones in the Sauvie Island plan area as well as in WSR. Staff presents this information in this way because of the significant amount of MUA-20 land in the WSR plan area that is being farmed. Approximately 56% of the MUA-20 acreage in the WSR plan area is either in farm deferral or is confirmed to be growing crops, mostly nursery stock (see Table 3).

The comparison of the number of acres of land per dwelling shows that there is a significantly higher gross density of dwellings in WSR plan area compared to the other areas. This, coupled with the amount of land in farm use, supports the characterization of the plan area as supporting significant farm activity that occurs in relatively close proximity to residential uses. Additional related data is included in Tables 3, 4, and 5.

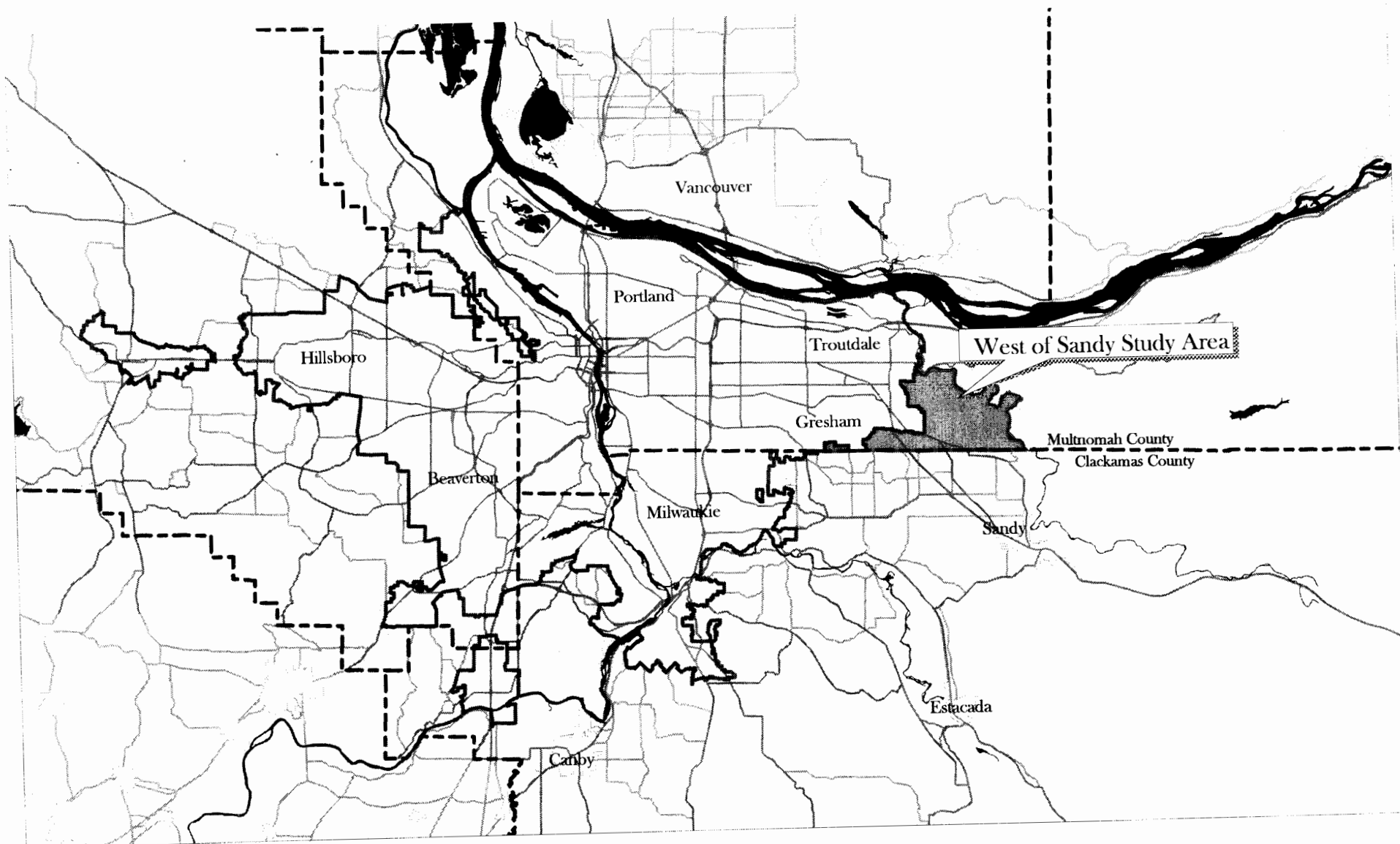
STUDY AREA

As shown in Figure 1, the West of Sandy River rural area is bounded on the east and north by the Sandy River, on the south by Clackamas County, and on the west by the city limits of Gresham and Troutdale. The area includes a narrow western leg bounded on the north and west by the city limits of Gresham and on the south by Clackamas County, and in island of rural land along Rodlun Road between Gresham and the County line. The area is open to urban influence to a greater degree than the other plan areas due to its proximity to the existing UGB and the planned Metro 2040 Town Center of Damascus , and due to a lack of physical barriers, such as the steeper topography of West Hills, and the limited access to Sauvie Island and the East of Sandy River area.

Two unincorporated rural communities, Orient and Pleasant Home, are located in the south central part of the plan area immediately north of Clackamas County. US 26 traverses diagonally for a distance of a little over one mile through the western leg of the area. The plan area encompasses approximately 9,610 acres, including 219 acres in the Rodlun Road area.





The plan area is characterized by rural agricultural land bisected by several riparian corridors. The predominant land uses in the plan area are nurseries, berry farms and pastures. The plan area is located in two major drainage basins, the Sandy River and the Willamette River. Three large riparian systems are present : Beaver Creek, which flows northwest through the central portion of the area to the Sandy River; Johnson Creek, which flows west along the southern portion of the area; and the Sandy River, which forms the north and east plan area boundary. Kelly Creek North (a tributary to Beaver Creek) and Kelly Creek South (a tributary to Johnson Creek) as well as many unnamed tributaries to Beaver Creek, Johnson Creek and the Sandy River are present in the plan area.

The east edge of the plan area is defined by approximately 11 miles of the Sandy River canyon. It contains large expanses of native upland forest habitat within Oxbow Park, forest land in private ownership, and also some land owned by the Nature Conservancy. Smaller blocks of forest exist along portions of the Beaver Creek drainage area. Connectivity between the riparian corridors in the study area and these blocks of upland forest increases the wildlife habitat value of both the riparian corridors and adjacent upland forest resources.



West of Sandy River Rural Area Plan

Figure 1
Study Area Vicinity

-  West of Sandy Study Area
-  Urban Areas
-  County Lines
-  Metro Urban Growth Boundary



5 0 5 Miles

Map by Parametrix. Data source: Metro RLIS

PUBLIC INVOLVEMENT AND AGENCY COORDINATION

Task Force

The citizen Task Force was the key component of the public involvement and outreach efforts. The Task Force met 16 times over the life of the planning effort. The Task Force meetings were open to the public and time was reserved at each meeting for public comments. Public announcements of Task Force meetings were sent to all residents in the Orient and Pleasant Home areas and to people who indicated an interest in Task Force meetings. This list grew to over 210 people by the end of the Task Force meetings. Task Force meetings were held in the study area whenever possible. Meeting locations in the study area included Sam Barlow High School, Orient Middle School, Multnomah Grange, and the J. Frank Schmidt Nursery.



Task Force members and staff discuss maps.

The Task Force provided input and direction on all major policy decisions in the plan, from transportation improvements to new zoning in the Orient rural center. The Task Force operated on a consensus basis and worked through any disagreements before recommendations were made.

Technical Advisory Committee

Three Technical Advisory Committee (TAC) meetings were held during the planning process. Meetings were held to review transportation, land use and environmental work. The TAC reviewed the same material that the Task Force reviewed, but from the perspective of the agencies and organizations they represent. Agencies and organizations that were invited to comment and attend the meetings included the Department of Land Conservation and Development, Oregon Forestry Board, Oregon Association of Nurserymen and Oregon Department of Fish and Wildlife. A full list of TAC members is in the Appendix.

Open Houses

Two open houses were held to obtain broad public input on the creation of the plan. The first open house was held as part of the scoping phase on October 14, 1998. This open house was designed to identify issues to be addressed during the planning process. Approximately 1,100 mailers that included a questionnaire were sent to property owners in the study area resulting in over 100 attendees at the open house and 45 returned questionnaires. The results of this effort were compiled into the Scoping Report, which was adopted by the Board of County Commissioners on January 12, 1999.

The second open house was held on June 28, 2001 at the Multnomah County Yeon Shops (due to the unavailability of space in the study area). The purpose of the open house was to solicit input on the range of policies and implementing actions recommended by the Task Force. Notices were sent to all property owners in the study area as well as to people who indicated an interest in the project. The open house included displays of transportation improvements, zoning changes in Orient and areas recommended for environmental protections. There were opportunities to discuss and provide input on the proposals with project staff. An exit questionnaire also was available for those wishing to express their opinions in that

manner. Approximately 30 people attended the open house with the majority of comments being made verbally to staff. There were very few comments about the plan recommendations. Those comments that were about the plan were supportive, particularly of the transportation improvements. A number of people at the open house asked about future urban growth boundary expansions.

Landowner Meetings and Outreach

Two meetings were held for landowners potentially impacted by new environmental regulations proposed in the West of Sandy River Rural Area Plan. The landowner meetings were held before regularly scheduled Task Force meetings on May 24 and June 21, 2001. Notices were sent to all landowners who had a portion of their property near an identified natural resource, such as a stream, based on the initial resource mapping. Approximately 900 of these notices were mailed in this outreach effort. The meetings included a brief presentation about the process being used to determine the appropriate environmental protections and then a general open house where landowners had an opportunity to discuss their situation with staff and make comments on the mapping of natural resources.

Approximately 30 people attended the first land owner's meeting and about 10 people attended the second meeting. A list of common questions that were asked by participants was compiled and presented to the Task Force for their consideration. Those questions were generally about farming regulations and the County's role in regulating farming practices.

In addition to the two landowner meetings regarding Goal 5, a brief telephone survey of eight nursery operators in the study area was conducted by County staff. The survey was used to identify issues to be addressed and was focused on farming in the plan area. The responses were used to draw a general picture of some characteristics of nursery farming in the area and are discussed in more detail in the Land Use portion of this plan.

Orient and Pleasant Home Involvement

Portland State University Planning Effort

Graduate planning students, beginning in October 1998, conducted a separate planning process for the Orient and Pleasant Home Rural Centers. This process included open houses at the East Orient School on January 19, and February 9, 1999. Fliers were sent to all landowners in the Orient and Pleasant Home areas inviting them to the meeting. Thirty-eight citizens attended the first open house and shared their concerns and goals for the Rural Center.

Based on comments from the first open house and additional research, the students drafted a set of "solutions" for the issues identified by residents. The second open house was used to discuss the proposed solutions. Thirty-two people attended this meeting. The students drafted a plan based on this involvement and their research and presented it to County staff. The majority of the recommendations from that plan are incorporated in the West of Sandy River Rural Area Plan.

Business Owner Meeting

A special meeting was held on July 26, 2001 to solicit the input of business owners in the Orient and Pleasant Home rural centers. Task Force members and staff were concerned business owners in these areas might need an additional opportunity to discuss with staff, the recommended zoning changes required by the state Unincorporated Communities Rule. Notices were sent to all 27 businesses that had been identified in Orient and Pleasant Home. Six people attended this meeting and two other property owners followed up with staff individually.

Scoping Report

The Scoping Report is an adopted County document that guided the completion of this plan. The project team frequently referred to the Scoping Report during the planning process and made every effort to address all of the issues raised in that report.

PLAN ORGANIZATION

This plan is organized by four major topic areas:

- Environmental and Natural Resources
- Land Use
- Rural Center
- Transportation

Within each of these sections there are generally three major categories:

- Introduction
- Inventory and Analysis
- Findings and Conclusions
- Policies and Strategies

The findings and conclusions are the results of the inventory and analysis and include recommended implementing actions such as updates to the specific land use codes for the West of Sandy River Rural Area.

The policies and strategies also are specific to the study area and are intended to guide future development and County decisions in the study area.

The Appendix of this plan includes detailed information not appropriate for the body of the plan, such as the detailed land use code recommendations, the detailed environmental work and the public involvement and outreach details.

ENVIRONMENT AND NATURAL RESOURCES

INTRODUCTION

The environmental and natural resources work for the West of Sandy River Rural Area Plan is guided by two significant requirements; Statewide Planning Goal 5 and its administrative rules, and Title 3 of Metro's Urban Growth Management Functional Plan. There are a number of other state and federal environmental laws and regulations that impact the protection of natural resources in the study area, most notably the Endangered Species Act (ESA). The ESA was not directly addressed as part of this planning effort since the County is undertaking a countywide response to the ESA. However, environmental information collected as part of this effort will be useful in the County's ESA efforts.



Sandy River at Oxbow Park

Statewide Planning Goal 5: Riparian Corridors and Wildlife Habitat

Goal 5 requires "local governments to adopt programs that protect natural resources...for present and future generations." Prior to this planning effort, the Sandy River was designated as a Goal 5 scenic and wildlife habitat resource and was protected with the Significant Environmental Concern (SEC) overlay zone. Portions of Beaver Creek, Kelly Creek, and Johnson Creek were listed in Framework Plan Policy 16-G as significant water resource and wetland sites, but since the ESEE process had not been completed, they were not protected. The watersheds of these creeks are also recognized in Policy 16-G as potentially significant. This plan extends protection to these streams and watersheds.

The implementing rules for Goal 5 require the County to either follow the "safe harbor" guidelines described in the rules or conduct an Economic, Social, Environmental and Energy (ESEE) analysis. The County chose to conduct an ESEE analysis to develop an environmental protection program specific to the resources and development found in the West of Sandy River area. This is consistent with the County's approach in the other rural area plans. This ESEE document is an appendix to this plan. The goal of the ESEE analysis was to assess the economic, social, environmental, and energy effects of regulating or not regulating development that could impact significant wildlife habitat and riparian corridors (Goal 5 resources).

Goal 5 requires the following steps to perform the ESEE analysis:

- Identify conflicting uses;
- Determine the impact area;
- Analyze the ESEE consequences

The results of the ESEE evaluation were used to develop a protection program composed of policies and a zoning ordinance (SEC) to meet Goal 5. The Goal 5 process and results are summarized in detail below and the entire ESEE analysis is adopted as part of this plan and included in the Appendix.

Metro Title 3

Title 3 of the Metro Urban Growth Management Functional Plan requires local jurisdictions to adopt ordinances to regulate development in “water quality and flood management areas.” A significant portion of the West of Sandy River Study is within the Metro Boundary and must therefore comply with Metro’s requirements. In order to provide one set of regulations within the Rural Area these standards have been applied consistently throughout the entire West of Sandy River Rural Area. An official map must be adopted, and specific performance standards for water quality and flood management must be implemented. Title 3 setbacks from streams and wetlands vary from 15 to 200 feet, based on site-specific conditions. The requirements of Title 3 have been met in this planning process through the resource protection program that regulates development near Goal 5 stream corridor resources. The protection program completed for the West of Sandy River area includes a 200 foot riparian protection area to protect the functions and values of the riparian resource while also meeting the requirements of Title 3. In addition, the mapping completed for Goal 5 to identify the natural resources in the study area meets the requirements of Metro’s Title 3.

INVENTORY AND ANALYSIS

The inventory and analysis of wildlife habitat and riparian corridors in the West of Sandy River area was done in accordance with the requirements of Goal 5. The Goal requires an inventory of the quantity, quality and location of the natural resources of interest. As permitted by Goal 5, only riparian corridors and wildlife habitat were inventoried and evaluated in the study area. Wetlands outside of riparian corridors were not inventoried for the plan and will continue to be subject to state regulation based on the Statewide Wetland Inventory (SWI) mapping.

The second step in the process was to determine the significance of those resources. Significance was determined by evaluating the quality, quantity and location information for each resource. Upon determining which resources are significant, the land uses that could conflict with Goal 5 resources were identified. Next, the environmental, social, economic and energy (ESEE) consequences of allowing or not allowing the conflicting uses in the study area were considered.

The key questions asked during this analysis were what would be the environmental, social, economic and energy impacts of:

- Allowing conflicting uses,
- Limiting conflicting uses,
- Prohibiting conflicting uses.

Based on this analysis and input from the Task Force, a recommendation was made to limit conflicting uses within the study area.

The following sections describe the inventory process for riparian corridors and wildlife habitat, how resources were determined to be significant and the methods for reaching a conclusion on how to treat conflicting uses.

Riparian Corridor and Wildlife Habitat Inventory

The natural resource inventory identified the riparian corridor and wildlife habitat resources that are to be considered for protection under Oregon’s Statewide Planning Goal 5.

The inventory methodology consisted of identifying resources by reviewing aerial photos and then field verifying those resources. The field observations were made from public rights-of-way, and the work was completed by trained ecologists. Because of the many roads crossing streams and the accessibility of

many of the wildlife habitat areas this method resulted in an accurate inventory upon which to base the ESEE analysis.

In order to make the inventory and analysis more efficient, the riparian corridors were mapped in combination with wildlife habitat (forests) adjacent to streams. As a result, some of the larger riparian corridor units are a combination of riparian corridor and adjacent upland forested wildlife habitat. The areas within the Sandy River canyon are an example of this. Other riparian corridor segments are mapped as just the stream channel. These segments have adjacent agricultural or other land uses to the top of the stream bank, and no riparian vegetation was apparent on the aerial photos or during the fieldwork. Examples of these conditions are found along segments of Beaver Creek and Johnson Creek.

Assessment sheets were prepared for each riparian corridor and wildlife habitat site based on the aerial photo work and the field observations. The assessment sheets include the site name, site code, location, drainage basin (riparian corridor sheets only), adjacent land use, Township, Range, and Section location, map sheet number, date(s) of field work, general description, stream information, dominant vegetation, functions, significance determination, and recommendations for enhancement.

Determination of Significance

After the inventory was completed, a determination of significance was made to decide whether or not the resource site should be considered for protection through the ESEE analysis. The determination of significance was based on the quality, quantity, and location of the resource. The data sheet assessed the conditions of each site. Each site was then rated high, medium or low for five core ecological functions of:

- Wildlife Habitat
- Water Quality Protection
- Ecological Integrity
- Connectivity
- Uniqueness/Fish Habitat

The core functions represent the basic ecological functions of the resources and are considered as a minimum for any valid and defensible ranking.

Twenty riparian corridor units were inventoried and assessed (see Figure 2). The corridors were determined to be significant when they scored high in one or more of the core ecological functions: fish habitat, wildlife habitat, water quality protection, ecological integrity, or connectivity. Fish listed under the ESA are known to be present in Johnson Creek, Beaver Creek, and the Sandy River; therefore, riparian corridors of these streams rate high for fish habitat. All streams within the study area are either tributaries to Johnson Creek, Beaver Creek, or the Sandy River, and all of these tributaries have the potential to provide fish habitat, or to affect fish habitat downstream (i.e. water quality). Therefore, all riparian corridors in the study area rate high for fish habitat.

Twenty-nine wildlife habitat units were inventoried and assessed, of which nineteen are stream-associated and nine are isolated upland areas (see Figure 2). All stream-associated wildlife habitat units were determined to be significant based upon scoring high in one or more of the following core functions: wildlife habitat, water quality protection, ecological integrity, connectivity, or uniqueness. Five of the isolated wildlife habitat units were determined to be significant (see U1, U2, U3, U6, and U9 – on Figure 2). These isolated wildlife habitat units provide good small bird and mammal habitat; however, these units do not provide as valuable wildlife habitat as the stream-associated wildlife habitat units. Four isolated wildlife habitat units were determined to not be significant. Factors contributing to a determination of non-significance include poor vegetation structure and diversity, no adjacent permanent

or seasonal water, small forest size, no connectivity to riparian corridors due to paved roads or adjacent agricultural land use, grazing disturbance, and high occurrence of invasive species.

Determination of Impact Area

Local governments must determine an impact area for each significant resource site. The impact area is the area where development allowed in the underlying zone could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified significant resource site.

It is the area that is regulated to protect the resource.

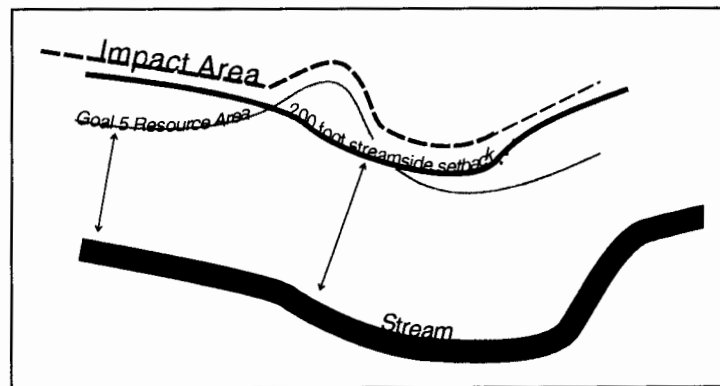


Figure 3: Example of an Impact Area

As shown in Figure 3, the size of the impact area varies with each natural resource. The first boundary is the outline of the entire resource area, which may include both riparian areas as well as wildlife habitat areas. This is illustrated by the “Goal 5 Resource Area” line in Figure 3. A 25 foot impact area is added to this boundary to protect the root zone of forest resources. The “200 foot streamside setback” boundary was drawn to provide a minimum protection of the riparian corridor. This width is based both in the science of the functions and values of riparian corridors. The USFWS suggests that 200 feet is appropriate for Multnomah County based on soils and native trees (Metro, 1999). In addition, the County needs to adopt a Title 3 Water Quality and Floodplain protection ordinance that may include riparian corridors up to 200 feet wide. The final impact area is the most inclusive of these boundaries, and is used in the ESEE analysis.

Conflicting Uses

Goal 5 directs local governments to identify conflicting uses that exist, or could occur within the impact area of significant Goal 5 resource sites. The conflicting uses defined as those land uses that are allowed outright or conditionally in the underlying zone of a resource site or its impact area. As allowed by Goal 5, the conflicting uses in the study area were grouped into broad categories for efficient analysis. The following paragraphs describe those broad categories.

Agriculture

Agriculture uses are permitted outright in all zones in the study area except Rural Residential, where “Limited Farm Use” is permitted as a primary use. The study area includes numerous agricultural uses with nursery and berry farming, and pastures predominating. There is at least one small sheep raising operation, and there may be other small livestock farming uses as well. There are several possible conflicts between farm uses and wildlife habitat. Wildlife connectivity often suffers from the presence of large areas of cultivated land enclosed by fencing that prevents the migration of animals from various areas within their range. The use of pesticides and fertilizers that often accompanies farm uses may discourage native species from flourishing and limit the nature of forage for other species. This impacts both native plant and animal species.

Some farm practices can impact riparian corridors. Livestock found at the edge of a stream can destroy riparian vegetation and trample stream banks. Unfiltered runoff from areas used by livestock can get into the stream and often contributes elevated levels of nitrogen and other nutrients that can impact both fish habitat and native plant habitats.

Although farm use may have impacts upon natural resource values, the County does not regulate most farm practices, therefore the associated impacts are not carried forward into the ESEE analysis. The County does regulate uses associated with agriculture, such as dwellings, roads, commercial activities and structures, and the impacts associated with these uses are analyzed in the ESEE.

Forest

Forest uses are permitted outright in all zones in the study area. The forest land in the study area is found primarily along the Sandy River. Steep forested slopes and broad-forested benches and floodplains characterize the corridor. Generally, the forested areas are not in commercial forest production due to the physical constraints of the study area.

Typical forestry involves the cutting of timber, clearing the site, and then replanting the site with a single commercial species. These disturbances cause a range of impacts to habitat from fragmentation to the loss of native plant and animal species. Much of the forested lands in the plan area are on steep slopes, and commercial forest practices on steep slopes often results in erosion of disturbed soils and can cause geologic instability due to road construction and loss of the root structure that holds fragile soils together. This may lead directly to the deposition of sediments into riparian areas, resulting in the loss of habitat due to the sedimentation of gravels and pools that fish depend upon, as reduced water quality through increased sediment loading.

Typical forest practices often involve the application of chemicals to encourage the growth of commercial tree species. By encouraging the growth of a single tree species, the wide range of other plant species that would otherwise be present is reduced or eliminated. As a result, the structure of the forest is changed from one with a developed duff, shrub, hardwood, and evergreen layer, to one with a single canopy. The wildlife habitat typically found within the structure is thereby eliminated.

The State of Oregon regulates forest practices under the Forest Practices Act, therefore the associated impacts to habitat are not carried forward into the ESEE analysis. As is the case with agriculture, the County does regulate accessory forestry uses and will limit these uses through a protection program.

Residential

Residential uses are permitted outright in the RR, MUA-20 and RC zones, and are permitted subject to standards in the EFU and CFU zones. The study area contains a diverse mix of small lot rural residential use, to larger lot hobby farm residences. Rural residential uses in the area typically rely upon septic systems to provide sanitary sewer, and wells are used for water service in some areas. In high densities, septic systems can infiltrate groundwater and the use of wells can impact the level of the water table. Density varies but residential density in the area increases to one dwelling per acre in the Orient Rural Center area. There are no sanitary sewers in the area, and the roadside stormwater system has limited capacity.

Rural residential development often results in the fragmentation of habitat. Large lawns and landscaped areas, long graveled or paved driveways, stream crossings, and multiple buildings with large areas of impervious surface all contribute to this fragmentation. Increased impervious surface, soil compaction and loss of tree cover contribute to increased stormwater runoff and to stream temperatures too high for healthy habitats. Large lawns and landscaped areas are often treated with fertilizers and pesticides that can end up in adjacent streams and wetlands. Common residential landscaping as well as the removal of native vegetation reduces natural resource values. Landscaping often includes invasive and other non-native species that compete with native vegetation.

Commercial

Commercial uses are currently allowed only as a conditional uses in the EFU, MUA-20, RC and RR zones. Commercial uses are generally characterized by a high level of disturbance. Existing non-farm commercial uses in the area are concentrated in the Orient and Pleasant Home Rural Centers. Smaller scale home occupations and farm related commercial uses exist in limited numbers throughout the study area. Disturbances include site clearing, large building footprints, and large parking areas. These large impervious areas result in alteration of area hydrology, increased stream temperatures and decreased water quality due to runoff from these areas flowing into local wetlands, riparian areas and streams. Storage of chemicals and other toxins related to the commercial uses is also an area of concern. Common attributes include gas tanks, motor oil, and other lubricants and solvents associated with commercial maintenance and repair facilities. If unconfined these products may find their way into local resource sites as stormwater carries them away.

Commercial activities are usually conditional uses under the County zoning code, and the County may place appropriate conditions of approval to limit their impact upon resource functions and values when the County zoning code provides for this.

Industrial

Industrial use is generally considered the most intensive level of development. Industrial uses are generally the most intrusive on the landscape due to large areas of impervious surfaces and clearing, large parking and loading areas, and well as potential sources of toxic run-off, effluent, and other factors that are generally detrimental to significant natural resource sites.

Public Facilities and Community Service Uses

Public facilities and community service uses generally consist of a wide range of uses from building pump stations, schools, etc. The impacts from these uses are highly variable and specific to the individual developments.

Construction of roads results in concentration of surface water, compaction of soils and the resulting loss of water absorption and higher runoff rates, alteration to groundwater recharge (alteration of area hydrology), erosion of side slopes, ditches, and the surface of unpaved roads. Installation of a drinking water pipeline and associated facilities could disrupt the functions and values of the natural resources along its path.

Due to the highly variable nature of the public facilities, it is difficult to assess the impact that *could* take place. In addition, most of the public infrastructure needed to serve the West of Sandy area is already in place. Generally, any implementation of a natural resource program should include a mechanism for the review of the impact these developments may have to the natural resource functions and values, and the projects designed to maintain or replace any disturbed natural resource values.

Summary of Recommended Zoning Code Changes

The protection program proposed by this plan is to limit the potential impacts to habitat areas that could occur during development associated with the uses allowed in the various zones in the plan area. It builds on the County's existing Significant Environmental Concern (SEC) Zoning Overlay District to establish protection standards for both water resource (under Goal 5 and Goal 6) and wildlife habitat (under Goal 5). The expansion of the SEC overlay to include Goal 6 (Water Quality) and Metro's Title 3 is unique to the West of Sandy River area. In other area plans the SEC Overlay is limited to Goal 5 implementation, and the provisions of Title 3 have not been applicable. However, other elements of the

proposed West of Sandy River area SEC Overlay District would be similar to the regulatory approach taken in other areas (e.g., the West Hills area), including:

- Requiring an SEC Permit for regulated development within the SEC Overlay District; and
- Establishing base standards that apply to the entire Overlay District with special standards for specific resources.

The recommended West of Sandy River Rural Area protection program includes two different SEC designations, one for habitat (SEC-h) and one for water resources areas (SEC-wr). The water resources protection zone is focused on riparian resources such as streams, and is more restrictive closer to the resource. The habitat protection zone includes the same level of requirements through the entire area designated as wildlife habitat. For a more detailed description of the recommended zoning code changes see the Appendix under “Environmental Protection Program Code Concepts”.

POLICIES AND STRATEGIES

Goal 5 Policies

Policy 1

Multnomah County recognizes the importance of identifying and protecting natural resources in order to promote a healthy environment and natural landscape that contribute to the livability of the West of Sandy River Rural Area.

Strategies:

- 1.1 Multnomah County shall prepare and maintain an inventory of the location, quality, and quantity of wildlife habitat areas and riparian corridors within the West of Sandy River Rural Area. This inventory should include the riparian corridors associated with the rural eastside streams of Beaver Creek, Johnson Creek and Kelly Creek that are listed in Framework Plan Policy 16G as either significant or potentially significant.
- 1.2 Multnomah County shall utilize the Statewide Wetlands Inventory to identify the general location of wetlands within the West of Sandy River Rural Area.

Policy 2

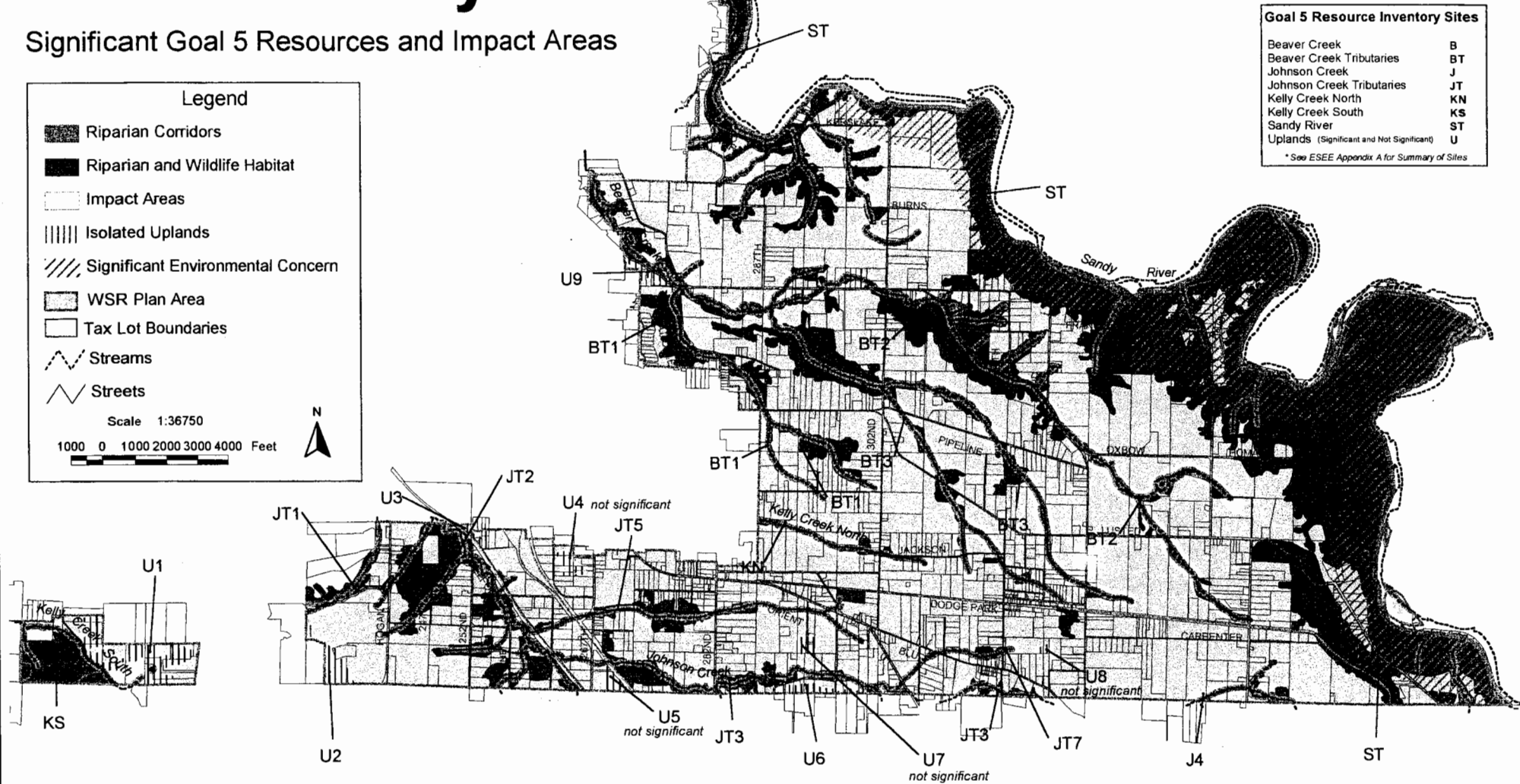
Multnomah County shall designate selected riparian corridors and wildlife habitat areas as significant natural resources pursuant to Statewide Planning Goal 5.

Strategies:

- 2.1 Those wildlife habitat areas that have been rated as “high” value for at least one of the following ecological functions shall be designated as “significant”:
 - Wildlife Habitat,
 - Water Quality Protection,
 - Ecological Integrity,
 - Connectivity, and
 - Uniqueness.
- 2.2 Those riparian areas that have been rated as “high” value for at least one of the following ecological functions shall be designated as “significant”:
 - Fish Habitat
 - Wildlife Habitat,
 - Water Quality Protection,
 - Ecological Integrity, and

West of Sandy River

Significant Goal 5 Resources and Impact Areas



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- Connectivity.

Policy 3

Multnomah County shall protect significant riparian corridors and associated impact areas and limit conflicting uses within these areas in the West of Sandy River Rural Area. In considering the protection of these resources, the County shall emphasize an ecosystem based, watershed approach.

Strategies:

- 3.1 Multnomah County shall implement this policy with amendments to the Multnomah County Zoning Code, Significant Environmental Concern Zoning Overlay District for riparian corridors and water resources within the West of Sandy River Rural Area. The protection measures that are incorporated into the SEC Overlay District ordinance will utilize the measures that protect water quality under Policy 6 as one tool to protect riparian corridors and associated impact areas.
- 3.2 This overlay district shall be applied to both the resource and its impact area and shall include areas within 200 feet of each significant stream as measured from top of bank. As stated in Section 6.4 of the *West of The Sandy River Rural Area Transportation and Land Use Plan Natural Resource Inventory and ESEE Report*, this distance is based in the science of the functions and values of riparian corridors. The weight of the science indicates that a significant measure of the functions of riparian corridor habitat exists within the distance that is defined by one potential tree height (PTH) from a stream. The US Fish and Wildlife Service suggests that 200 feet is the appropriate potential tree height (PTH) for Multnomah County based on soils and native trees (Metro, 1999). In addition, the County needs to adopt a Title 3 Water Quality and Floodplain ordinance that can include regulated areas up to 200 feet wide.
- 3.3 The limitation on conflicting uses in this district shall apply to those uses that are regulated by the County and shall allow for conflicting uses within the district if an alternatives analysis demonstrates that no reasonable alternative exists. The standards shall be most protective of the riparian corridor itself and may allow more flexibility for areas outside the corridor but within the impact area.
- 3.4 The County should investigate and consider whether the overlay district ordinance should have as a primary objective, maintaining the Properly Functioning Condition of the riparian corridors and impact areas of significant streams in order to support maintenance and recovery of fish in the area.
- 3.5 Streams in the study area have been significantly impacted by clearing and development. The County should investigate and consider development of a restoration program for study area streams in order to restore fish habitat.

Policy 4

Multnomah County shall protect significant wildlife areas and will limit conflicting uses within these significant natural resource areas and their associated impact areas in the West of Sandy River Rural Area. In considering the protection of these resources the County shall emphasize an ecosystem based, watershed approach.

Strategies:

- 4.1 Multnomah County shall implement this policy by establishing a specific Multnomah County Zoning Code Significant Environmental Concern Zoning Overlay District for wildlife resources within the West of Sandy River Rural Area.

- 4.2 This district shall be applied to areas designated as significant wildlife resources in *West of the Sandy River Rural Area Transportation and Land Use Plan Natural Resource Inventory and ESEE Report* and associated impact areas.

Policy 5

Multnomah County recognizes the need to protect the outstanding public values for which sections of the Sandy River have been designated a National Wild and Scenic River and a State Scenic Waterway.

Strategy:

- 5.1 Work with State Parks and other agencies to review development standards in the County Significant Environmental Concern provisions and in the Oregon Administrative Rules specific to the designated areas.

Water Quality Policies (Title 3, Goal 6)

Policy 6

Multnomah County recognizes the importance of protecting the water quality within the West of Sandy River Rural Area and shall adopt standards to protect the water quality resources from the impacts of development pursuant to the requirements of Title 3 of the *Metro Urban Growth Management Functional Plan (3.07.340)*.

Strategies:

- 6.1 Multnomah County shall implement this policy by establishing a specific Multnomah County Zoning Code Significant Environmental Concern Zoning Overlay District for riparian corridors and water resources which substantially complies with the water quality standards of *Title 3 of the Metro Urban Growth Management Function Plan*.
- 6.2 Standards adopted to protect water quality shall preserve the water quality related functions and values of primary and secondary protected water features:
- Primary protected water features shall include: Title 3 wetlands, rivers, streams, and watercourses downstream from the point at which an area of 100 acres or more is drained to that water feature (regardless of whether it carries year-round flow); streams that carry year-round flow; springs which feed streams and wetlands and have year-round flow; and natural lakes.
 - Secondary protected water features shall include intermittent streams, watercourses, and seeps downstream of the point at which 50 acres are drained and upstream of the point at which 100 acres are drained to that water feature.
- 6.3 Standards adopted to regulate the water quality impacts of “development” shall apply to the following:
- “Development” means any man-made change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. In addition, any other activity that results in the removal of more than 10 percent of the vegetation in a protected water feature or its vegetated corridor on a lot is defined as development.
 - Development shall not include the following:
 - Stream enhancement or restoration projects approved by cities and counties;

- Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of Title 3; and
- Forest practices conducted under an Oregon Department of Forestry permit.

Policy 7

Multnomah County recognizes that it is important to protect vegetated corridors in order to maintain their water quality functions including the following:

- Separation of protected water features from development;
- Maintaining or reducing stream temperatures;
- Maintaining natural stream corridors;
- Minimizing erosion, nutrient and pollutant loading into water;
- Filtering, infiltration and natural water purification; and,
- Stabilizing slopes to prevent landslides contributing to sedimentation of water features.

Strategy:

- 7.1 Require that new development or redevelopment maintain vegetated corridors along primary and secondary water features whenever feasible. The width of the vegetated corridors shall be based on the type of water resource and the slope of the adjacent banks.
- The width of vegetated corridors adjacent to primary protected water features shall be 50 feet from the top of bank or ravine. The top of the ravine is the break in the greater than or equal to 25% slope. The starting point for measurements shall be the top of bank, which is the same as “bankful stage” defined in OAR 141-85-010(2).
 - The width of vegetated corridors adjacent to secondary protected water features with slopes less than 25% shall be 15 feet and where slopes are greater than or equal to 25%, the vegetated corridor shall be 50 feet.
 - In no case shall the width of the vegetated corridor be required to exceed 200 feet from top of bank.

Policy 8

Multnomah County shall take steps to limit visible and measurable erosion from development throughout the West of Sandy River planning area in accordance with the water quality standards of *Title 3 of the Metro Urban Growth Management Function Plan*.

Strategies:

Multnomah County shall implement this policy by establishing standards that:

- 8.1 Apply erosion and sediment control regulations to all development activities that may result in visible or measurable erosion. Visible or measurable erosion includes, but is not limited to:
- Deposits of mud, dirt sediment or similar material exceeding one-half cubic foot in volume on public or private streets, adjacent property, or onto the storm and surface water system, either by direct deposit, dropping discharge, or as a result of the action of erosion.
 - Evidence of concentrated flows of water over bare soils; turbid or sediment-laden flows; or evidence of on-site erosion such as rivulets on bare soil slopes, where the flow of water is not filtered or captured on the site.
 - Earth slides, mudflows, earth sloughing, or other earth movement that leaves the property.
- 8.2 Help prevent erosion by requiring the use of prevention practices such as non-disturbance areas, construction schedules, erosion blankets and mulch covers. To the extent that erosion cannot be completely prevented, sediment control measures are to be designed to capture, and retain on site, soil particles that have become dislodged by erosion.

- 8.3 Adopt a limited construction season for development within primary and secondary water feature corridors to allow disturbance to occur during dry parts of the year and limit it during wet seasons.
- 8.4 Control stormwater from developed areas in a manner that does not increase runoff, and does not contribute to increased flow in area drainages and creeks. Investigate how runoff could be reduced from parking and maneuvering areas through use of pervious materials.
- 8.5 Require that stream crossings be avoided where possible, and when unavoidable, require maintaining watershed function in development of regulations for stream crossings, e.g. crossing does not disturb the bed or banks of the stream, is of the minimum width necessary to allow passage of peak winter flows, etc.

Other General Policies

Policy 9

Regulations to protect natural resources and water quality should allow changes to existing development when the overall resource value of the property is improved.

Strategy:

- 9.1 Include language in natural resource protection and water quality standards that allows changes to existing development which result in a net benefit to the protected resource.

Policy 10

Multnomah County should continue to make information about other agency programs and educational materials available to the public at the planning counter and on the internet.

Strategy:

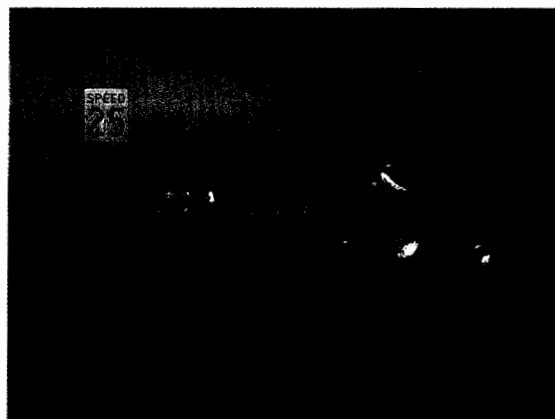
- 10.1 Multnomah County will work with the East Multnomah Soil and Water Conservation District, the Oregon Department of Agriculture, the County Assessor, the U.S. Natural Resources Conservation Service and others to provide landowners with information about various agency programs. Programs may include property tax deferral and exemption programs available for stream enhancement and agricultural plans to protect streams and their watersheds.

LAND USE

INTRODUCTION

This section provides a description and inventory of the existing land use patterns in the West of Sandy River Plan area's five zoning districts.

One of the primary objectives of the inventory and analysis was to measure and describe the role of farm and forest uses in the plan area. In keeping with this, the area's Exclusive Farm Use (EFU), Multiple Use Agriculture (MUA-20) and Commercial Forestry Use (CFU) zones are analyzed in some detail. An inventory of the Rural Residential (RR) zone is also included in this section. Planning for the Rural Communities of Orient and Pleasant Home is also a significant element of the Plan. This work is included in the following section entitled Rural Center.



Nursery farm on MUA-20 land along SE 262nd Ave.

The Agricultural Economy in the West of Sandy Area

In recent years, the state's nursery industry has grown at almost twice the rate of the industry nationwide. Much of this activity has been focused in and around the Portland metropolitan area. In fact, over 80 percent of the state's nursery output comes from the Portland Metro area counties and Marion County combined. Together, these areas contain about 1,000 small locally owned firms, employing over 10,000 workers. In 1997, there were 205 nursery farming operations in Multnomah County, and they generated \$32,000,000 in gross sales. There were 2,900 acres in nursery production, and the gross sales per acre was \$11,103 (source: Oregon Nursery Greenhouse Survey, 1997). Based on 1999 figures from the Oregon Agricultural Statistics Service, approximately 70% of the total \$59.3 million dollar value of farm crops produced in Multnomah County was from nursery and berry crops.

One significant cluster of nursery activity is situated in the area that contains and surrounds the West of Sandy River study area. The area also continues to support berry farming, although the acreage dedicated to this crop has been decreasing. Several characteristics of this area explain the relative strength of its nursery cluster. First is its proximity to the metropolitan area. Location allows these farms access to transportation wholesalers, saving time and cost in the transport of nursery stock. In addition, this location allows nursery owners closer connections to suppliers and the urban labor force, an essential component of an industry dependent upon seasonal labor.

The cluster of nursery businesses stimulates competitive practices and innovation, and at the same time, promotes cooperation among farms in resolving common concerns. Within the West of Sandy River area, there are approximately 130 Oregon Department of Agriculture licenses for nursery-related operations. These operations include cash buyers, Christmas tree growers, greenhouse growers, nursery stock growers, nursery dealers and landscape contractors, and wholesale produce dealers. Nursery stock growers constitute the bulk of nursery-related businesses found in the study area.

The nursery cluster in the West of Sandy River area has also stimulated the development of a network of support industries. This area contains not just nursery and farming operations, but over 20 businesses that

focus specifically on agricultural and farm services, nursery supplies, feed stores, landscaping, trucking and warehousing, food processing and farm production/raw materials. Working together, all of these businesses contribute to the continued strength of a strong community network.

Telephone interviews with local nursery owners confirmed that the study area includes a vital cluster of nursery activity. Nursery owners indicated that the proximity of other nurseries in the area results in a mutual support network. The farmers in the area commonly share trucking services, and labor when it is mutually beneficial. Some of the farmers indicated that they also share equipment and consult with each other. The availability of equipment and supplies was generally described as adequate with the exception of a large producer who felt a co-op is needed and the area could use more equipment dealers and vendors. A major area of nursery support is located in the Canby/Woodburn area and daily delivery services come from there.

Most farmers in the area employ both full and part-time workers, many of whom are of Hispanic descent. The eight farms contacted report a total of 100 full-time and 115 part-time workers. Part-time jobs can be described as jobs that are seasonal over several months rather than partial days, and work seasons vary by crop type. For example, production cycles for evergreen trees are different than for bare-root trees. Many of the workers go to Mexico from November to February, and some work other jobs in the area when they are not working in nurseries. Several farmers noted that some of the farm workers have settled in the area, purchasing homes and raising families.

Most nursery farmers interviewed lease parcels in addition to their own holdings. The usefulness of a parcel for growing nursery stock depends on size and its location relative to other land being farmed by the operator. If the parcel is adjacent to existing farmed areas, parcels of 1 – 2 acres or less are useful. For stand alone parcels, most respondents stated that 4 – 5 acres was the minimum size needed to manage effectively. The location of existing development on parcels was also cited as potentially having an effect on the ability to use the parcel. The consensus is that the soils in the study area that are not too steep are generally very good for nursery stock.

Nursery farm management in the area has been affected by the relatively close proximity of dwellings and urban areas. Most of the farmers contacted reported some kind of impacts, including conflicts with traffic on area roads, complaints from residents, and a need to limit some management activities. A majority said that moving farm equipment on roads can be a problem due to the increasing traffic on area roads that do not have adequate shoulders or turn-outs. The need to move equipment around the area is driven by the relatively high parcelization in the area, the common practice of leasing parcels that are not contiguous to the main farm operation, and the competition for production land.

INVENTORY AND ANALYSIS

This section includes an inventory and analysis of the following zoning districts:

- EFU (Exclusive Farm Use)
- CFU (Commercial Forestry Use)
- MUA-20 (Mixed Use Agriculture – 20 Acre)
- RR (Rural Residential).

This section also includes information regarding parks and open spaces, public facilities and natural hazards. The rural centers of Orient and Pleasant Home are discussed in the following section. Each subsection includes its own inventory and analysis followed by findings and conclusions and finally a description of new policies recommended through this planning process.

A map of zoning districts within the West of Sandy River study area is provided in Figure 4. As shown on the map, the West of Sandy River planning area is heavily focused on agriculture. The EFU zone and the MUA-20 zones contain the bulk of the area's agricultural uses, and comprise approximately 70 percent of the acreage in the study area. An additional 20 percent of the acreage is in the CFU zone, primarily along the Sandy River.

Table 3 below indicates the five zoning districts within the West of Sandy River area, showing the amount of land in each zoning district that is in active farm or forestry use. The table includes both land shown as tax deferred by the County Assessor as well as land that is being used for agricultural production, but not included as tax deferred.

Table 3 : Total Acres by Zone and Farm/Forest Use

Zoning Designation	In farm or forest use	Not in farm or forest use	Total Acres
EFU	3,284	389	3,673
CFU	772	1,236	2,008
MUA-20	1,780	1,391	3,170
RR	248	342	590
RC	16	135	151
Total Acres	6,115	3,495	9,610

Table 4: Number of Vacant and Improved Parcels by Zone

Vacant Status	Zoning Designation					Total Parcels
	CFU	EFU	MUA-20	RC	RR	
Dwelling	78	205	767	68	116	1,234
Vacant	43	96	172	30	35	377
Other Imp	45	5	13	38	103	
Total	166	306	952	136	155	1,715

*The term "other imp" represents non-residential improvement.

A comparison of the number of vacant and improved parcels by zone shows that a significant number of new dwellings are possible in the MUA-20 zone because they are an outright use.

Table 5: Size of Parcels by Zone

Parcel Size Class in Acres	Zoning Categories					
	CFU	EFU	MUA-20	RR	RC	Total
0-3	52	89	648	81	128	998
3-5	26	44	158	34	3	265
5-10	33	52	103	35	2	225
10-20	29	68	29	2	3	131
20-50	19	48	13	3		83
50-200	7	5	1			13

* Source: RLIS database.

Exclusive Farm Use Lands (EFU)

Statewide Goal 3 addresses agricultural lands, and is intended to protect farming lands and farm uses. Agricultural lands are designated with respect to an area's underlying soil type. In western Oregon, land with predominantly class I – IV soils and that is located in EFU zones, is considered agricultural land.

State statutes for Goal 3 outline procedures for counties to designate agricultural lands as EFU areas in their comprehensive plans and zoning ordinances.¹ State administrative rules give more specific guidelines on the activities that counties may allow, or must prohibit, in these areas.² Counties have the option of being more restrictive than the state, but they may not be less restrictive. Generally speaking, EFU areas throughout Oregon may include activities such as farm stands, wineries and other commercial uses that occur in conjunction with farm uses (e.g., fertilizer sales, food processing). Home occupations and utility facilities are also allowed in EFU areas. Non-farming activities are only allowed in EFU areas when counties can show that they won't have a negative effect on surrounding farm uses.

Overview of Land Uses in the West of Sandy River EFU Zone

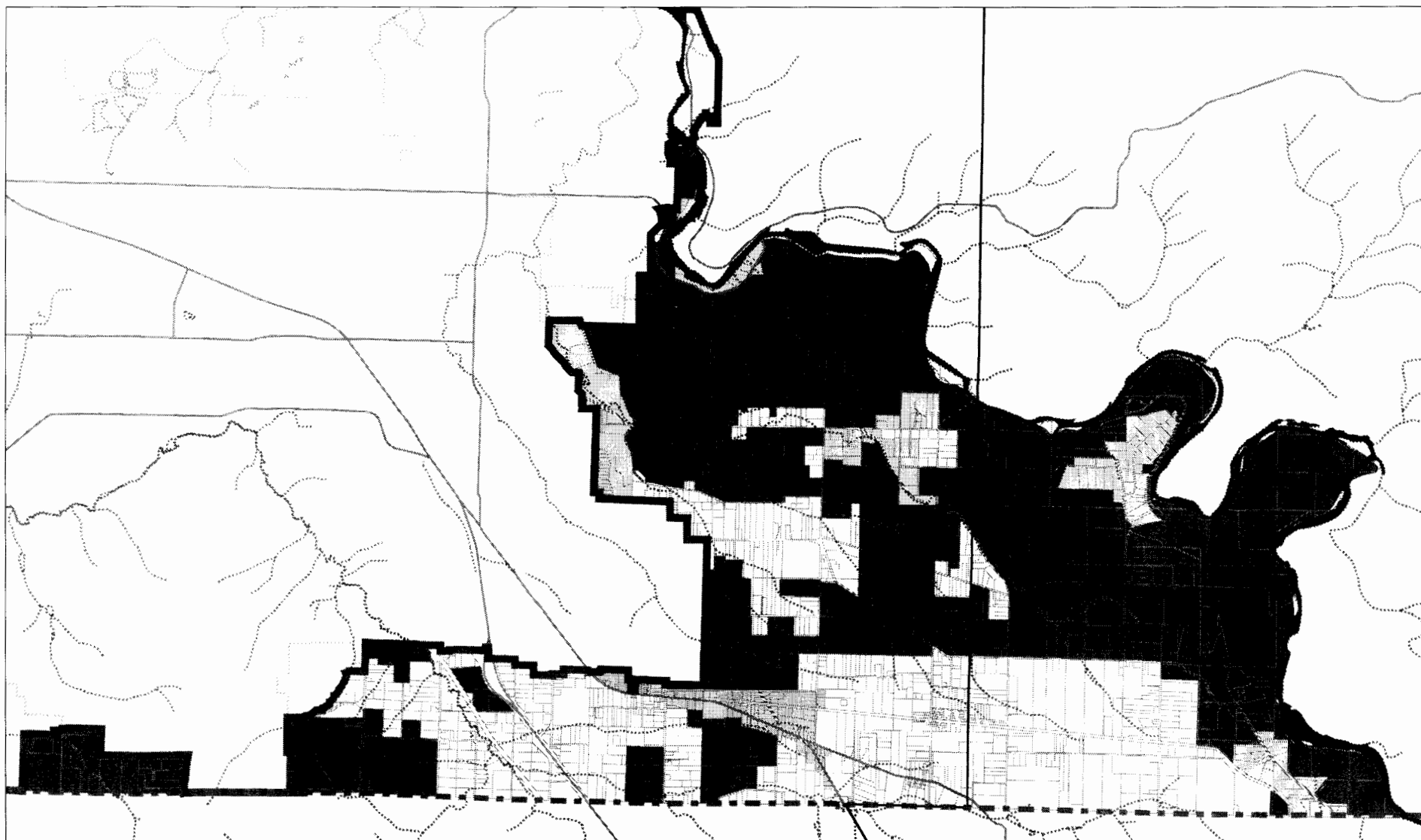
The following points provide a general description of land use activities occurring in the EFU zone. Please refer to the land use map (Figure 4) and Tables 3 and 4, which contain data that provided the basis for this analysis.

- EFU land totals approximately 3,673 acres in 306 parcels. The parcels that range in size from less than one-quarter acre to 102 acres, and the average parcel size is 11 acres. Table 5 shows the range of parcel sizes by zone in the plan area.
- 89% of the EFU zoned land in the study area is in farm use as indicated by Table 3
- There are about 1,095 acres of vacant EFU-zoned land in 96 parcels. Most of these parcels are still in active farm use. Some may be components of a tract (e.g., contiguous parcels under common ownership). In addition, about 208 parcels in the EFU zone are classified as being in single-family use.
- Roughly 110 acres of land in the EFU zone is in use as parks or open space.
- There have been about 11 new residential building permits in the EFU zone over the past ten years.

There are approximately 96 vacant parcels in the EFU zone. Four are greater than 40 acres; 12 are between 20 acres and 40 acres, the remaining are smaller than 20 acres. New development in this zone is subject to income test requirements required by the state. This zone also allows for lot-of-record provisions as provided by County regulations. There are opportunities for owners who are raising commercial farm products, especially nursery stock, to seek dwelling approvals in this zone.

¹ Please see ORS 215.203, Exclusive Farm Use Zones.

² Please see OAR 660-033, Agricultural Land.



West of Sandy River Rural Area Plan

Figure 4 Current Zoning

- CFU (Commercial Forestry Use)
- EFU (Exclusive Farm Use)
- MUA20 (Mixed Use Agriculture - 20)
- RC (Rural Center)
- RR (Rural Residential)

- City Limits
- Metro Jurisdictional Boundary
- County Lines
- Urban Growth Boundary



1 0 1 Miles

Multnomah County's provisions for permitted and prohibited uses in the EFU zone are generally similar to those provided by the state. Multnomah County's required minimum parcel sizes in EFU areas follow the state guidelines of 80-acre minimum parcel sizes. It should be noted that in the West of Sandy River study area, there are no parcels large enough to partition into 80-acre tracts.

In a few cases, the County has chosen to be more restrictive than the state. One example is the existing Lot of Record provisions that require contiguous parcels under same ownership to be held together in 19 acre blocks. Restrictions also apply to less common uses, such as mining, processing of aggregate and mineral resources, personal use airports, firearm facilities, on-site filming, and destination resorts. These are uses that the county either does not allow, or allows only with specific conditions.

State guidelines require counties to determine allowable uses based on the Soil Conservation Service mapping of soil types as high value farmlands. A subset of agricultural lands, high value farmlands are areas of soil classes I and II, as well specific soil types within classes III and IV in Willamette Valley³. Most of the EFU-zoned land in the West of Sandy River study area consists of Powell series soils that meet the description of high value farmland.

In most cases, state planning regulations for high value farmlands are more strict than those regulations pertaining to non-high value agricultural areas. In particular, applications for new dwellings on tracts comprised of high value farmlands must show that farm sales have generated at least \$80,000 of gross farm income during each of the last two years, or during three of the previous five years.⁴ Based on the statewide average gross sales receipts for nursery stock of \$11,103 (1997), this threshold can be met on less than eight acres.

To help illustrate the extent of farming activity in the West of Sandy study area, the project team drew from several sources of information to inventory current land uses activities. Assessment records were first consulted to track the number of properties with farm tax deferred status.⁵ A field investigation was also conducted to complete these records, as this study area contains many properties without tax-deferred status that are in farm use. Table 3 shows the total acreage in each of the study area's zones that are estimated to be in active farm use. Additionally, Figure 5 illustrates lands in the West of Sandy River area in active farm or forestry use. This figure shows the significant use of both EFU and MUA-20 zoned land for farming.

Existing Policies and Strategies for EFU Lands

The County's existing Framework Plan policies for EFU areas are contained in Policy 9: Agricultural Land. They generally provide that the County will:

- Maintain those areas that are most appropriate for farming. Such areas must meet the prescribed soil classifications, contain parcel sizes suitable for commercial agriculture, and be in agricultural use.
- Prevent agricultural areas from being impacted by urban services,
- Designate non-agricultural areas surrounded by agriculture as agricultural to prevent impacts on the surrounding farmlands.

³ Please see OAR 660-033-0020.

⁴ Different requirements apply to requests for dwellings where the applicant has owned their land since January 1, 1985.

⁵ Farms that are being used and have been used during the previous year exclusively for farming qualify for farm use assessment.

Framework Policy 9 also lists the County's strategies for achieving the above policies. These strategies generally provide for the following:

- A base minimum lot size for agricultural lands
- Allowing farms as primary uses and non-farm uses as conditional
- Allowing retail sales of farm products
- Providing for aggregation of contiguous substandard lots under single ownership (tracts)
- Providing for lot-of-record provisions for existing parcels
- Use of special conditions to permit most types of dwellings.

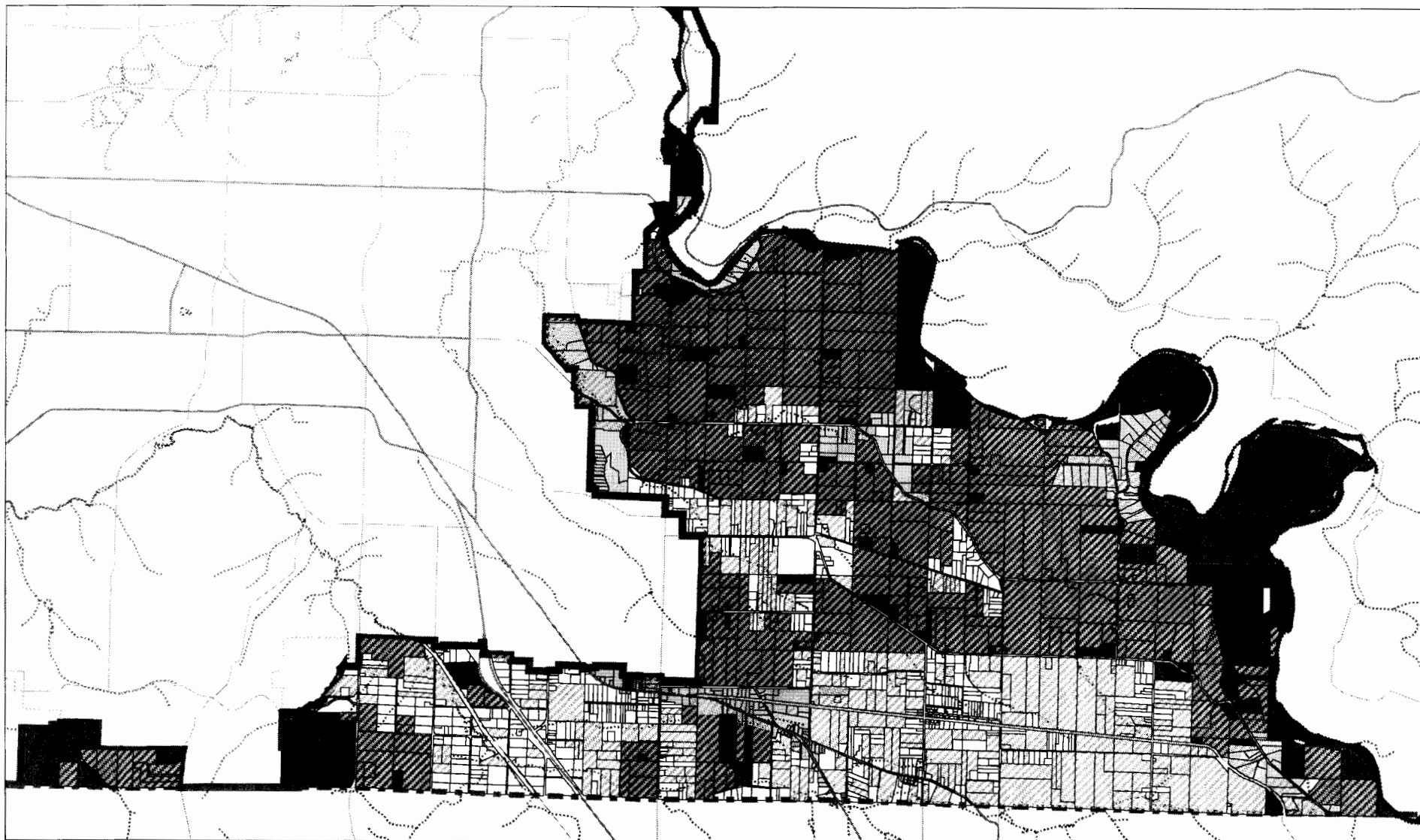
Policies and Strategies for EFU Lands


Policy 11

The County's policy of the West of Sandy River rural area is to help ensure a viable farm economy in the area by preserving agricultural lands for farm uses.


Strategies:


- 11.1 Multnomah County generally does not support zone changes that remove productive agricultural land from the protection afforded under Goal 3 of the Oregon Statewide Planning Program (Farm Lands).
- 11.2 Continue to require approval of dwellings and other development to be contingent upon compliance with Lot of Record standards as contained in the existing EFU zoning code.
- 11.3 Include provisions in the zoning code that limit new non-agricultural uses, and expansion of existing non-agricultural uses, in both type and scale to serve the needs of the local rural area. This will result in a farm protection program for the area that is more restrictive than what state statutes and rules require.





 Farm or Forestry Use

 CFU (Commercial Forestry Use)

 EFU (Exclusive Farm Use)

 MUA20 (Mixed Use Agriculture - 20)

 RC (Rural Center)

 RR (Rural Residential)

West of Sandy River Rural Area Plan

Figure 5

Lands in Farm and Forestry Use

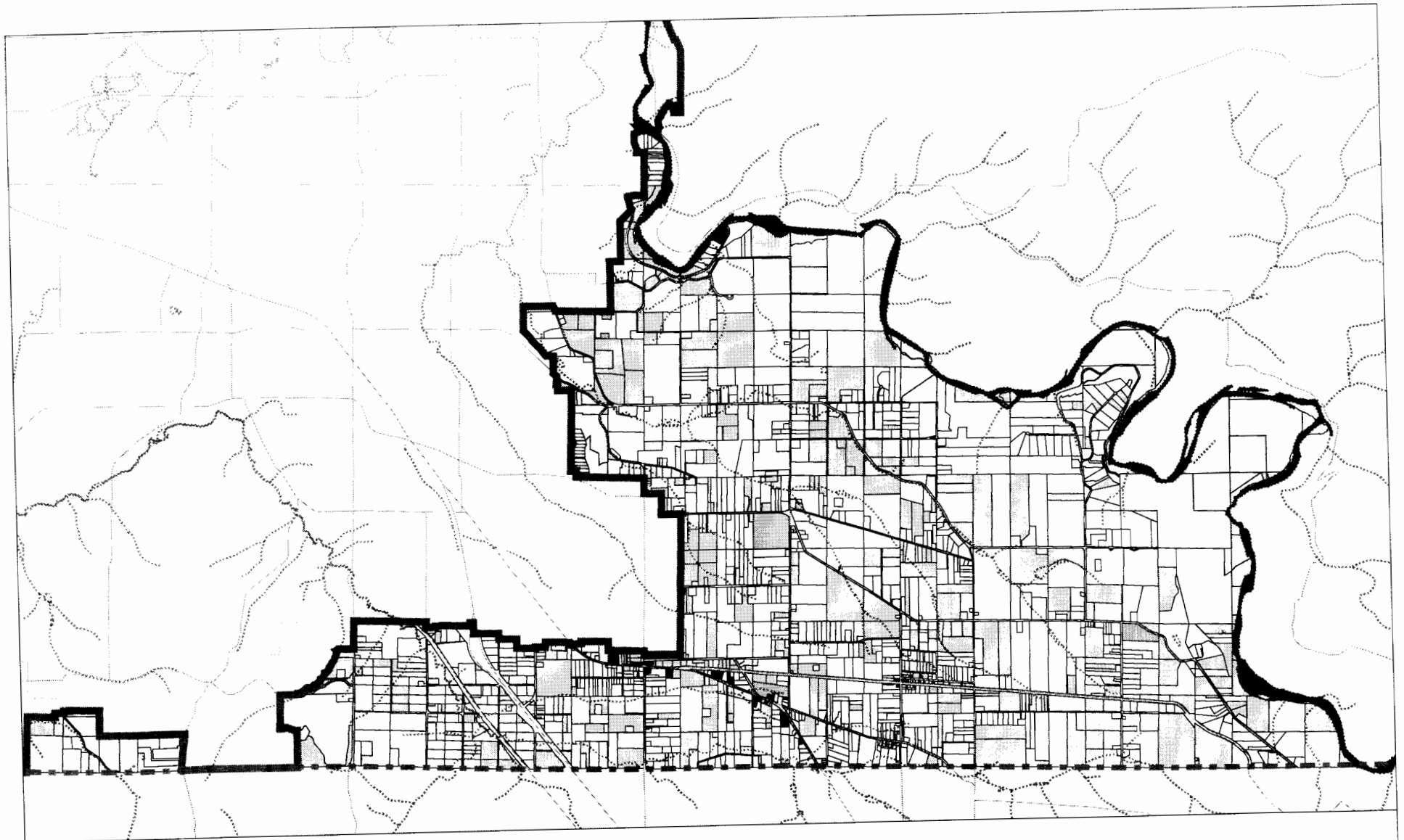


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 County Lines







 Urban Growth Boundary

Map by Parametrix. Data source: Metro RLIS



West of Sandy River Rural Area Plan

Figure 6 Current Land Uses

- | | |
|---|--|
|  Public Facility |  Residential/Related Structures |
|  Commercial |  Vacant |
|  Industrial |  Parks/Open Space |

 County Lines

 Urban Growth Boundary



1 0 1 Miles

Map by Parametrix. Data source: Metro RLIS

Forestry/Commercial Forest Use (CFU) Zone

Multnomah County's CFU zone is intended to preserve forestland for forest resource use pursuant to the provisions of Statewide Planning Goal 4. As with agricultural lands, the State has outlined a number of activities that counties may choose to permit in forest areas, as well as some activities that counties must prohibit. The State allows counties to permit uses such as forest operations and forest products processing, conservation activities, communication towers, mining and aggregate resource uses, temporary forestry operation structures, farm uses, utility lines, private hunting and fishing, labor camps and destination resorts. Multnomah County has chosen to permit most of these uses.

The County's CFU provisions for new dwellings are more restrictive than state rules in that two of the three dwelling opportunities are included in the current zoning code for the area. The CFU zone provides for large acreage (160 acres or larger) and template dwellings, but does not provide for lot of record dwellings (Heritage Tract). The template dwelling provisions also limit the circumstances under which a parcel qualifies more stringently than state law requires. In addition, the ordinance contains an aggregation requirement similar to that used in the EFU zone that is not required by state law.

Overview of Land Uses in the West of Sandy River CFU Zone

The following provides a general description of land use activities occurring in this zone. Please refer to Figure 6, and Table 3, which contain data that provided the basis for this analysis.

Multnomah County's parcel size provisions require 80-acre minimum lot sizes for new parcels created, with a variety of provisions for template dwellings and lot of record provisions.

- CFU lands in the West of Sandy River area comprise approximately 2,008 acres. Parcels in this zone, of which there are approximately 166, average about 11.5 acres apiece.
- Predominant land uses include parks and open spaces (primarily Oxbow Regional Park). About 989 acres of land is classified in this category.
- There are about 290 acres of vacant CFU land, and about 714 acres of land, consisting of about 78 parcels, classified as single-family residential use. About 15 acres are in use as public facilities.
- There have been about 8 new residential building permits in this zone over the past ten years.
- As noted earlier, a good portion of land in the West of Sandy River CFU zone is under public ownership. While Multnomah County's provisions for new dwelling units in this zone are stricter than those of the state, the high level of parcelization in the area may allow owners to seek building permits through the County's template provisions. In addition, there are not a great number of parcels in this category that appear to be part of a tract.

Existing Policies and Strategies for CFU-Zoned Lands

The County's Framework Plan policies for CFU zoning countywide are contained in Policy 11: Commercial Forest Land Area. They generally provide that the County will:

- Designate and maintain commercial forestry areas that are suitable for commercial use and woodlot management, as well as potential reforestation areas, and in particular, areas not impacted by urban services. Protection of large parcels necessary for watershed protection, or that may be subject to environmental damage, and potential recreation areas or areas of scenic significance.

The implementing strategies are:

- Require 80-acre minimum lot sizes, and aggregation of lots in single ownership.
- Permit farm and forestry uses permitted as primary uses
- Opt for stricter standards than those provided by the State for large acreage dwellings and template dwellings.
- Allow for mortgage lot provisions and lot of record provisions.

Given the restrictive nature of the CFU zone, and the fact that much forestland is under public ownership, the existing policies and regulations generally appear appropriate for maintaining the area's rural character. Two new policies and three associated strategies are recommended to further protect the area's rural character and to protect the existing farm and forest operations in the study area.

Policies and Strategies

Policy 12

Maintain existing forestlands from further parcelization that detracts from forest operations and incidental protection of open space, wildlife habitat, and rural community values.

Strategy:

- 12.1 Multnomah County generally does not support zone changes that remove productive forest land from the protections of Goal 4 of the Oregon Statewide Planning Program (Forest Lands).

Policy 13

Allow new dwellings and other development on lands designated for commercial forest use consistent with state requirements, and will be permitted when upon demonstration that they will have no significant impact upon farm or forest management.

Strategies:

- 13.1 Continue to require that applications for new development comply with Lot of Record standards described in the existing CFU zoning code.
- 13.2 Continue to allow new template dwellings under the current standards of the CFU zone that are more restrictive than state requirements.

Multiple Use Agriculture Lands

The MUA-20 zone contains the areas for which the County has justified an exception to either Goal 3 or Goal 4 Agricultural Lands and Forest Lands. Because of this, many of the restrictions on new dwellings and other uses that apply in EFU and CFU zoned areas do not apply to the MUA-20 zone. New residential uses are permitted outright. Wholesale and retail sales of farm and forest products grown in the vicinity are permitted, under prescribed conditions, and a wider range of commercial and retail activities are permitted as conditional uses.

The Framework Plan description of the MUA land classification as contained in Policy 10 states that it is intended to conserve land that is not predominately Agricultural Land as defined by Statewide Planning Goal 3, and that has been impacted by non-farm uses. The plan states that conservation of these areas provides for diversified agricultural and other uses, and protects adjacent EFU lands. The soils in the zone are predominately the same type and class as are the high-value soils in the EFU zone. Data about farm use indicates that nearly half of the MUA-20 land area is in farm use (see Figure 5 and Table 3). For the West of Sandy River plan area, the main difference between EFU and MUA-20 land appears to be parcel size.

Overview of Land Uses in the West of Sandy River MUA-20 Zone

The following points provide a general description of activities occurring in this area. Please refer to Figure 6 (Land Use) and Tables 3 and 4, which contain data that provide the basis for this analysis.

- The MUA-20 zoned land in the plan area is roughly 3,167 acres. It contains approximately 952 parcels ranging in size from less than one-quarter acre to 56 acres, and averaging 3 acres in size.
- A large portion of this zone, comprising approximately 2,381 acres in 767 parcels, is classified as single-family residential.
- There are about 717 acres of MUA-20 land classified as vacant. Approximately one-half of this land is in farm deferral indicating farm use, the remaining half is non-deferred.
- Other uses in this zone consist of public facilities and forest deferred lands.
- About 54 new residential building permits were issued in this zone during the past ten years. In addition, approximately 30 businesses such as nurseries, contracting and construction, food processing and a variety of home occupations are currently operating in the MUA-20 zone.
- The MUA-20 zone contains about 172 vacant parcels. Only about seven parcels are larger than the 20-acre minimum lot size outlined in the zoning codes, though the zoning code does allow for lot-of-record provisions. Discounting parcels under public ownership or parcels that are right-of-way strips, there could be about 140 parcels/property owners seeking permits for new construction in this area.

Existing Policies and Strategies for MUA-20 Lands

The County's Framework Plan policies for these areas are contained in Policy 10: Multiple Use Agricultural Land Area. They generally provide that the County will:

- Designate and maintain those lands that are generally agricultural in nature, though more characteristic of small-scale farm use than commercial agricultural use.
- Provide for a higher level of services than EFU areas.
- Restrict the uses permitted in MUA-20 areas to those that are compatible with EFU areas.

The County's strategies for this zone are:

- Provisions for minimum lots sizes
- Varied uses such as farming and forestry, residential, commercial and tourist uses
- Lot-of-record provisions and mortgage lot provisions

This area has experienced more marked change in recent years, though the area still contains a good deal of farm use. Development pressures are most likely to occur within this area due to the approximately 170 parcels that are vacant and the zoning regulation that allows dwellings. The zone also provides for a wide range of conditional uses and community service uses that have the potential to impact farm use in the plan area. One new policy and two associated strategies are recommended to help curtail the types of development that may have a negative impact on farm uses in the area.

Policies and Strategies for MUA-20 Lands

Policy 14

Protect farm land from encroachment by residential and other non-farm uses in a manner that is consistent with the existing Framework Policy 10 Multiple Use Agricultural Land Area and the associated strategies.

Strategies:

- 14.1 Ensure that new, replacement, or expanding uses minimize impacts to farmland by requiring “right to farm” measures to be implemented. This shall be accomplished by requiring recordation of a covenant that recognizes the rights of adjacent farm managers to farm their land.
- 14.2 New non-agricultural businesses should be limited in scale and type to serve the needs of the local rural area through provisions in the zoning ordinance.

Rural Residential (RR) Zone

The intent of the Rural Residential zone is to provide for rural residential development in areas which are not suitable for commercial farm or forest operations because of the existing land use pattern of development, small parcel sizes, non-aggregated ownership, and largely non-commercial resource uses. Small-scale agriculture and forestry operations may occur and are, in fact, considered to be an integral part of the rural residential environment. Such uses as wholesale and retail sales for agricultural products grown on the premises, limited forest product processing, cottage industries, limited rural service commercial and tourist commercial may be developed as conditional uses in accord with established criteria.

Overview of Land Uses in the West of Sandy River RR Zone

There is a relatively small amount of Rural Residential land in the study area (680 acres). This zone is dispersed in about five separate clusters across the study area, reflecting the location of older rural subdivisions. The minimum lot size for Rural Residential is five acres and the primary permitted uses include:

- farm use,
- propagation or harvesting of forest products,
- single family residential, and
- public and private conservation areas.

The following are some of the general characteristics of the Rural Residential zone in the West of Sandy River study area.

- Lands in the Rural Residential zone comprise about 590 acres. Parcels in this zone, of which there are about 155, average about 3.5 acres apiece.
- The predominant land use in this zone is single-family residential. There are approximately 35 vacant parcels in the zone.
- There are about 250 acres of land in farm use, and about 50 acres of land in this zone is in use as parks or open space use.
- Approximately 8 new residential building permits have been issued in the RR zone in this study area over the past 10 years.

Existing Policies and Strategies

The County's Framework Plan policies for this area are contained within Policy 8: Rural Residential Areas. They provide that the County will designate as Rural Residential those areas that:

- Are outside of farm and forest resource areas, and significant parcelization has already occurred,
- Are compatible with adjacent farm or forest uses,
- Have no physical development limitations that would make the areas hazardous for development,
- Have access to limited, but adequate services, including on-site water and sewage disposal, as well as off-site services such as schools, fire protection and police protection.

Strategies for achieving these policies include:

- Minimum lot size provisions (five acres, with exceptions).
- Residences, agriculture and forestry operations as primary uses. Wholesale and retail sales, community facilities, cottage industries and extractive industries or tourist uses as conditional uses.
- Lot of record provisions.
- Minimum lot sizes based on a variety of factors, including environmental features, existing characteristics of the area, road access, water supply and public services available.

The Rural Residential areas in the West of Sandy area are clustered, and generally located away from active farming and forestry operations. While some development activity may occur in these areas, a good deal of additional activity is not likely due to the fact that this zone contains much of the steeply-sloped land within the West of Sandy study area. One policy intended to protect farm uses on EFU land adjacent to the Rural Residential zone is proposed.

Policies and Strategies for RR Lands

Policy 15: Protect farmland from encroachment by residential and other non-farm uses that locate in the RR zone.

Strategies:

- 15.1 Ensure that new, replacement, or expanding uses minimize impacts to farm land by requiring "right to farm" measures to be implemented. This shall be accomplished by requiring recordation of a covenant that recognizes the rights of adjacent farm managers to farm their land.
- 15.2 New non-agricultural businesses should be limited in scale and type to serve the needs of the local rural area through provisions in the zoning ordinance.

Parks and Open Spaces

About 1,161 acres within this study area are classified as parks and open spaces. The majority of this land consists of Oxbow Regional Park, running along the Sandy River, and the eastern edge of the study area. The other public park in the area is the Springwater Corridor which follows SE Telford Road for a little over a mile within the study area. Other publicly owned open spaces include playing fields surrounding the area's schools.

Private open spaces include the Persimmon Country Club golf course, in the southwestern portion of the study area, and a larger tract of land owned by the Nature Conservancy, just south of Oxbow Park.

Parks and open spaces are illustrated in the land use map in Figure 6.

Oxbow Regional Park

Oxbow Regional Park is a facility that has been providing recreational opportunities to the public since 1963. The park is over 1,040 acres in size, is owned by multiple agencies, and was visited by over 219,000 people in 1996. Management responsibility of the park was turned over to Metro by Multnomah County in 1994. Metro adopted a Master Plan in October of 1997, after a planning process that included a number of public meetings and testimony from interest groups.

The Oxbow Park Master Plan includes provisions for management of the park and for development of replacement and new facilities. Management objectives include maintenance and enhancement of the park's natural habitat, more efficient use of the existing developed areas, limitations on use of park properties north and east of the Sandy River to approximately current levels, maintenance of the Ancient Forest area for habitat and ecological studies, and management of Elk Meadow as migratory elk habitat. The Master Plan envisions an approximately one percent increase in peak visitor capacity.

Improvements to the park facilities are intended to make up for wear and tear from use, to upgrade sanitation and water facilities, and to support greater seasonal use and other management objectives. The basic facilities upgrades include improved water filtration and replacement of the old outhouses with new vault toilets and shower buildings with flush toilets. Improvements also include reopening 20 campsites with 12 of those developed with yurts to encourage greater seasonal use, improvements to group picnic and camping areas, road realignments, a new environmental education building, and others.

Metro Regional Parks and Greenspaces Department has outlined several difficulties the organization has experienced during implementation of the Oxbow Park Master Plan. These are a priority due to the location of the park in a forest resource (CFU) zone. Development, including parks, located in this zone is subject to state mandated rules that do not always allow improvements to be located in a way that best fits park management objectives, or may not allow uses that support park program objectives.

Existing Policies and Strategies for Parks and Open Space Lands

The County's Framework Plan policies for these uses are contained in Policy 39: Parks and Recreation Planning, and Policy 40: Development Requirements.

Policy 39 states that the County's policy is to operate its established Parks and Recreation Program to the degree fiscal resources permit, and to:

- Work with interest groups to identify park needs.
- Secure funding for the parks program through federal, state, and local agencies and sources.
- Encourage development of recreation opportunities by other public/private entities.
- Support the publicly owned portions of the 40-mile loop trail.

The implementing strategies include:

- A description of duties for the County Parks Commission.
- Direction to update the Community Plans by identification of recreation needs.

Policy 40 defines the County's policy as to:

- Require dedication of pedestrian and bicycle path connections between public and community facilities as appropriate and where designated in the Bicycle Corridor Capital Improvements Program and map.
- Require landscaped areas in commercial, industrial and multi-family developments.
- Require areas for bicycle parking where appropriate.

- Based on the above analysis and discussion with the Task Force, three new policies and four associated strategies are proposed.

Policies and Strategies for Parks and Open Spaces

Policy 16

Publicly owned parks are a significant resource for the region. The County's policy is to support maintenance and upgrading of park facilities consistent with the character of the rural areas in which they are located.

Strategies:

- 16.1 Work with Metro to investigate development of an ordinance to implement a park zone for Oxbow Park.

Policy 17

Multnomah County recognizes and supports the Management Goals, Standards and Guidelines of the Sandy Wild and Scenic River and State Scenic Waterway Management Plan (1993). The County will continue to play the regulatory role described in the zoning and land use authority section of the plan, and as prescribed in state law. The Sandy River Management Plan recommendations are intended to protect and enhance the following outstandingly remarkable values: scenic, recreation, wildlife habitat, water quality and quantity, fisheries, geological, botanical/ecological and cultural.

Strategy:

- 17.1 Multnomah County will work with State Parks and Metro to develop a park zone to facilitate recreational development consistent with the County Comprehensive Framework Plan, zoning ordinance, rural area plan, and the Sandy Wild and Scenic River and State Scenic Waterway Management Plan.
- 17.2 Work with State Parks, BLM, Metro, Clackamas County and other agencies to review and update design strategies and development standards that protect scenic, wildlife, geological, water quality and quantity, fisheries, botanical/ecological and cultural resource values in designated sections of the river.

Policy 18

Open space in the area is maintained through rural, farm and forest zoning that works to protect the rural character.

Strategy:

- 18.1 Ensure that any zone changes do not detract from the open spaces and rural character of the area.

Policy 19

State and regional parks that are primarily intended to protect and conserve important natural resources and provide primarily natural resource based recreation and education opportunities for the benefit of residents of the County will most likely need to be located in areas possessing unique or desirable natural resource values.

Public Facilities

The West of Sandy River study area contains approximately 75 acres of land classified as public facilities. These lands are owned by a variety of quasi-public entities and special districts, including the Lusted Water District, the Pleasant Home Water District, the Powell Valley Water District, the City of Portland, Portland General Electric, the City of Gresham and the Rural Fire Protection District. Land owned by school districts and churches has also been classified in this category.

Public facilities uses are noted in the land use map in Figure 6.

Statewide Planning Goal 11 prohibits the extension of public facilities outside of the urban growth boundaries or unincorporated communities. This requirement limits the amount of development that can occur in the West of Sandy River area and will help preserve the rural lifestyle.

Existing Policies and Strategies for Public Facilities

The County's Framework Plan Policies for these uses are contained in Policy 37: Utilities, and Policy 38: Facilities.

Policy 37 contains requirements for development including adequate potable water and sewage disposal, drainage and stormwater runoff controls, and energy and communications availability. Policies of note for the rural area include requirements to ensure that:

- Development can be served with water, and connected to an on-site sewer system.
- Stormwater runoff can be contained on site.
- Stormwater runoff will not adversely affect the water quality in adjacent streams, ponds, lakes, or alter the drainage on adjoining lands.

Policy 38 addresses schools, fire protection, and police protection, and additionally provides for the County to ensure that:

- School districts may comment on development proposals when appropriate.
- Development is served by a fire district, and that the district be able to review and comment on proposals, and that there be adequate water to fight fires.
- Police protection is adequate.

These two policies contain provisions applicable to both urban and rural development and the policies that fit rural development and adequately apply to the West of Sandy River area so no policies specific to the study area are required.

Natural Hazards

Statewide Planning Goal 7 addresses natural hazards. This goal contains a few general requirements and several suggestions for local communities as they address elements such as flooding, ground water, erosion, landslides and earthquakes. Some of the elements that are addressed under Goal 7 are also pertinent to Goal 6, Air Water and Land Quality. For example, floodplain areas and erosion control have applicability under both goals. Title 3 of Metro's Functional Plan, has implementation requirements for both water quality (erosion) and floodplains.

Goal 7 requires that local communities plan all development that may be prone to damage or loss of life outside of known natural hazard areas unless appropriate safeguards accompany them. In addition, this goal requires that local plans be based upon an inventory of known natural hazard areas.

This section gives a brief description of flooding areas, landslide areas and relative earthquake hazard areas that are within the West of Sandy River planning area.

Overview of Potential Hazards

Flooding Areas

Goal 7 requires cities and counties to encourage low density and open space uses in flood areas. It also encourages cities to qualify for inclusion in the National Flood Insurance Program, requiring that development in flood-prone areas be appropriate to the probability of flood damage.

Portions of the West of Sandy River study area are located within the FEMA 100-year floodplain. These areas include most of the Sandy River as well as the area containing Johnson Creek in the southern portion of the study area, and Beaver Creek in the central northern portion of the study area. The West of Sandy River study area was not seriously impacted by the February 1996 flood event, but there was flooding on the Sandy River and some slides in Oxbow Park.⁶

Chapter 29.6 Flood Hazard Regulations, of the Multnomah County code contains provisions relating to flood hazard areas. These provisions are applicable to all areas in Multnomah County that fall within the 100-year floodplain. Most types of construction and alterations within the 100-year floodplain must obtain a floodplain development permit from the County. In addition, specific development standards apply to new development within the 100-year floodplain, which include the use of building materials resistant to flood damage. All new construction must be at least one foot above the base flood elevation. Finally, new water and on-site disposal systems should be designed to minimize infiltration, discharge, and contamination during flooding events.

A map of areas subject to natural hazards, which includes areas within the 100-year floodplain, is shown in Figure 7.

Landslide Areas

Goal 7 contains no provisions that are specific to landslide areas, but notes that such areas should be evaluated in order to determine whether and to what extent development limitations should exist. The Framework Plan implements Goal 7 through Policy 14, Development Limitations, and Goal 6 through Policy 13, Air, Water, and Noise Quality.

Records from the 1996 flood event include an inventory of known landslides through the Metro region.⁷ These records indicate that some landslides did occur in and around the West of Sandy River study area in the following areas:

- On Wilson Road, approximately 1,000 feet south of Kerslake Road, in the northern section of the study area. About 150 feet in length, this landslide has been characterized as mainly earth flow along a steep slope. The contributing factors are mainly natural rather than caused by humans.

⁶ Source: Metro Regional Land Information System.

⁷ Source: Metro RLIS, Earthquake Hazards and Landslide database.

- Along SE Stark Road, about ½ mile west of the bridge at Sandy River. This event has been characterized as a debris slide along a steep slope. About 35 feet, the contributing factors for this event are mainly human-caused, due to slope cutting.

In addition to these events, several landslides occurred just north of the study area, along Historic Columbia River Highway. These landslides consisted mainly of rockfall along very steep slopes. The major contributing factors for these events have been assessed as human disturbances from slope cutting. 1996 landslide areas are shown in Figure 7, some of which are outside the study area.

Chapter 11.15.6700 Hillside Development and Erosion Control of Multnomah County's code, is the primary implementing ordinance for Statewide Goal 7 and County Policy 14. The Hillside Development ordinance was first adopted in 1990. The provisions contain a number of exemptions that can result in development being permitted in hazardous areas without implementing the assessment and mitigation measures in Policy 14. The exemptions allow development to proceed without a hazard permit on land that slopes less than 25% and when the developer does not store 50 cubic yards of earth materials on site. This situation can occur on development sites that are flat, but are below a steep hillside or bluff that has a history of failure. These kinds of areas within the West of Sandy River Plan Area exist primarily within the Sandy River canyon.

Chapter 29.3 Grading and Erosion Control, of Multnomah County's code addresses grading and erosion control provisions for the entire county. These provisions are intended as a response to applicable requirements of Statewide Goal 6, but also apply to Goal 7. These provisions require applicants to obtain grading permits for development that would disturb more than 50 cubic yards of soil, as well as a variety of measures to minimize cut and fill activities that could result in erosion. These elements may help to mitigate the effects of landslide events in the study area.

Earthquake Hazard Areas

Earthquake hazard areas have been evaluated for this study area. Metro's natural hazards database was used for this component of the study. This information describes the relative degree of earthquake hazard across the Metro region. Generally, there are three factors which contribute to an area's response during an earthquake event. These factors include:

- Amplification of ground shaking, due to the existence of a "soft" soil column.
- Liquefaction of water-saturated sand, and
- Slope instability, usually triggered by shaking that occurs during the earthquake event.

Hazard areas have been classified according to the interaction of these three factors, and classified in categories A-D. Areas labeled "A" are the most likely to show a response during an earthquake event.

There are limited sections of the West of Sandy River study area that have been classified with the highest relative earthquake hazard rating. This area runs along the steeply sloped portions of the Sandy River. As earthquake hazards have been mapped only to the Metro Jurisdictional Boundary, the inventory does not cover the entire West of Sandy study area. As the conditions along the Sandy River are similar through most of the study area, it can be assumed that a higher relative earthquake hazard rating would also apply along the entire length of the Sandy River.

Existing Policies and Strategies for Natural Hazard Areas

Policy 14 of Multnomah County's Framework Plan addresses Development Limitations. This policy generally provides that the County will direct development away from areas with steep slopes, severe soil erosion potential, areas within the 100-year floodplain, and areas with a high seasonal water table, a fragipan less than 30 inches from the surface, and lands subject to slumping, earthslides or movement.

Strategies for achieving these policies include provisions for limited development in the 100-year floodplain; conditional uses which help limit hazardous development conditions. In addition, development standards should include provisions for sediment and erosion control as well as drainage and preservation of vegetation in habitat areas.

Flooding areas have also been addressed in the environmental section of this plan, as part of the County's effort to comply with Statewide Goal 6 and Metro's Title 3 requirements for flood management and water quality. In addition, provisions currently within the County's Code (Ch 29.6), such as setting a minimum base elevation for new development within the floodplain, should help to mitigate effects on property from flooding events.

Two landslides from the 1996 event have been documented in this study area. One of these landslides has been attributed to natural causes and one was attributed to human causes. Provisions for erosion control contained within Multnomah County's Code (Ch 29.3 and 11.15.6700) should help to prevent landslides from occurring. The existing County policy adequately addresses most of the natural hazard issues, however the exemptions allowed in the existing Hillside Development ordinance should be reviewed to ensure that review of development on hazardous sites occurs. One additional policy is recommended to meet Metro requirements for floodplains.

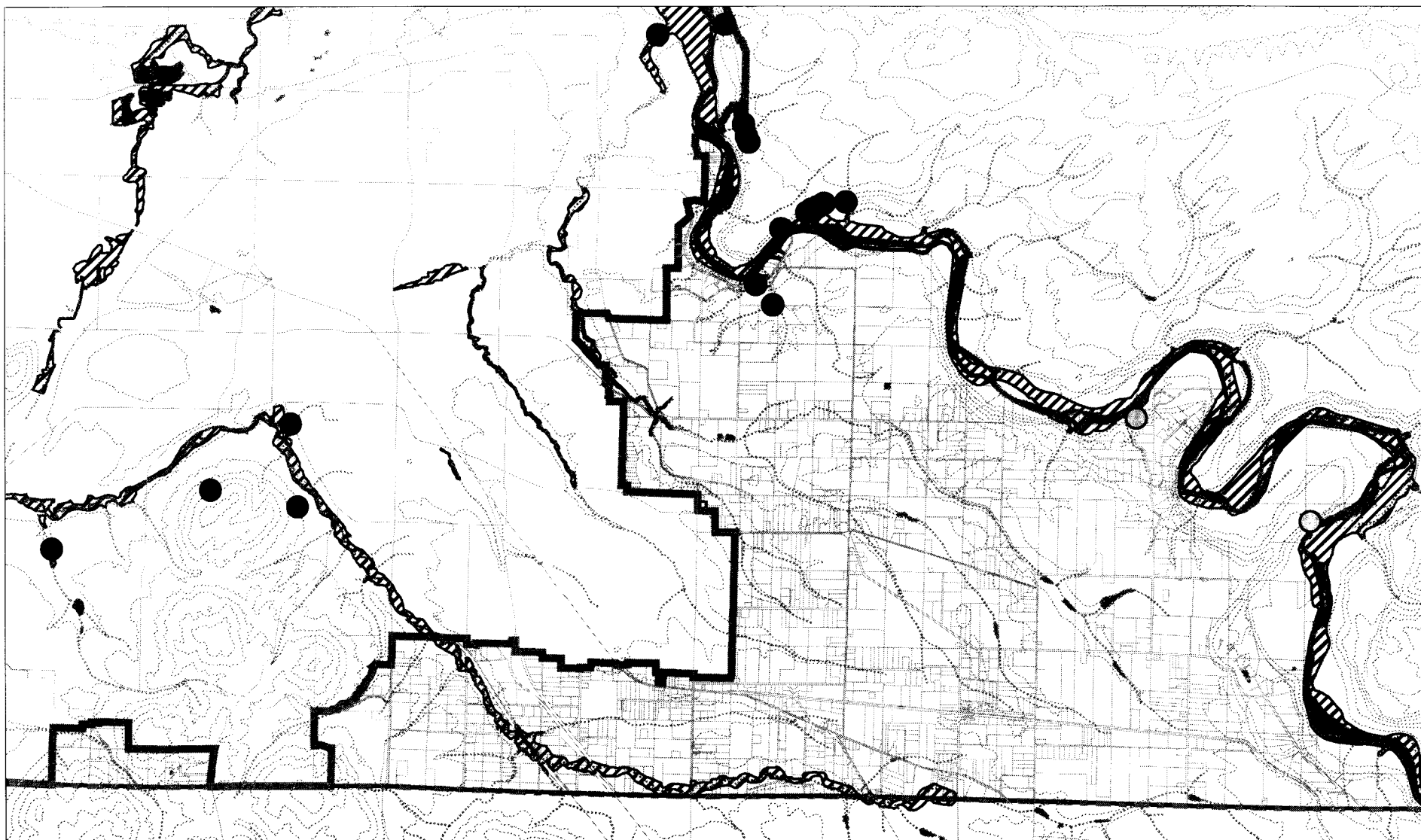
Policies and Strategies for Flood Hazard Areas

Policy 20

Multnomah County will regulate flood management areas consistent with the requirements of Title 3 of the Metro Functional Plan in order to reduce the risk of flooding, prevent or reduce the risk to human life and property, and maintain functions and values of floodplains such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems.

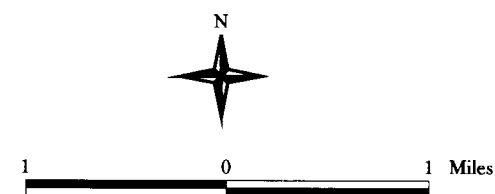
Strategy:

- 20.1 Multnomah County shall implement this policy by establishing standards to reduce the risk of flooding and maintain the functions and values of floodplains pursuant to *Title 3 of the Metro Urban Growth Management Function Plan*, including:
- Establishing a definition of "flood management areas" which includes the area of inundation for the February 1996 flood, as well as all lands within the 100-year floodplain, flood areas and floodways as shown on the Federal Emergency Management Agency Flood Insurance Maps.
 - Requiring development, excavation and fill within flood management areas be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.
 - Requiring all fill placed at or below the design flood elevation in flood management areas be balanced with at least an equal amount of soil material removal. Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.
 - Requiring temporary fills permitted during construction be removed.
 - Prohibiting areas of unconfined hazardous materials as defined by DEQ in the Flood Management Areas.



- February 1996 Landslides
- ⊙ Other Landslides - Local Inventories
- General Landslide Areas - Local Inventories
- Contour Lines (100 foot)
- All Streams
- ▨ 100 Year Floodplain
- County Lines
- Urban Growth Boundary

West of Sandy River Rural Area Plan Figure 7 Areas Prone to Natural Hazards



Map by Parametrix. Data source: Metro RLIS

RURAL CENTER

INTRODUCTION

The Orient area was first settled by pioneers in the early 1850's and was known for agriculture and timber production. Two competing theories exist regarding how the area became known as Orient. One theory is that the community took its name from the Orient Steam Sawmill, the other speculates that the community acquired its name from the local school, which was so named because it was the eastern-most school in the region.



Pleasant Home Church and Mt. Hood from Dodge Park Blvd.

Remnants of the turn of the century community can still be found in the historic structures that are located in and around Pleasant Home and Orient. This grouping of old homes, farm buildings, and the Pleasant Valley Church make up a concentration of old structures that is unique in Multnomah County. The area was considered as a potential Rural Historic District under Statewide Planning Goal 5 prior to changes to the implementing rules that no longer required protection of significant historic resources. The church was designated as a significant resource in July of 1980. A description of the potential historic district and map are included in the appendix.

Despite once being connected to Gresham by an electric streetcar system, the Orient area has always remained rural with a large number of farms. Berry farms and other agricultural uses were common throughout the area and each spring migrant workers came to prepare the fields for the harvest that would commence in mid-May. Today, nursery operations have replaced the berry farms, but migrant workers still travel to the area and commercial and community uses are found in the Orient Rural Center.

Unincorporated Communities Rule

The Orient and Pleasant Home areas are zoned as the Rural Centers for this area of Multnomah County (see Figure 8). New State rules affecting the Rural Center have been implemented since the County's last plan was prepared. These new regulations are referred to as the Unincorporated Communities Rule⁸.

Through the Unincorporated Communities Rule, the State has acknowledged that some concentrated areas of residential and commercial activity have come to exist outside of urban growth boundaries. State guidelines for these areas have been constructed to help counties plan without having to fulfill a stringent "exceptions" process in their efforts.⁹ The rule requires that counties identify and designate such areas, plan for permitted and prohibited uses, and anticipate current and future facilities needs. According to the criteria within the rule and discussions with state land use staff, the Orient area is designated as a Rural Community and Pleasant Home is designated as a Rural Service Center.

⁸ For details on this rule, please refer to OAR 660-022, or Division 22

⁹ Please see Statewide Goal 2 for details.

INVENTORY AND ANALYSIS

The Orient Rural Center contains about 168 acres. It is centered at the fork of Orient Drive and Dodge Park Boulevard. It contains about 123 parcels and 62 dwellings, and lies roughly east of SE Anderson Road, and west of 302nd Avenue. The northwestern section of this area is adjacent to the Metro urban growth boundary for an approximately ¾-mile stretch. The area is long and narrow in its configuration, differentiating it from the characteristics of a more traditional, clustered rural community. Orient Drive is also used as an alternative to US 26 for those traveling to Sandy, though traffic volumes are generally low.

The Pleasant Home Rural Center is comprised of about 3 acres. It contains 13 parcels, 6 dwellings, and is situated at the intersection of Pleasant Home Road and Dodge Park Boulevard. Pleasant Home is much smaller than the Orient area and is clustered around a single intersection.

The Rural Center contains residential uses, some vacant parcels in farm use, commercial and industrial uses, and a limited number of publicly owned parcels with public facilities, such as the Orient Elementary and Middle Schools. There are also a few parcels with dual residential-commercial use.

Development activity in the Rural Center has generally been light. Over the past ten years, only three new residential building permits have been issued in the Orient area. All have been issued since 1998.

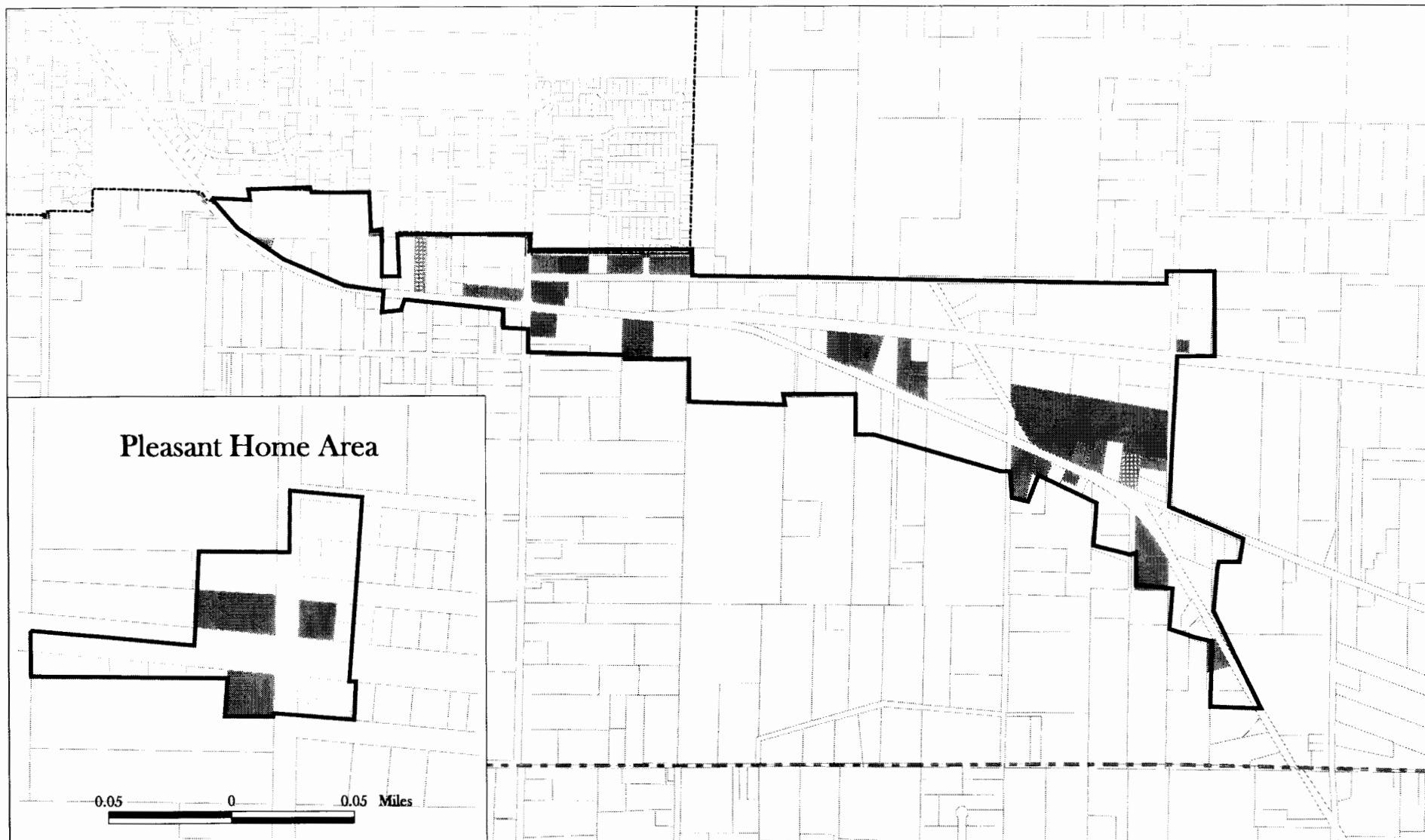
In order to determine the appropriate designations for both parts of the current Orient Rural Center area, a parcel-by-parcel inventory of both the Orient section and the Pleasant Home section was conducted. The inventory included site visits, inspections of aerial photographs and assessor data, and a recent inventory of area businesses. The findings from this inventory are illustrated in Figure 8. Information on land uses is also provided in Table 2, which illustrates the types and acreage of land inventoried.

Table 6: Land Uses in the Rural Center Areas				
Land Use Classifications	Orient Section		Pleasant Home Section	
	Number of Parcels	Acres of Parcels	Number of Parcels	Acres of Parcels
Residential	62	98	6	2
Commercial	24	20	3	1
Residential/Commercial	2	2	0	0
Industrial	4	6	1	.5
Public Use	4	13	0	0
Vacant	27	29	3	.3
TOTAL	123	168	13	4






Source: Metro RLIS database combined with local site inventories. Acreage figures include only the portions of split parcels that are inside of the Rural Center boundary. These estimates do not include land in public right-of-way.

As illustrated in Table 6, the predominant use category in both sections of the current Rural Center is residential use, with a good portion of commercial uses in the Orient area. Based on this land use analysis and discussions with State planning staff the Orient area was designated a Rural Community and the Pleasant Home area was designated as Rural Service Center. The most significant outcome of this decision is that the Orient area is required to have new zoning requirements and a new zoning map to

meet State requirements (described below). The zoning in the Pleasant Home area remains largely the same.



Urban Growth Area

-  Commercial
-  Commercial/Residential
-  Industrial
-  Public
-  Residential
-  Vacant

West of Sandy River Rural Area Plan

Figure 8

Rural Center Land Uses



0 0.5 Miles

Transportation Capacity

State requirements for Rural Communities/Service Centers are that zoning must ensure that new uses do not exceed the capacity of the transportation system. The transportation section of this plan identifies improvements needed in the Orient area based on projected land use patterns. These projections are based on the current zoning in the Rural Center and include improvements to the intersection of Orient Drive and Dodge Park Boulevard for safety reasons and to the 302nd Avenue/Orient Drive/Bluff Road intersection also for safety reasons. Changing the zoning in the Orient area to potentially allow more commercial development is likely to increase the amount of future trips in this area. Increased trips will likely require the addition of a signal at the 302nd Avenue/Orient Drive/Bluff Road intersection by the year 2020. The Task Force agreed to the recommendation for a signal when warranted even though this is a more urban-type facility. A signal already exists at the intersection of Dodge Park and Troutdale Roads. In addition, the Task Force recommended lowering the transportation level of service in the Orient area from level of service C to level of service D. This will reduce the likelihood of a signal being required in the near term and recognizes that the Orient Rural Community will continue to be an area with more intensive development.

Public Facilities

The Pleasant Home Water District serves most of this area, though there are also some homes served by wells. The water district is a wholesale customer of the City of Portland. It purchases water that is pumped from the Bull Run Reservoir, and stored in a 600,000-gallon holding tank. This district serves primarily residential uses, with a few agricultural and commercial uses. A few years ago, the district placed a cap on further irrigation permit sales to allow enough capacity for future residential needs.

Most of the homes and businesses in this area are served by on-site septic systems. The Orient schools, however, use temporary holding tanks. The waste from these holding tanks, including the tank serving Sam Barlow High School, is transported to Gresham seven or eight times each day according to the school district. Reports from the Portland Office of Sanitation Permits indicate that this area has experienced a fairly high number of septic failures in recent years. This is due, in part, to the area's soil classification. Powell soils, while favorable for farming, tend to accompany a high water table. Some recent applications for partitioning have been denied by the Portland Office of Sanitation Permits because of inadequate discharge capacity.

State Guidelines

The Unincorporated Communities Rule requires counties to adopt public facilities plans for unincorporated communities over 2,500 in population. As the current Rural Center area is significantly smaller than this, this criterion does not apply.

In addition to this criterion, however, sewer and water community public facility plans are required in any of the following circumstances:

- Existing sewer/water facilities are insufficient, or may become insufficient to meet demand
- The current plan provides for growth that cannot be served with existing systems
- The community relies on groundwater and is in a groundwater critical area
- Land in the community has been declared a public health hazard.

To gauge the development potential of the Orient Rural Center area and to determine if public facility plans were required an analysis of the area's maximum build-out capacity was conducted using the following assumptions:

- A minimum parcel size of one acre for new residential units.
- Partitioning of developed residential parcels to the maximum extent permitted by zoning.

- New zoning designations for the proposed Rural Community that follow the zoning concept illustrated in Figure 9.

This analysis revealed that, at maximum, about 80 new dwelling units could be constructed in the Orient Rural Center. Each of these residential properties would have to be served with on-site septic and stormwater control systems. There are two factors that will determine the future residential build out of this area, the desire of the property owner to subdivide or partition, and the ability to pass a percolation test for an on-site system and to control stormwater. Given that partitioning may not occur on all lots with development potential, and given the need for testing and approval for septic systems on soils with limiting characteristics, it is not likely that maximum will be realized.

For the following reasons a determination was made that a public facility plan is not needed for this area. First, because of the long and narrow configuration of the Orient section, the extension of sewer facilities into this area would be very costly – serving a relatively small number of persons given the area’s size. Second, because the Portland Office of Sanitation Permits currently issues or denies new building permits based on site inspections and percolation tests, meaning that the area’s carrying capacity is already being determined and regulated on a site-by-site basis. The County plan currently contains provisions that are intended to manage stormwater. Third, the area is not served by groundwater. Finally, the conversion to sewer, and the urbanization that may accompany it, would not be in keeping with the vision established by the community as part of this planning process, which is to maintain the rural character of the area.

Residential Uses

Residential uses are permitted by right in the County’s current Rural Center (RC) zone and comprise the majority of the uses found in the Orient and Pleasant Home areas. In addition, housing for farm/forest workers is permitted with specific provisions. Home occupations are also permitted within residences.

The current minimum lot size for new parcels for residential use in the RC zone is one acre. Dimensional requirements consist of front and rear setbacks of 30 feet and side setbacks of 10 feet, except when abutting a street, in which case the side setback is also 30 feet. Conditional uses, which are more intensive commercial and industrial uses, must demonstrate adequate parcel size for approval.

State Guidelines

According to the Unincorporated Communities Rule, county plans and land use regulations may permit any residential use and density, as long as the density of residential development is greater than that of surrounding rural areas, and as long as it will not exceed the carrying capacity of the soil for waste disposal and of existing water supply resources.

The new zoning code must ensure that residential uses do not adversely affect surrounding agricultural uses, as well as the transportation system, environmental and water regulations and resources, and regional goals. Current lot size restrictions and setback requirements should meet this requirement.

Commercial Uses

Currently, the only commercial uses that are permitted by right in the Rural Center zone are farming and forestry uses and home occupations. Other uses are permitted only under prescribed conditions. They include wholesale and retail sales of products raised or grown in the area, with the location and building standards subject to the discretion of the planning director. Replacement of structures related to public safety and services may also be permitted when damaged from an emergency or disaster event.

Other uses permitted as conditional uses include local stores, shops, offices, repair shops, restaurants, gas stations, motels and guest ranches.

There is currently no minimum lot size for non-residential uses in the Orient Rural Center area.

State Guidelines

According to the Unincorporated Communities Rule, new commercial uses permitted in Rural Communities and Rural Service Centers may include any of the following:

- All uses authorized under Goals 3 and 4 (farm and forest lands),
- Small-scale, low-impact uses, defined as those in a building not exceeding 4,000 square feet of floor area,
- Uses intended to serve the immediate community and surrounding rural area, or those traveling through the area,
- Uses that do not adversely affect agricultural and forestry uses,
- Uses consistent with the capacity of the area's transportation facilities.

Aside from the size limitations (4,000 feet for some uses), all current commercial uses permitted in the Rural Center are permitted in the Rural Community/Service Center under this plan, with the exception of hotels and motels. According to the Unincorporated Communities Rule, hotels and motels must be served by a community sewer system, which the Rural Center area does not have.

Industrial Uses

Currently, the County's zoning code permits light industrial activities as a conditional use. The specific conditional uses allowed are the same as those permitted by right in the County's light manufacturing zones. For the current Rural Center area, these uses should require no more than 20 daily employees. Uses may be expanded up to 40 daily employees when:

- The expansion is a result of normal growth of the existing use and not required as a result of business diversification,
- The use employs primarily persons living within the area or in the surrounding rural area,
- The use satisfies other applicable Framework Plan elements ¹⁰,
- The use satisfies the County's design review provisions.

It is possible that State guidelines may limit the type and extent of industrial uses currently provided in the Rural Center area. A generally accepted employment density for industrial uses is about 1,000 square feet per employee. The State's prohibitions on uses larger than 10,000 square feet of floor area might, in some circumstances, limit the number of employees to fewer than twenty, the current maximum permitted by the County (not accounting for expansions).

State Guidelines

According to State guidelines for Rural Communities and Rural Service Centers, industrial uses that are permitted include the following:

- Uses authorized under Goals 3 and 4 (farm and forest uses),
- Expansion of uses existing as of the date of the rule (12-5-94),

¹⁰ Applicable Framework Plan elements include: Number 20 – Arrangement of Land Uses; Number 30 – Industrial Location; Number 36 – Transportation Systems Development Requirements; Number 37 – Utilities; and Number 38 – Facilities.

- Small-scale, low impact uses, defined as those using not more than 10,000 square feet of built floor area,
- Uses that require proximity to a rural resource as defined by the rule, such as geothermal wells, mineral or aggregate deposits, water reservoirs and natural features).
- Uses that will not exceed the capacity of water and sewer service available to the site.

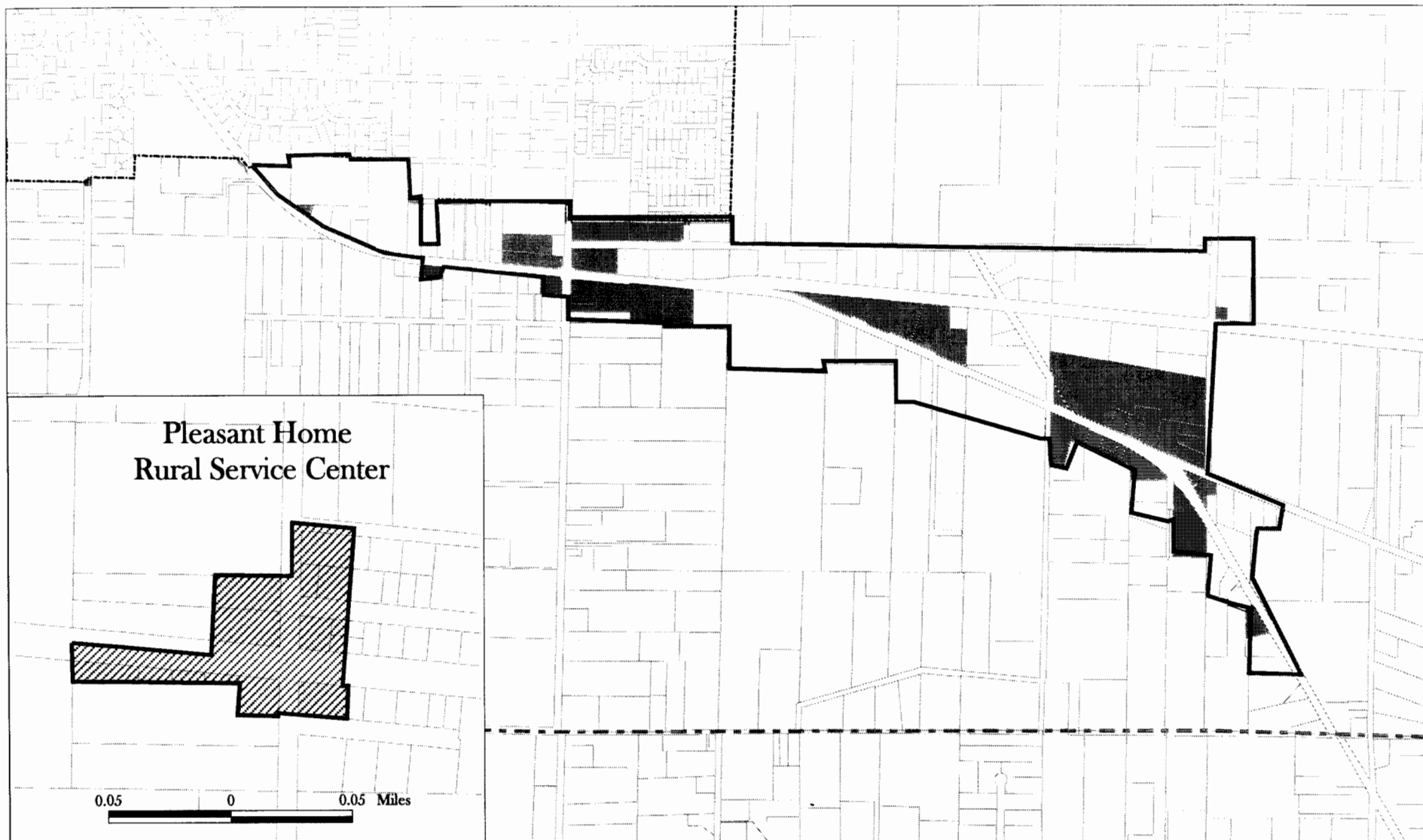
More intensive uses than those listed above may be permitted when:

- The uses do not require exceeding the projected work force within the community and the surrounding rural area,
- The uses would not rely upon a work force served by uses within urban growth boundaries, and
- The work force need determination considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.

Both state guidelines and Multnomah County's code contain provisions for allowing more intensive uses or for expanding existing uses. While both sets of guidelines follow a similar intent, the state provisions will require the County to adopt a more specific basis for determining why a proposed use or expansion would be appropriate (e.g., not rely upon a work force served by uses within urban growth boundaries). Due to the proximity of the Rural Centers to the UGB, the plan does not attempt to justify uses more intensive than the small-scale low impact uses provided for in the Rule.

Overview of Recommended Zoning Map Changes

The new zoning designations required in the Orient area are shown on Figure 9. The new zoning map generally zones current residential areas as residential and commercial uses as commercial. The new zoning designations are designed to maintain compatibility between adjacent land uses and recognizes those areas that are likely to continue as "nodes" of commercial activity. In addition, it may be possible to combine both industrial and commercial uses for Orient into a single zone to allow more flexibility of location within the limited area of the community. Some additional commercial zoning was added at the request of property owners and the Task Force. In almost all cases, vacant parcels are zoned as residential. As noted earlier, the Pleasant Home section will not receive individual zoning designations, due to its classification as a Rural Service Center.



Orient Rural Community



Commercial



Industrial



Public Facilities



Residential



Pleasant Home Rural Service Center

West of Sandy River Rural Area Plan

Figure 9

Rural Center Zoning Concept

0



0.5 Miles



Current County Plan Policies and Strategies

The following is an overview of the County's current policies and strategies for the Rural Center, as detailed in the County's Comprehensive Framework Plan.

Currently, the Orient Rural Center area is planned and zoned to permit few uses by right, mainly farming and associated uses and single-family residential uses. Policy 7 (Rural Center Island Area) of Multnomah County's Framework Plan describes local objectives for the Orient Rural Center. The purpose of the centers is to provide rural services for the residents and businesses located in the rural areas of the County. The intensity and types of uses must be appropriate to the character of the rural area. The policy relates primarily to uses that are permitted within the area, and to expansions of the area boundary.

Currently, suitable uses within the Rural Center are to be ensured by:

- Gauging the need of proposed uses with respect to the area's acknowledged purpose,
- Determining that sufficient land exists for the use,
- Establishing development standards, and
- Ensuring that natural resource areas are minimally impacted.

Expansions of the Rural Center area shall:

- Not include EFU land, unless it is the only land available,
- Not impact natural resources or rural residential areas,
- Be adjacent to current RC boundaries, and
- Not be primarily for new residential development.

Local strategies for achieving the Rural Center policies include the following:

- Low-density residential development and farm/forestry uses as primary uses
- Commercial and industrial uses as conditional uses or uses under prescribed conditions
- Address the standards that should apply when altering conditional uses, as well as standards for parking, landscaping and setbacks that are consistent with the character of Rural Centers
- Establish procedures for monitoring land availability and land absorption
- Update the Rural Centers study on at least a five-year schedule.

Based on analysis and discussions with State land use planning staff the Orient area is classified as a Rural Community and the Pleasant Home area is designated a Rural Service Center as defined by the State Unincorporated Communities Rule. A new zoning map and new zoning requirements (described in the Appendix) are created for the Orient area. The new zoning scheme for the Orient area meets all of the requirements of the State's Unincorporated Communities Rule. New policies and strategies are required for the Orient Rural Community and the Pleasant Home Rural Center.

NEW POLICIES AND STRATEGIES FOR THE RURAL CENTER AREA

The following policies and strategies are intended to assist in development of ordinances to carry out the desires of the community within the standards set by law, including implementation of the Unincorporated Communities Rule. Some of these policies have significant implications on how the Orient Rural Community develops in the future.

Orient and Pleasant Home Rural Communities

Policy 21

The County's policy is to plan for the Orient and Pleasant Home Rural Communities to provide for community development that is consistent with and implements the Community Vision. Key elements of

the vision are to maintain the rural character of the communities, to support the agricultural economy of the area, and to ensure that new non-agricultural businesses primarily support the needs of residents and tourism.

Strategies:

- 21.1 The County should adopt plan policies and ordinances that meet the state Unincorporated Community Rule codified as Oregon Administrative Rule OAR 660-022-0000 through 0070.
- Orient should be designated and planned as a Rural Community because it is composed primarily of residential uses.
 - Pleasant Home should be designated and planned as a Rural Service Center in order to allow the maximum flexibility in location of uses in the limited land area.
 - Revise the RC zoning ordinance to reflect the needs of the Pleasant Home community consistent with the Division 22 OAR for Unincorporated Communities.
- 21.2 Ensure that new or expanding uses minimize impacts to EFU zoned land that is adjacent to the RC zone by requiring “right to farm” measures to be implemented. These measures can be in the form of maintaining a larger setback between the new development and the zone boundary, and/or requiring recordation of a covenant that recognizes the rights of adjacent farm managers to farm their land.

Commercial and Industrial Development

Policy 22

New commercial and industrial uses within the Orient Rural Community will be small-scale and low impact in nature as defined by the State Unincorporated Communities Rule. These uses will not adversely impact agriculture or forestry uses and will reinforce the rural nature of the Orient Rural Community and the Pleasant Home Rural Service Center.

Strategies:

- 22.1 Multnomah County will update the Community Development Ordinance to implement the Unincorporated Communities Rule for small-scale, low impact commercial and industrial uses. Due to the proximity of the communities to the Urban Growth Boundary, the plan does not attempt to justify new uses that are larger than the small-scale, low impact limits in the Rule.
- Existing commercial uses may expand up to the small-scale, low impact limit of 4,000 square feet subject to approval criteria in the ordinance.
 - Expansion of existing industrial uses shall be subject to the small-scale, low impact limit of 10,000 square feet and to approval criteria in the ordinance.
- 22.2 Multnomah County will update its implementing regulations to ensure that new or expanded commercial and industrial development will not result in public health hazards or adverse environmental impacts.
- 22.3 Multnomah County will update its implementing regulations to ensure that new or expanded commercial and industrial development will not exceed the carrying capacity of the soil or of the existing water supply and waste disposal services.
- 22.4 Ensure that new and expanded commercial or industrial uses are subject to Design Review in order to ensure compatibility with the community character.

- 22.5 Develop zoning ordinance standards for lot coverage of commercial and industrial development that allow adequate development area while ensuring the rural character of these areas is retained.

Residential Development

Policy 23

New residential development within the Orient Rural Community and the Pleasant Home Rural Service Center will not increase the number of dwellings that would be allowed in the community under the existing zoning ordinance, and will continue to reinforce the rural nature of the areas through the zoning code.

Strategies:

- 23.1 Multnomah County will update the zoning ordinance to implement the Unincorporated Communities Rule for residential development
- 23.2 Include provisions in the residential zone that allow for Type A home occupations outright, and Type B home occupations through an administrative review process and design review.
- 23.3 The zoning code for new residential parcels in the Rural Center will be at least one acre in order to not increase residential density and to ensure that the carrying capacity of public services and the environment is not exceeded.

Design

Policy 24

Accommodate the changing conditions within the Orient Rural Community and the Pleasant Home Rural Service Center while preserving their rural function and appearance.

Strategies:

- 24.1 Multnomah County should develop and adopt design standards regulating commercial and industrial development which reflect and enhance the rural character of the Orient Rural Community.
- 24.2 Multnomah County should allow flexibility of setback and parking requirements to accommodate irregular lots and existing development to help preserve the rural character of the area.

Protection of Views

Policy 25

Multnomah County should identify and help preserve critical viewsheds in the Orient Rural Community and Pleasant Home Rural Service Center and balance protection of scenic views with flexibility of use by property owners. The county should rely on education – i.e. providing information regarding identified viewsheds to property owners – rather than regulations to implement this policy.

Transportation

Policy 26

Enhance all modes of travel in a manner consistent with the rural character of the Orient Rural Community and Pleasant Home Rural Service Center.

Strategies:

- 26.1 Provide pedestrian and bicycle access to schools, transit and commercial activities within the Orient Rural Community and Pleasant Home Rural Service Center, consistent with the rural character of the area.
- 26.2 Review the existing parking standard for schools to ensure sufficient parking is provided to meet demand.

Preservation of the Night Sky

Policy 26

In keeping with the rural nature of the Orient Rural Community and Pleasant Home Rural Service Center, Multnomah County will require lighting in these areas to be low intensity and designed in a manner that minimizes the amount of light pollution.

Strategy:

- 26.1 Multnomah County will update the Community Development Ordinance to insure that new development meets lighting standards that minimize the amount of light pollution in the Orient Rural Community and Pleasant Home Rural Service Center.

TRANSPORTATION SYSTEM PLAN

REVIEW OF TRANSPORTATION PLANS AND POLICIES

Existing policies and regulations at the local, regional and, state and federal level were reviewed as part of this plan to ensure that the recommendations would be consistent and coordinated with relevant policies, goals and standards. This section summarizes applicable transportation plans and policies.

Local

Multnomah County planning documents reviewed in the preparation of the West of Sandy River TSP include the following:

- Comprehensive Framework Plan Policies, Volume 2: Policies, April 1998, specifically policies 33A, Transportation System; Policy 33C, Bikeways/Pedestrian System; Policy 34, Trafficways; Policy 35, Public Transportation; and Policy 36, Transportation System Development Requirements.
- Pedestrian Master Plan, April 1996.
- Bicycle Master Plan, December 1990.
- 1998-2002 Transportation Capital Improvements Plan and Program, June 1998. The 1998-2002 Capital Improvements Plan and Program lists six planned roadway improvement projects and 11 planned bikeway projects.
- Rural Transportation System Plan, Technical Memorandum No. 1: Background Information Summaries, prepared for the Multnomah County Transportation Division and the Oregon Department of Transportation by CH2MHill, January 1997.
- Westside Rural Multnomah County Transportation System Plan, prepared for Multnomah County by CH2MHill, July 1998.



Locally, the County's *Comprehensive Plan* addresses street and road policy. *Comprehensive Plan Policy 33A, Transportation System Plan*, is intended to "...implement a balanced, safe and efficient transportation system." Strategies include adoption of Transportation System Plans in all appropriate areas of the county and updating Policy 33 of the Comprehensive Framework Plan to reflect the policies adopted in the Transportation System Plans. *Comprehensive Plan Policy 33C, Bikeways/Pedestrian System*, establishes "the County's policy to implement a bicycle/pedestrian system as an alternative transportation mode, furthering the opportunity for a balanced system."

Comprehensive Plan Policy 34, Trafficways, establishes a functional classification system for county roadways. Trafficway classifications include:

- Local Urban Streets and Rural Roads
- Collector Streets (neighborhood collector streets, major collector streets, rural collector roads)
- Arterial Streets (minor arterial streets, major arterial streets, principal arterial streets, rural arterial roads)
- Expressways
- Freeways
- Overlay Classifications include:
 - Scenic Routes
 - Boulevards (regional boulevards, community boulevards)
 - Streets (regional streets, community streets)

Comprehensive Plan Policy 34, Public Transportation, is intended “to direct the County to consider the effects of land use decision on the efficient provision of public transportation, and to continually review the Tri-Met routes to determine that the County residents are receiving the best possible service.”

Comprehensive Plan Policy 36, Transportation System Development Requirements, is intended “to require the dedication of the additional right-of-way if the development proposal will affect the road system; to reduce the number of ingress and egress points; to ensure the provision of “on-site” parking and loading and, where possible, bus loading areas.”

The County’s adopted *Pedestrian Master Plan* (1996) notes that “in the rural area, less than 15 percent (approximately 28 miles) of the arterial and collector roads have paved shoulders. The County minimum design standards for shoulders on rural local and collectors is 1.5 m (5.0 ft). For arterials, the minimum shoulder width is 1.8 m (6.0 ft), but if the shoulder width exceeds the minimum, only the first 1.5 m (5.0 ft) of shoulder width needs to be paved.

The *Multnomah County 1998-2002 Capital Improvement Plan and Program* (CIP) addresses transportation needs in four categories: roadways, bikeways, pedestrian facilities, and Willamette River Bridges. Table 3 summarizes the CIP projects either partially or entirely within the study area. None of the projects are scheduled for construction within the 1998-2002 Capital Improvement Plan and Program.

Table 7: CIP Projects within the Study Area

Street Name	From	To	Category	Priority
Roadway Projects				
Division Dr.	268 th Ave.	Troutdale Rd.	Arterial	3
Division Dr./Troutdale Rd.			Signal	2
282 nd Ave.	Powell Valley Rd.	Orient Dr.	Collector	2
Regner Rd.	Butler Rd.	County Line	Collector	2
Bikeway Projects				
Division St.	Urban Growth Boundary	Troutdale Rd.	Bike Lane	
282 nd Ave.	Troutdale Rd.	Orient Dr.	Bike Lane	
Orient Dr.	Welch Rd.	Dodge Park Rd.	Shldr. Bkwy.	
Dodge Park Blvd.	Orient Dr.	County Line	Shldr. Bkwy.	
Oxbow Dr.	Division Dr.	Oxbow Prkwy.	Shldr. Bkwy.	
Troutdale Rd.	Strebin Rd.	282 nd Dr.	Bike Lane	
Division Dr.	Troutdale Rd.	Oxbow Prkwy.	Bike Lane	
Oxbow Park Rd.	Oxbow Prkwy.	Oxbow Park	Shldr. Bkwy.	
Oxbow Prkwy.	Oxbow Dr.	Oxbow Park Rd.	Shldr. Bkwy.	
302 nd Ave.	Division	Oxbow Park Rd. Orient	Shldr. Bkwy.	

Regional

Regional transportation planning and policy documents reviewed include Metro's *2040 Growth Concept Plan*, the *Regional Framework Plan*, the *Regional Transportation Plan (RTP)* and the *Metropolitan Transportation Improvement Program (MTIP)*. These documents address transportation policy, objectives, strategies, and recommended improvement projects throughout the Portland metropolitan region. No projects within the study area are included in the 2000-2004 MTIP list of committed improvements, although the 2000 RTP includes the following designations for facilities within the study area.

- US 26: principal arterial (highway), potential neighbor city transit route, main roadway route for freight, and regional bikeway corridor.
- SE 242nd Avenue: minor arterial, and community connector for bicycle travel.
- SE Orient Drive: rural arterial (farm-to-market), road connector for freight, and community connector for bicycle travel (west of SE 282nd Avenue).
- SE Bluff Road: rural arterial (farm-to-market).
- SE Lusted Road: rural arterial (farm-to-market).
- SE Troutdale Road: collector of regional significance (north of SE Division Drive), and community connector for bicycle travel.
- SE Division Drive: collector of regional significance and community connector for bicycle travel.
- SE Stark Street: rural arterial (farm-to-market) and community connector for bicycle travel.

At the regional level, Metro establishes and implements regional transportation planning policy through the *2040 Growth Concept Plan*, the *Regional Framework Plan* and the *Regional Transportation Plan (RTP)*. These planning documents collectively establish transportation policy for all forms of travel – motor vehicle, transit, pedestrian, bicycle and freight – and include specific objectives, strategies and projects to guide local and regional policy implementation. The *Regional Framework Plan* provides a policy foundation for the specific transportation improvements and strategies identified in the *Regional Transportation Plan*. Recommendations in this West of Sandy River TSP are consistent with policies in the *Regional Framework Plan* that place limits on new roadways or new connections to existing roadways in unincorporated rural areas.

The RTP includes cost estimates for recommended projects throughout the region, and funding strategies to meet these costs. The plan was first adopted by the Metro Council in 1983 and is updated periodically to reflect changing conditions. The RTP was adopted in August 2000 to be consistent with the 2040 Growth Concept. The discussion of improvements near the West of Sandy River study area in the RTP Priority System is limited to Hogan Road/242nd Avenue, which is identified as an eventual four-lane highway link between I-84 and US 26. Improvements to Hogan Road/242nd could facilitate truck movements between the study area and I-84. However, the 2000 RTP also finds that Hogan Road/242nd Avenue will continue to perform adequately in 2020, with congestion limited to certain intersections.

State

Statewide Planning Goal 12 governs transportation planning at the state level, and is implemented through the *Oregon Transportation Plan*. Oregon Administrative Rule 660-012, the *Transportation Planning Rule*, (TPR) provides structure for the transportation system plan.

Goal 12 of the *Oregon Transportation Plan* is intended to provide and encourage a safe, convenient and economic transportation system. Goal 12 specifies that “a transportation plan shall:

- Consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian;
- Be based upon an inventory of local, regional, and state transportation needs;
- Consider the differences in social consequences that would result from utilizing differing combinations of transportation modes;
- Avoid principal reliance upon any one mode of transportation;
- Minimize adverse social, economic and environmental impacts and costs;
- Conserve energy;
- Meet the needs of the transportation disadvantaged by improving transportation services;
- Facilitate the flow of goods and services so as to strengthen the local and regional economy; and
- Conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.”

The Oregon TPR (OAR 660-012-0065) identifies transportation facilities, services and improvements that may be permitted on rural lands consistent with Goals 3, 4, 11 and 14 without a goal exception. These include: “transportation facilities, services, and improvement other than those listed in this rule that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the acknowledged comprehensive plan or to provide adequate emergency access.”

Under the TPR, transportation improvements on rural lands must meet different requirements than improvements in urban areas. The TPR lists various types of improvements determined to be consistent with statewide planning goals for rural and agricultural areas including the West of Sandy River study area. Allowable improvement types include:

- minor roadway realignment, intersection channelization and median turn lanes;
- new two-lane roadways intended to reduce local traffic on state highways;
- bikeways, footpaths and recreational trails;
- park-and-ride lots;
- expansion or alteration of public use airports, provided the improvements are not meant to serve a larger class of airplanes; and
- other transportation facilities, services and improvements that serve local needs. These are limited to improvements to provide adequate emergency access or to support land uses identified in the acknowledged comprehensive plan.

For transportation improvements within an exclusive farm use (EFU) or forest zone, design alternatives must be evaluated. The chosen alternative must be the one with the least impact on lands in the immediate vicinity devoted to EFU or forest use.

Transportation facilities and improvements not meeting TPR requirements for rural lands require an exception in order to be allowed. Exceptions are subject to specific standards and criteria for approval described in the TPR. None of the transportation improvements recommended in the West of Sandy River TSP are believed to require an exception.

There are a number of State transportation plans that affect transportation policy throughout Oregon including: *Oregon Transportation Plan* (September 1992), the *Oregon Highway Plan* (June 1999), the *Oregon Bicycle and Pedestrian Plan* (June 1995), and the *Oregon Rail Freight Plan* (August 1994).

The *Statewide Transportation Improvement Program* (STIP) is the Oregon Department of Transportation's (ODOT) short term capital improvement program, providing project funding and scheduling information for the department and the state's metropolitan planning organizations. It is a four-year program developed through the coordinated efforts of the department, federal and local governments, tribal governments and the public. The 2000-2003 Statewide Transportation Improvement Program (STIP) lists one project in the study area, replacement of the Stark Street Viaduct, a bridge project. No other planned improvements within the study area are included in the STIP.

The study area for the *Mt. Hood (U.S. 26) Transit Feasibility Study* extends from west of Rhododendron to the OR 35 junction. Results from the *Mount Hood Corridor Final Environmental Impact Statement* indicate that future travel demand will exceed the existing corridor capacity for an extended period of time during summer and winter weekend days. In order to address this potential capacity shortfall, ODOT has been considering travel options for the corridor, such as transit service to the Mt. Hood area ski resorts. The transit feasibility study considers possible transit service and includes proposed park-and-ride locations in Gresham and Sandy to address seasonal capacity needs.

Recommendations in the West of Sandy River Rural Area Transportation System Plan are consistent with and supportive of the goals, policies, and standards in these various plans.

EXISTING CONDITIONS

This section summarizes existing conditions on Multnomah County's roadway system in the study area, providing a baseline of information from which the evaluation of the County's transportation system will be made. It includes a summary of the current roadway functional classification policy, roadway physical features such as pavement width and condition, bridge inventory and condition, speed zones, truck restrictions, traffic control, traffic crash history and safety conditions, traffic volumes and operation characteristics, and existing bicycle and pedestrian facilities.

Functional Classification

Multnomah County recognizes three rural roadway functional classes within the study area: arterial, collector and local roads. Each are described below, followed by a description of US 26, the only State highway through the study area. Figure 10 summarizes Multnomah County's roadway functional classification for County roads and State highways in the study area.

Rural Arterial Roads

Rural arterial roads are the primary means of access into the County's large rural districts and often connect between counties to accommodate through movements. Rural arterials connect to freeways or highways, and link rural collector and local roads to the urban area and other regions. Rural arterial roads carry greater traffic volumes than rural collector roads. Examples of rural arterials in the study area include portions of Stark Street, Division Street, Orient Drive and 282nd Avenue.

Rural Collector Roads

Rural collector roads serve to distribute automobile traffic over large areas and generally connect to urban streets or rural arterials. Where rural collector streets connect to adjacent counties, through traffic will occur with volumes greater than local rural roads. Rural collectors may also provide for recreational trips by auto, bicycle and equestrian. Primary access is provided to land uses adjacent to the facility and over large rural districts. Examples of rural collectors in the study area include 302nd Avenue, Dodge Park Road, Lusted Road, Oxbow Drive, and eastern portions of Division Street.

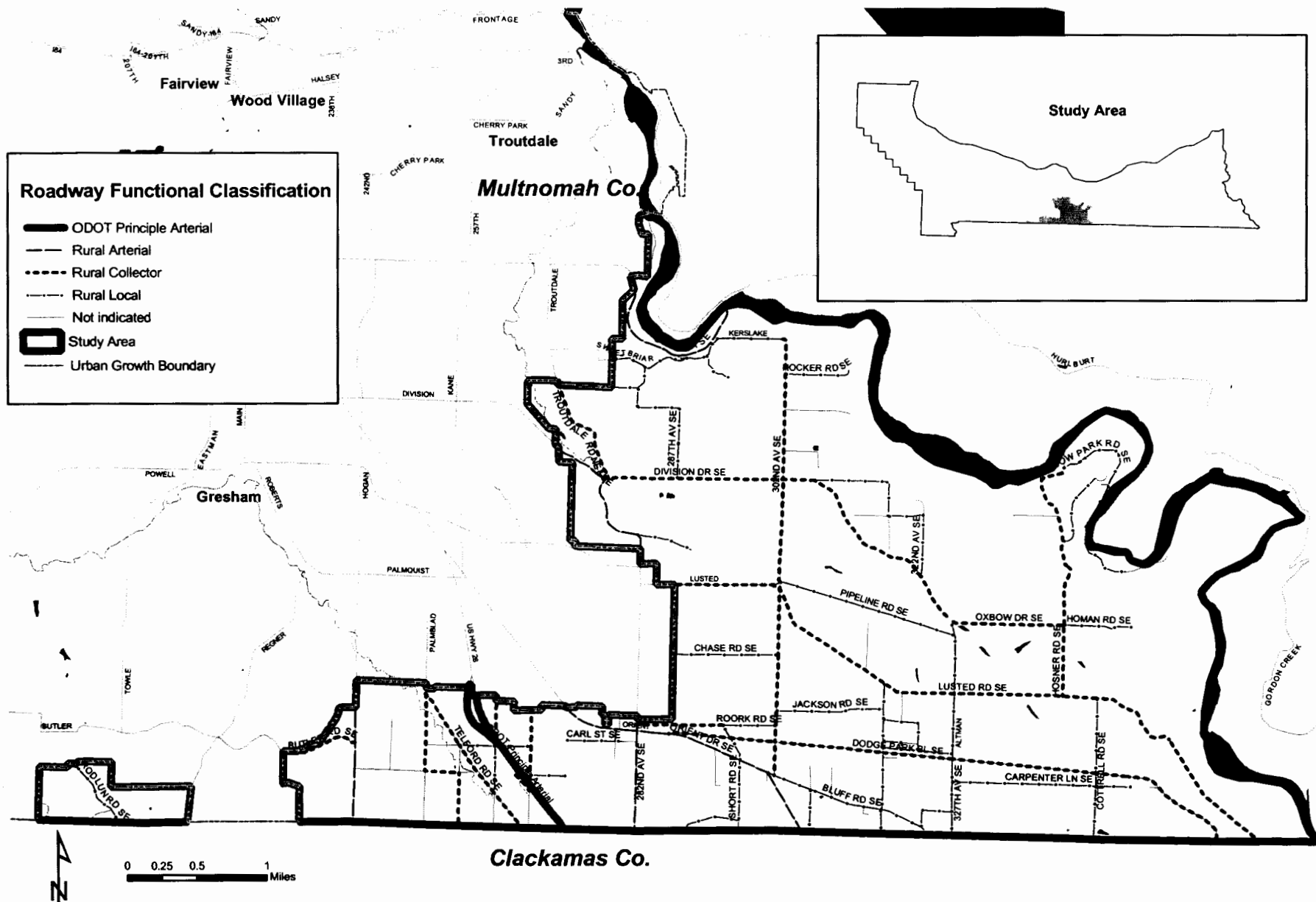
Local Rural Roads

Local roads provide access to abutting land uses on low traffic volume roadways. In rural areas local roads serve automobile and farm circulation, as well as local pedestrian, bicycle and equestrian uses. Examples of local rural roads in the study area include portions of Chase Road, Jackson Road, Altman Road, and Pipeline Road.

State US 26

US 26 is under the jurisdiction of the Oregon Department of Transportation (ODOT). It is a four-lane rural divided highway. In the 1999 Oregon Highway Plan (OHP) under the highway classification system, US 26 is designated as a Statewide Highway on the National Highway System (NHS) and is part of the designated freight route system. It is designated for access management purposes as an expressway. Multnomah County classifies US 26 as a principal arterial.

Figure 10 summarizes Multnomah County's roadway functional classification for County roads and State highways in the study area.



Roadway Inventory

More than 25 miles of roadway in the study area under Multnomah County's jurisdiction are classified as Rural Collector or Arterial. Multnomah County collects and maintains a current database of conditions on these roadways, including pavement width, pavement condition, bridge inventory, and traffic crash history. The following sections summarize the County's roadway database.

Pavement Width

Study area roadways generally have very narrow or no shoulders. Shoulders improve safety for motor vehicles, bicyclists, pedestrians and accommodate slower moving farm equipment. Multnomah County recently updated design standards for rural roadways to include minimum shoulder widths of 1.5 (5.0 ft.) meters for rural local and collector roadways and 1.8 (6.0 ft.) meters for rural arterials. Most roadways in the study area have shoulders narrower than the new standards. Roadways must be a minimum of 7.3 meters (24.0 ft.) wide to accommodate two-way motor vehicle traffic before shoulders can be striped. Figure 11 summarizes roadway widths in the study area. Proposed improvements discussed later in this document include enhancing existing shoulder widths on roads serving recreational and agricultural traffic needs.

Pavement Condition

Multnomah County routinely inventories, tests and then grades the County roadway system pavement conditions using classification grades ranging from *excellent* (no surface or structural damage) to *failing* conditions (significant surface and structural problems). The majority of roadways in rural Multnomah County exhibit *Good, Very Good or Excellent* conditions as shown in Table 4; none are rated with failing conditions.

Table 8: Pavement Condition Summary

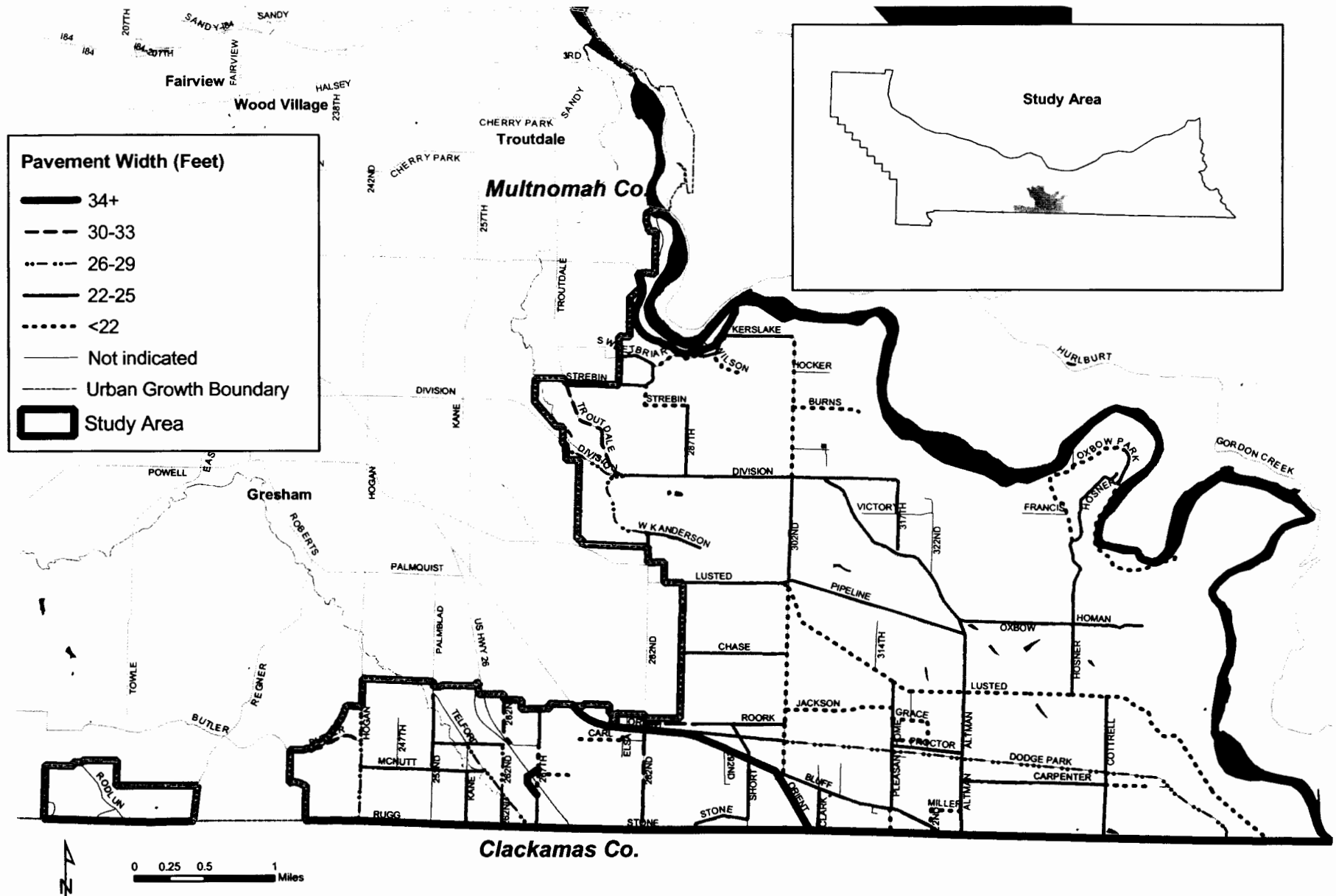
Pavement Rating	Percentage of Study Area Roadways 12/15/00
<i>Excellent</i>	39.2%
<i>Very Good</i>	44.7%
<i>Good</i>	16.0%
<i>Fair</i>	0.2%
<i>Poor</i>	0.0%
<i>Very Poor</i>	0.0%
<i>Failed</i>	0.0%

Bridge Inventory/Condition

Multnomah County maintains three historic bridges in the study area. The following information summarizes information provided by the County concerning the status of these historic bridges.

Stark Street Bridge over Sandy River

The Stark Street Bridge, constructed in 1914, is one of the oldest steel truss highway bridges in Oregon. The bridge is a contributing resource to the Columbia River Highway Historic District, which was listed in the National Register of Historic Places in 1983. National Register-listed resources are protected by the National Historic Preservation Act of 1966 as amended.



Multnomah County
 West of Sandy River Rural Area:
 Transportation and Land Use Plan

**Figure 11:
 Pavement Width**



20011119-01

Currently the bridge can carry traffic up to the legal load limit of 40 tons (25 tons for Type III trucks). The 2000 routine inspection report indicated that the bridge was in good condition with some deterioration noted on the structure and roadway deck. The bridge's 18-foot wide roadway is too narrow for current traffic volumes and does not meet current design standards. The average daily traffic count measured in 1999 was 5800.

Stark Street Viaduct

Constructed in 1915, the Stark Street Viaduct was built in the same period as the Columbia River Highway in the Columbia Gorge and has design elements similar to the structures on that highway.

Stark Street serves as one of the main routes connecting Portland with the scenic Columbia River Highway. The Stark Street Viaduct and the Stark Street Bridge form a vital link across the Sandy River connecting nearby communities.

The 2000 routine inspection report indicated that the viaduct was in good condition. Over the years, however, the deck has been overlaid several times, resulting in approximately 18 inches of asphalt. This excessive wearing surface thickness has reduced the capacity of the bridge from its design load of 40 tons to a recommended load of 24 tons. The bridge has been posted for this reduced load capacity.

Palmblad Road Bridge

This structure is a single-span, 33-foot, two-lane bridge crossing Johnson Creek south of Gresham, Oregon. Built in 1930, it is one of the first bridges constructed across Johnson Creek in this vicinity. Though locally important, the proximity of other bridges on SE Hogan Road in Multnomah County and SE 26th Avenue in Clackamas County allow for alternate detours in case of closures.

Traffic Crash History/Safety Issues

Crash history plays a critical role in identifying potential traffic safety issues. Multnomah County records and summarizes reported traffic crashes on County roads within the study area.

For a consistent method of measuring crash history, safety experts have devised crash rate parameters for road segments and intersections. For road segments, the rate is calculated as the number of crashes per million vehicle miles traveled. For intersections, the rate is calculated as the number of crashes per million entering vehicles.

Figure 12 summarizes the reported traffic crash history on Multnomah County's roadway system, and intersection safety issues identified within the study area based on field reconnaissance. Roadway segments with crash rates greater than the state average for similar facilities are also shown in Figure 12. Those safety issues identified include observed sight distance restrictions and possible traffic control conditions (e.g. signing, striping and travel lane configuration).

Note: These figures are not considered indicators of substandard roadway or traffic control conditions. For example, some intersections show high crash rates due to the low level of background traffic, and the crashes themselves may be due to driver error, rather than improper roadway and traffic control conditions.

Over the three-year period (1996-1998) three separate crashes along Division Street resulted in fatalities - two at Troutdale Road and one at Oxbow Road. In all cases the crashes occurred as a result of excessive speeding, and in two cases alcohol or drug use was also involved. Another fatal crash occurred along Lusted Road between 282nd Avenue and 302nd Avenue as a result of a driver losing control of the vehicle.

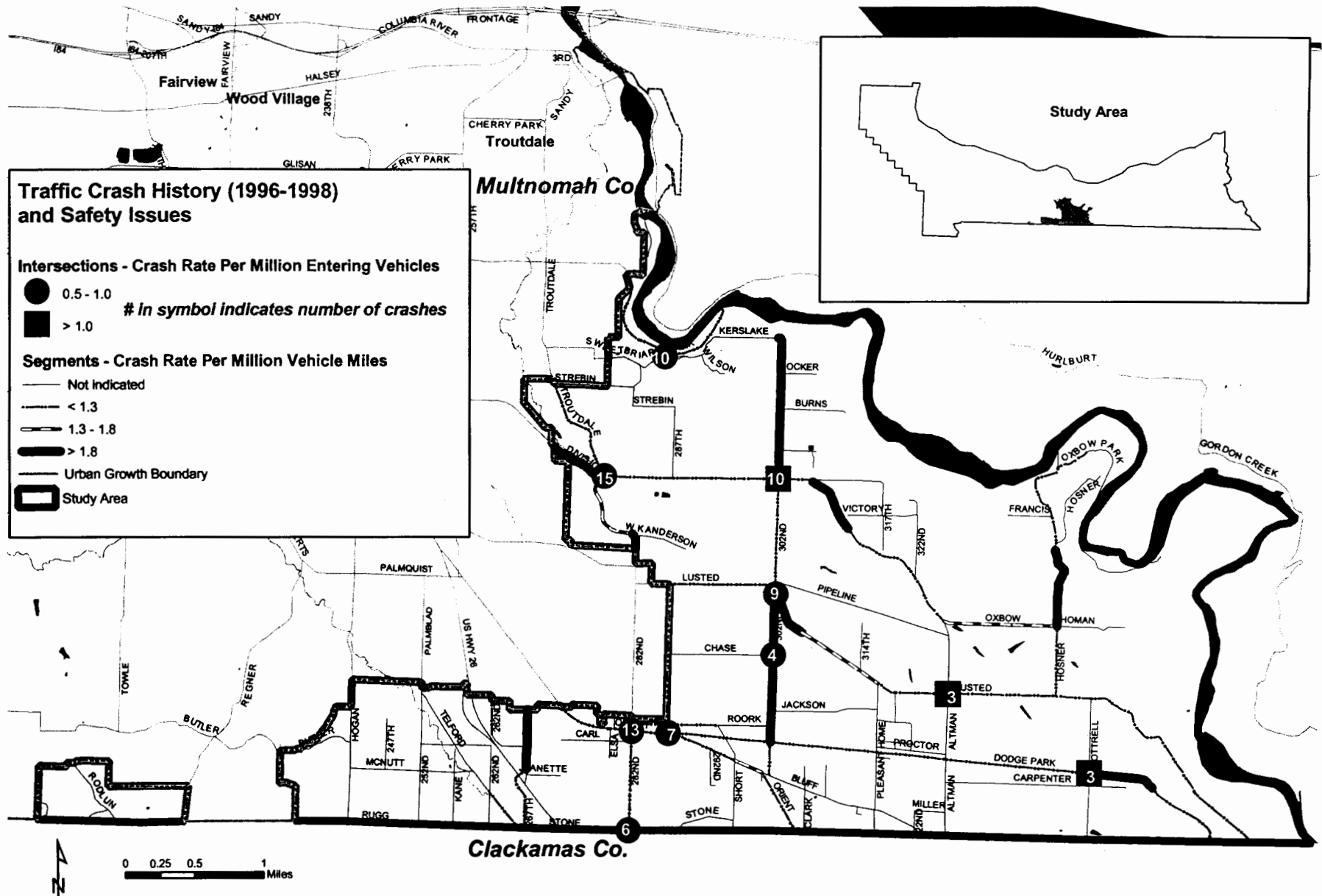


Figure 12:
Traffic Crash History (1996-1998)



Multnomah County

West of Sandy River Rural Area:
Transportation and Land Use Plan



20011119-01

Multnomah County recently installed parking restrictions and traffic control measures along Lusted Road to help improve safety conditions near Sam Barlow High School. The County also installed no-passing zones on 302nd Avenue both north and south of the high school. Eliminating parking on Lusted Road reduces potential conflict points, which is likely to reduce traffic crash rates in the immediate area.

Traffic Control

Traffic control in the study area predominantly consists of stop signs on minor street approaches at unsignalized intersections, and in some cases all-way stop-control for the intersection approaches. Traffic control at intersections along arterial roads and collectors is generally sufficient. Orient Drive/282nd Avenue and Troutdale Road is the only signalized intersection in the study area. There are also a few intersections posted with flashing signals and advance warning signs.

Speed Zones

Allowable speeds on Oregon's roads are governed by the "basic speed rule." The "basic speed rule" requires a motorist to operate at a speed that is reasonable and prudent considering the conditions present. Where not otherwise posted, a 55-mph speed is the statutory maximum in rural areas. The posting of a lower speed is permitted when authorized by the Oregon Department of Transportation. Multnomah County has requested lower speeds on numerous roads in the study area and has received authorization to post speeds ranging from 30 to 50 mph. The Oregon statutes and administrative rules specify the procedures, including engineering studies and investigations, upon which Department of Transportation may authorize posting of speeds on County roads. Multnomah County works actively with the Oregon Department of Transportation staff and requests speed zone investigations where conditions warrant them. Multnomah County installs the speed signs when approvals are received from the state.

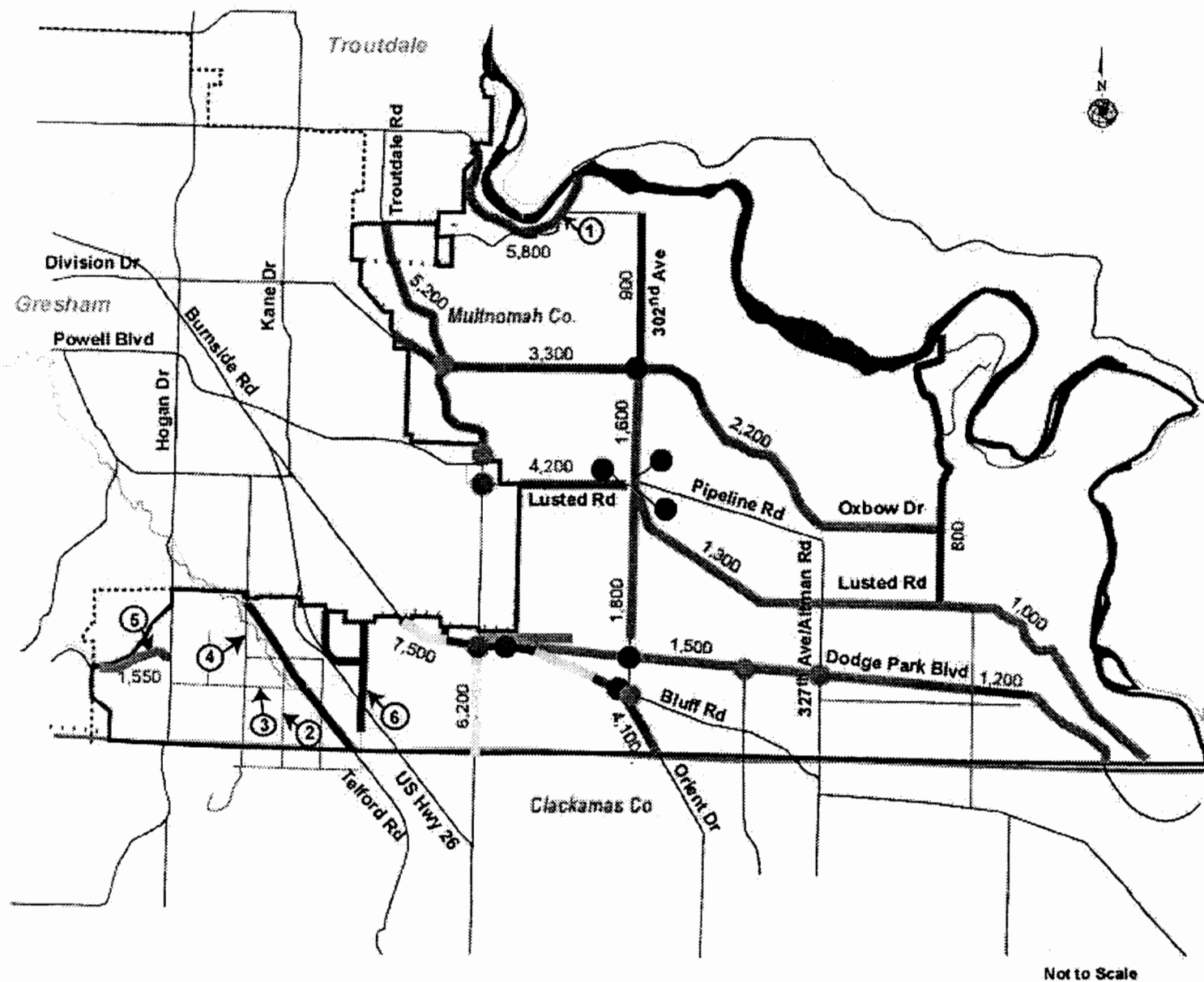
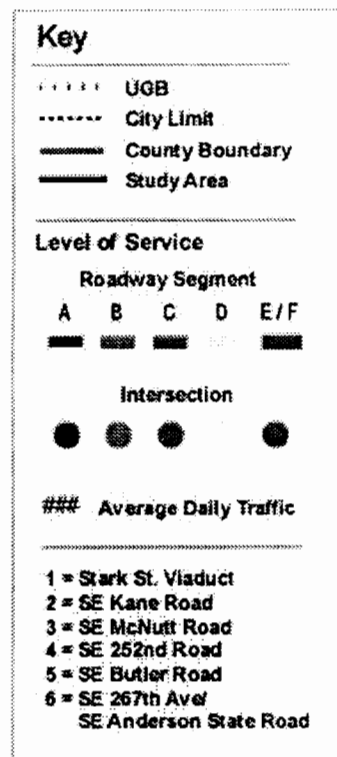
Truck Restrictions

Truck traffic is restricted to statutory requirements as described under ORS 313 for legal weight and size limits when traveling on a road under Multnomah County jurisdiction. Trucks wishing to travel in excess of the legal weight and size requirements may obtain a signal or annual trip permit to travel on certain County roads by contacting the Multnomah County Right-of-Way Permit Section. Truck traffic carrying oversized loads along the US 26 corridor are typically routed along Orient Drive due to overpass size restrictions on US 26.

Traffic Volumes

Multnomah County provided historical and current traffic count data including daily counts for selected roadway segments and p.m. peak hour turn movement counts at key intersections. Historical turn movements were increased to represent estimated 2000 peak hour volumes for analysis purposes.

Figure 13 summarizes the current (1999) daily traffic volumes on the major study area roadways. Traffic conditions range from 4,000-6,000 vehicles per day on Lusted Road, Stark Street, 282nd Avenue and 302nd Avenue. Other roads in the study area experience traffic volumes ranging from 1,000-4,000 vehicles per day.



Multnomah County

West of the Sandy River Rural Area:
Transportation and Land Use Plan

Figure 13:
1999 Daily Traffic and Peak Hour Levels-of-
Service



Parametrix, Inc.

Traffic Operations

Intersections are the locations in the transportation network with the most potential conflicts and thus typically the greatest level of congestion and delay. The concept of “level of service” or LOS is widely used to quantify intersection operations. Levels of service are letter grades A through F based on the level of delay calculated at intersections, with LOS A representing free flowing conditions and LOS F representing jammed conditions. LOS B through E represent increasing levels of delay and congestion. Delay is calculated based on factors including vehicle turning movements, intersection lane geometry, and traffic control. Current p.m. peak hour turning movements were used to calculate p.m. peak hour intersection levels of service at key signalized and unsignalized intersections using the methodology from the 1997 *Highway Capacity Manual* (HCM)¹¹, published by the Transportation Research Board. Figure 13 summarizes the 1999 levels of service (LOS) at the key intersections, with turning movements shown in Figure 14. Figure 13 also shows levels of service for key roadway sections in the study area.

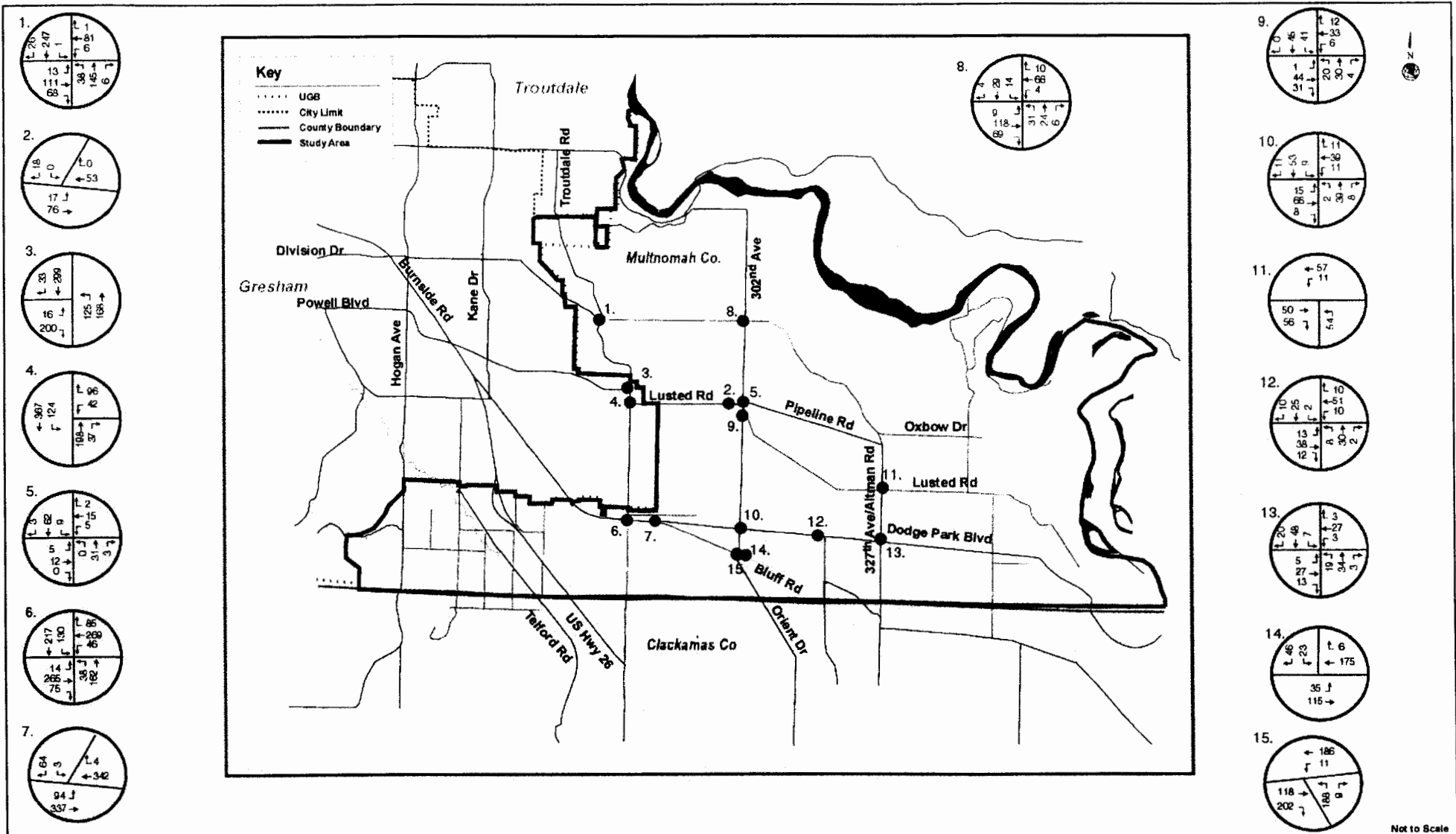
For signalized intersections and those with all-way stop control, the intersection LOS is based upon the delay for all approaches and all turning movements.

For intersections where only the minor road is controlled by the presence of stop signs, the level of service is calculated for the “critical movement.” The critical movement is the one for which motorists experience the longest delays. Typically, this is the left turn from one of the minor road’s approaches onto the major road. Motorists seeking to make left turns from the minor road onto the major road have to wait for gaps in the traffic approaching from both directions, thus accounting for longer delays. In contrast, vehicles making right turns have to wait only for traffic from one direction. Through traffic on the major road has the right of way and is not subject to delays.

No intersection capacity deficiencies were identified based on analysis of existing traffic volumes (i.e., LOS D or worse). All intersections analyzed operated today at LOS C or better in the PM peak hour as shown in Table 5. The table differentiates between those with two-way stop control and those with stop signs on all approaches or traffic signals.

The vast majority of roads in rural Multnomah County are two-lane roads. Rural roadway segment capacities were estimated based on the operations-level methodology in the 1994 *Highway Capacity Manual* (HCM) and account for factors such as lane and shoulder width, percentage of heavy vehicles, general terrain type (level, rolling, or mountainous), percent of no-passing zones, and the directional split of traffic. As with intersections, there are six LOS standards, ranging from LOS A, where traffic is free-flowing, to LOS F, where the system is congested making many, if not all traffic movements very difficult. As shown in Figure 13, all roadway segments operate at LOS D or better with existing traffic volumes.

¹¹ The HCM method calculates both the vehicular capacity and the driver delay associated with various intersection turning movements. For intersections, the procedure bases the level of service on control delay, which accounts for the time required for drivers to slow, stop and pass through an intersection. For two-way stop-controlled intersections, the procedure bases LOS on the amount of control delay experience by the most critical movement, typically a minor street left turn.



Not to Scale



Multnomah County
West of the Sandy River Rural Area:
Transportation and Land Use Plan

Figure 14:
Existing PM Peak Hour Turning Movements

Parametrix, Inc.

Table 9: 2000 PM Peak Hour Intersection Levels of Service

Intersection	All-way Stop or Traffic Signal		Two-Way Stop		
	Avg. Delay (sec)	LOS	Critical Mvt.	Delay (sec)	LOS
SE Division Dr / SE Troutdale Rd	11.9	B	--	--	--
SE Powell Valley Rd / SE 282 nd Ave *	13.3	B	--	--	--
SE Lusted Rd / SE 282 nd Ave *	17.1	C	--	--	--
SE Orient Dr / SE 282 nd Ave (Signal)	34.2	C	--	--	--
SE 302 nd Ave / SE Dodge Park Rd (Stop Controlled)	7.9	A	--	--	--
SE 302 nd Ave / SE Lusted Rd	7.4	A	--	--	--
SE 302 nd Ave / SE Pipeline Rd	7.9	A	--	--	--
SE Orient Dr / SE Bluff Rd	--	--	Left from WB Bluff	14.9	B
SE Orient Dr / SE Dodge Park Rd	--	--	Left from WB Dodge Park	12.4	B
SE Lusted Rd / SE Pipeline Rd	--	--	Left from SB Pipeline	7.4	A
SE 302 nd Ave / SE Bluff Rd	--	--	Left from SB 302 nd	11.6	B
SE 302 nd Ave / SE Division Dr	--	--	Left from NB 302 nd	11.6	B
SE Pleasant Home Rd / SE Dodge Park Blvd	--	--	Left from NB Pleas. Home	11.1	B
SE 327 th Ave / SE Oxbow Park Drive	--	--	Left from NB 327 th	9.8	A
SE 327 th Ave / SE Dodge Park Blvd	--	--	Left from NB 327 th	10.3	B

* Both of these are T intersections. Some movements currently experience long delays. Although they are not all-way stop controlled, this analysis assumes they were all-way stop controlled.

Pedestrian and Bicycle Systems

Both residents and visitors make bicycle and pedestrian trips in the study area. Recreational bicyclists from outside the study area are drawn to the area for its beauty and Oxbow Regional Park. Many club bicycle rides are routed through the area. Paved shoulders provide the primary bicycle and pedestrian facilities in the study area.

Few sections of the study area arterial/collector roadway system have sufficient shoulder width and paved surface to serve as pedestrian facilities. Shoulders on most roadways in the study area are less than the County minimum of 1.5 meters (1.8 m on rural arterials). The regional Springwater Corridor multi-use path also runs through the study area near along Telford Road.

Public Transportation System

Transit service in the study area changed in January 2000 with the introduction of SAMS, the City of Sandy's demand-responsive transit service. SAMS' service area extends to ¼ mile outside the City of Sandy boundary, and includes a daily connection to the Gresham MAX station. As of April 2000, after four months, SAMS ridership was up to 6,000 passengers per month, or about 260 to 300 passengers per day. Intercity travel between Sandy and Gresham accounted for approximately 80% of total ridership. With the introduction of SAMS, Tri-Met relocated Routes 26 and 80 outside the study area. Tri-Met Route 84 maintains service through the study area, with five runs daily in each direction between

Gresham and Sandy, including stops on Orient Drive and Powell Valley Road. As of June 2000, Tri-Met's Route 84 carried about 40 passengers per day.¹²

Tri-Met's MAX light rail passenger line runs between Gresham and downtown Portland. The closest MAX station is in the City of Gresham about two miles west of the study area.

Air, Rail, Water, Pipeline and Culvert System

Air Transportation

No public or private airports or airfields are located within the project boundaries. Portland International Airport is less than 15 miles to the northwest and provides a full range of commercial and private flight services. The Troutdale Airport, which serves primarily recreational air travel, is located on the north side of Interstate 84 less than five miles from the study area.

Rail Transportation

No public or private rail lines exist within the study area limits. The nearest rail facilities are the Union Pacific freight rail line, which runs along Interstate 84 north of the study area.

Water Transportation

There are no commercial water transportation uses in the rural area of Multnomah County west of the Sandy River. The Sandy River is used for recreational activities such as fishing, swimming and rafting.

The Columbia River is a significant water transportation route for Oregon and the western United States. Approximately five miles north of the study area, it is a key route for transport of bulk commodities such as grain and wood products between the United States and Pacific Rim nations.

Water Pipelines

The City of Portland Water Bureau maintains several major conduits through the study area from the Bull Run Watershed (the Appendix includes a map of the general conduit alignments). The northernmost conduit runs within the SE Division Drive/SE Oxbow Drive right-of-way west of 327th Avenue. A second conduit is located in the SE Pipe Line Road right-of-way from slightly west of 327th Avenue to slightly east of 302nd Avenue. The other conduits in the study area lie outside public right-of-way.

Gas Pipelines

Williams Gas Pipeline Company operates a natural gas transmission line in the western end of the study area that runs generally along the alignment of NE 242nd Avenue. NW Natural, the area's natural gas provider, does not operate any major transmission pipelines within the study area boundaries.

Culverts

In 1998, ODOT and ODF&W conducted a state-wide inventory of culverts to identify those available to salmonids and potential barriers to salmonid passage. In 2000, Multnomah County responded to ODOT /ODF&W's findings by conducting a more in-depth survey of the identified culverts. Culverts with potential for salmonid passage were ranked as high, medium or low priority for improvements based on a number of factors related to the affects of the culvert on fish passage and habitat. Of the more than 1500 culverts the County owns, 150 pass fish and 45 present fish passage barriers. The County has prioritized culverts with fish barriers based on factors such as environmental impacts, and restoration of fish habitat.

¹² SAMS information provided by Julie Stephens, City of Sandy transit manager, telephone conversation 5/24/00. Tri-Met ridership provided by Steve Callas, Tri-Met, telephone conversation 6/13/00.

Both the County and Metro have cited the Beaver Creek basin as having the greatest potential of re-establishing fish runs in the region.

FUTURE TRANSPORTATION SYSTEM CONDITIONS

Future traffic conditions were determined using output from the Metro regional travel demand forecasting model especially designed for rural areas in Multnomah, Clackamas and Washington Counties. Population and employment projections for the year 2020 were developed by Metro and local jurisdictions and used as inputs to the model. The model calculates future traffic volume forecasts for roadways included in the model network based on these population and employment projections. Moderate traffic growth is projected within the study area, primarily within the rural center and on connecting routes. The Metro model for unincorporated areas does not assume any expansion of the urban growth boundary. With the study area's population and employment forecasts obtained directly from Metro's approved land use forecasts, they reflect regional assumptions consistent with the other TSPs currently being developed for unincorporated Multnomah County.

Future Traffic Conditions

Future Traffic Volume Forecast Methodology

A growth rate was applied to existing traffic volumes to estimate future traffic volumes on study area roadways. Compound growth rates were developed by comparing 1994 and 2020 model projections along a series of screenlines through different regions of the study area. Growth factors were adjusted to account for the difference between the traffic counts and the model's 1994 base year.

Figure 15 summarizes projected 2020 PM peak hour turn movements at the intersections analyzed for existing conditions. PM peak hour traffic is generally projected to increase about 50 percent by 2020 compared to existing conditions.

Intersection levels of service were calculated based on projected 2020 PM peak hour turn movements. The results summarized in Table 6 show five intersections would fall below the County's standard for new and improved facilities of LOS C.

Projected 2020 volume-to-capacity ratios were reviewed for all collector and arterial segments in the study area based on the Metro travel demand model. All roadway segments in the study area were projected to function with an acceptable v/c ratio (less than .80).

282nd Avenue between SE Powell Valley Road and SE Lusted Road, which lies outside the study area, was also included in the review due to its significance to the study area's transportation system. The model projects SE 282nd Avenue between SE Lusted Road and SE Powell Valley Road to have a volume-to-capacity ratio greater than 1.0. This segment of SE 282nd Avenue is recommended for future intersection consolidation and signalization improvement to mitigate the unsatisfactory v/c ratio.

US 26

Future traffic volumes on the one-mile segment of US 26 through the study area are also expected to increase by about 50 percent between 1994 and 2020, based on the Metro travel demand model for unincorporated Multnomah County. The OHP specifies operating performance on state highways using peak hour volume-to-capacity (v/c) ratios rather than levels of service. The v/c ratio standard for US 26 in the study area is 0.70. Calibrated 2020 PM peak hour volume-to-capacity (v/c) ratios on US 26 in the peak southbound direction range 0.55 to 0.61 within the study area.

The projected increase in the v/c ratio is due to increased travel between Gresham and Clackamas County. Future land use development within the West of Sandy River Rural Area would account for only a fraction of overall growth.

Table 10: 2020 No Build PM Peak Hour Intersection Levels of Service

Intersection	All-way Stop or Traffic Signal		Two-Way Stop		
	Avg. Delay (sec)	LOS	Critical Mvt.	Delay (sec)	LOS
SE Division Dr / SE Troutdale Rd	26.3	D	--	--	--
SE Powell Valley Rd / SE 282 nd Ave*	80.9	F	--	--	--
SE Lusted Rd / SE 282 nd Ave*	239.9	F	--	--	--
SE Orient Dr / SE 282 nd Ave (signalized)	46.5	D	--	--	--
SE 302 nd Ave / SE Dodge Park Rd	8.4	A	--	--	--
SE 302 nd Ave / SE Lusted Rd	8.0	A	--	--	--
SE 302 nd Ave / SE Pipeline Rd	8.6	A	--	--	--
SE Orient Dr / SE Bluff Rd	--	--	Left from WB Bluff	31.8	D
SE Orient Dr / SE Dodge Park Rd	--	--	Left from WB Dodge Park	18.4	C
SE Lusted Rd / SE Pipeline Rd	--	--	Left from SB Pipeline	7.4	A
SE 302 nd Ave / SE Bluff Rd	--	--	Left from SB 302 nd	13.0	B
SE 302 nd Ave / SE Division Dr	--	--	Left from NB 302 nd	13.9	B
SE Pleasant Home Rd / SE Dodge Park Blvd	--	--	Left from NB Pleasant Home	12.0	B
SE 327 th Ave / SE Oxbow Drive	--	--	Left from NB 327 th	10.3	B
SE 327 th Ave / SE Dodge Park Blvd	--	--	Northbound Left	10.7	B

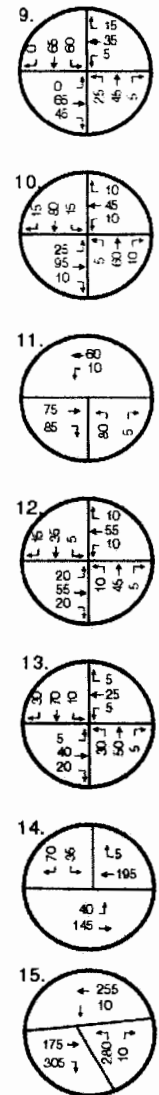
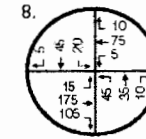
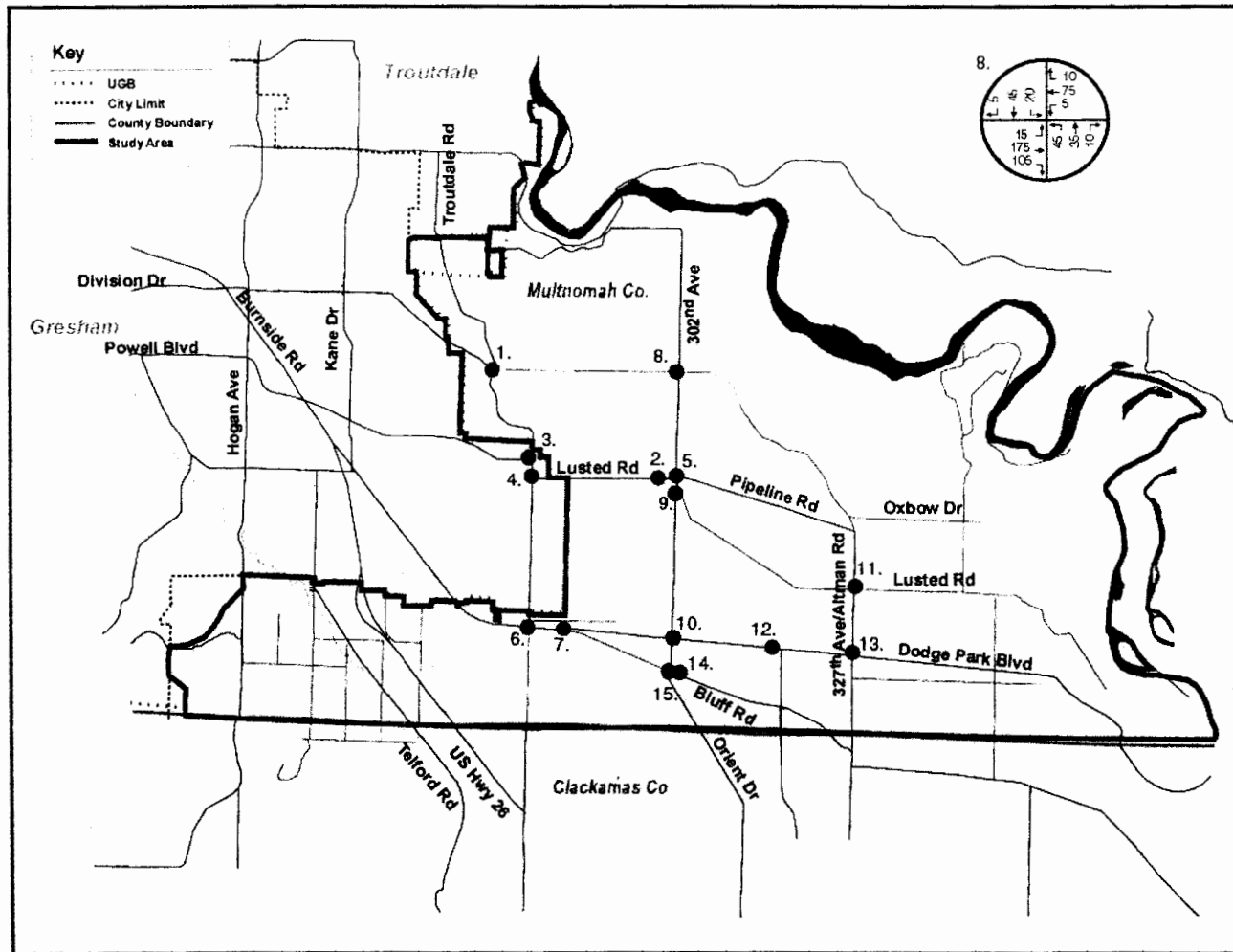
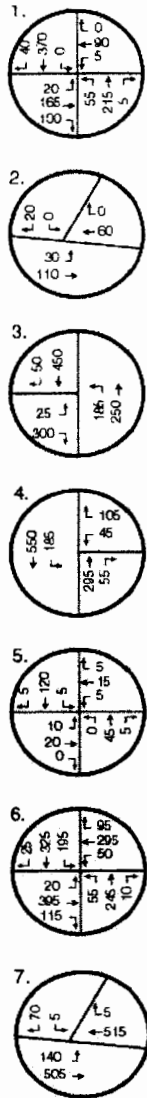
* Both of these are T intersections. Some movements currently experience long delays. Although they are not all-way stop controlled, this analysis assumes they were all-way stop controlled.

Future Public Transportation Conditions

Demand for public transit will likely increase in the future. As the area grows the number of residents commuting to the urban area will also grow. Both residents and farm workers in the area will likely seek more transit options in the future.

Future Bicycle and Pedestrian Conditions

Demand for bicycle and pedestrian facilities is expected to grow in the future. As both the rural area grows in population pedestrian demand will increase for fitness, recreation and for access to schools and businesses in the rural centers. Bicycle demand will increase both as a result of growth in the number of area residents and population growth in the urban area. The area will continue to be an attractive destination for recreational cyclists, and bicycle commuting could increase with employment growth in the surrounding urban area.



Not to Scale



Multnomah County
West of the Sandy River Rural Area:
Transportation and Land Use Plan

Figure 15:
Projected 2020 PM Peak Hour Turning Movements

Parametrix, Inc.

Future Air, Rail, Water, Pipeline and Culvert Conditions

Air and Rail Conditions

No demand is anticipated for a new airport in eastern Multnomah County. Similarly, neither cargo nor passenger rail service is likely to be needed in the study area in the foreseeable future.

Water Conditions

As the urban area grows the Portland Water Bureau anticipates the need for a new conduit in the study area.

Pipeline Conditions

Williams Gas Pipeline Company, which operates a single natural gas transmission line in the western end of the study area, does not plan on constructing additional lines.

Culvert Conditions

No new culverts, beyond replacing those identified with fish passage issues, are anticipated in the right-of-way.

TRANSPORTATION SYSTEM IMPROVEMENTS

Transportation needs were assessed using existing data and input from stakeholders, staff and members of the public. Potential improvement alternatives for the various transportation modes were presented at a series of public and stakeholder meetings and revised in response to feedback obtained at these meetings. Recommended realignments were modified to address stakeholder concerns, primarily to avoid impacts on agricultural lands while still accommodating truck and agricultural vehicle traffic. The resulting transportation system improvements presented in the following section are focused on specific needs identified by users of the area's transportation network, while also meeting the requirements of the TPR for improvements in unincorporated areas.

The purpose of this section is to review design standards for each transportation mode and to identify recommended improvements based upon the preferred transportation system alternative for the West of Sandy River Rural Area. The preferred transportation system is the combination of improvements, strategies and standards to best meet goals and objectives established through the public process, while at the same time addressing State requirements in the *Transportation Planning Rule*.

Roadway System

Roadway System Design Standards

Multnomah County Design Standards (1999) provide minimum, maximum and preferred shoulder widths for the functional classifications of rural roadways, in acknowledgement of the broad range of facility users including agricultural, industrial and recreational vehicles.

In the West of Sandy River Rural Area, implementing the new County road standards will involve trade-offs between design speed, shoulder width, accommodation of non-motorized and agricultural facility users, and potential impacts on drainage ways and productive agricultural lands.

Roadway System Recommendations

Recommended Functional Classification Changes

Most of the functional classifications for roadways in the study area are classified consistently, both with respect to operational characteristics and with the classification used by adjacent jurisdictions. However, SE Bluff Road from SE Orient Drive to the Multnomah/Clackamas county line should be reclassified from a local street to a rural collector. SE Bluff Road and SE Dodge Park Boulevard are the primary connections to the Pleasant Home rural community. SE Bluff Road intersects SE Orient Drive in the Orient rural center area. Approximately half the traffic on SE Orient Drive east of SE Dodge Park Boulevard is to or from SE Bluff Road, which continues as a connecting route to the City of Sandy, where it intersects US 26 immediately west of the City of Sandy's downtown one-way couplet. Clackamas County classifies SE Bluff Road as a rural collector from US 26 to the County line. Reclassifying SE Bluff Road in Multnomah County from rural local street to rural collector would recognize its function in the rural area as a farm-to-market route connecting route between the West of Sandy unincorporated area and the City of Sandy, and would be consistent with Clackamas County's designation.

Recommended Level of Service Change

The County applies a level of service C standard for intersections in unincorporated areas. To strike an appropriate balance between mobility needs and constraints on capacity improvements in unincorporated areas, it is recommended that the standard for roadways in the Orient Rural Center be revised to LOS D.

This change addresses projected 2020 LOS D conditions at the intersections of Orient Drive/282nd Avenue, and allows for a greater range of land use development intensities in the rural center.

Recommended Review of Truck Route Signage

Current truck route restrictions limit the number of roads study area farmers are able to use for farm to market access. In review of the route restrictions, recent roadway improvements may have eliminated the need for the current restrictions. It is recommended that a comprehensive review of the truck restrictions be undertaken and that truck restriction ordinances are updated accordingly.

Intersection Improvements

Six intersection improvements have been identified in the study area. All six focus primarily on safety improvements including improvements to reduce conflicts and to correct sight distance limitations. As a side benefit, two of the six proposed improvements, Division Drive and Troutdale Road, and Orient Drive and Bluff Road, will reduce delays for critical movements.

A seventh project was identified outside the study area. Due to its significance to the study area transportation system, the intersections of 282nd Avenue/ SE Powell Valley Road and 282nd Avenue/Lusted was included in the transportation analysis. The analysis found that consolidating the two intersections would provide improved safety with increased capacity by replacing two stop sign controlled intersections with one signal-controlled intersection. Such an isolated increase in intersection capacity is not expected to noticeably affect route choice or traffic volumes on the intersecting roadways. Projected 2020 PM peak hour traffic volumes would satisfy the peak hour traffic signal warrant.

The projects above present possible solutions for some of the main safety issues recently identified in the study area. Additional projects may be identified in the future as traffic volumes increase and as traffic patterns change. Different solutions to these problems may be identified through further analysis or preliminary engineering. The location of the improvements identified above can be seen on Figure 16.

Bridge Improvements*Stark Street Viaduct*

Replacement of the Stark Street Viaduct is necessary to accommodate truck traffic. It is included in the State's draft 2002-2005 *State Transportation Improvement Program* (STIP). Multnomah County began engineering on the viaduct in Fall 2001.

Bicycle and Pedestrian System Plan

This section identifies types of bikeways and walkways, their design standards and proposes roadways for bicycle and pedestrian facility improvements.

Types of Bikeways and Walkways

Shared Roadways are travel lanes shared by bicyclists and motorists. A motorist usually will have to cross over into the adjacent travel lane to pass a bicyclist on a shared roadway. Shared roadways are common on low volume roadways.

Shoulder Bikeways/Walkways are paved shoulders on rural roadways which provide a suitable area for bicycling and walking, and few conflicts with faster moving motor vehicle traffic. Most rural bicycle and pedestrian travel is accommodated on shoulder bikeways/walkways.

Multi-Use Paths are facilities separated from motor vehicle traffic by open space or barrier, either within the roadway right-of-way or within an independent right-of-way. These paths are typically two-way facilities used by pedestrians, joggers, skaters, and bicyclists. Shared multi-use paths are appropriate in corridors not well served by the street system, to create short cuts that link destination and origin points, and as elements of a community trail plan. The Springwater Corridor Trail, a regional multi-use path, runs through the southwestern portion of the study area.

Bicycle and Pedestrian Design Standards

The County's road design standards (1999) include minimum, maximum and preferred widths for roadway shoulders, which serve bicycle and pedestrian travel in unincorporated areas. The standards call for a minimum paved shoulder width of 1.5 m (5.0 ft.) on rural local and collector streets, and 1.8 m (6.0 ft.) on rural arterial roadways.

Improvements

Residents have requested improved bikeways and walkways for recreational trips and trips to the area's schools and businesses. Arterial and collector roadways in the study area with over 3,000 average daily vehicle trips and roads leading to Oxbow Park that are heavily used by bicyclists have been included on the bicycle and pedestrian system. A bikeway and walkways map is included in the Appendix identifying routes in the study area that need improvement to accommodate bicyclists and pedestrians.

Public Transportation System

The following sections provide definitions for functional classifications and suggested improvements to the public transportation system.

Public Transportation Functional Classification Definitions

These definitions of public transportation were developed by Metro in the Vision 2040 process. Only those pertinent to rural areas are included here.

Secondary Transit Network

This system is made up of secondary bus, minibus, paratransit and park and ride services. Secondary service is focused more on accessibility, with frequency of service and geographic coverage more critical than the travel speed. Secondary transit is designed to be an alternative to the single-occupant vehicle by providing frequent, reliable service.

Secondary Bus provides coverage and access to a wide range of land uses. Secondary bus service runs as often as every 30 minutes. Weekend service is provided as demand warrants.

Minibus service provides coverage in lower density areas by providing transit connections to a wide range of land use options. Minibus services, which may range from fixed-routes to purely demand-responsive services (including dial-a-ride, employer shuttles, and bus pools) provide at least 60-minute response time on weekdays. Weekend service is provided as demand warrants.

Paratransit service is defined as non-fixed route service that serve special transit markets, including Americans with Disabilities Act (ADA) service throughout the greater metropolitan region.

Park and Ride facilities provide convenient auto access to regional trunk route service for areas not directly served by transit. Bicycle and pedestrian access as well as parking and storage accommodations for bicyclists are considered in the siting process of new park and ride facilities.

Interurban Public Transportation

Functional classification designations for interurban public transportation are as follows:

Intercity Bus provides connection points with the regional to nearby destinations, including neighboring cities, recreational activities, and tourist destinations. Tri-Met and the City of Sandy provide intercity bus service through the study area. Neither currently provide stops within the study area.

Passenger Intermodal Facilities serve as the hub for various passenger modes and the transfer point between modes. These regional facilities are closely interconnected with urban public transportation service and are highly accessible to all modes. They include Portland International Airport, Union Station and intercity bus stations.

Public Transportation Improvements

The cost-effective extension of transit service for local residents in the study area is limited by the area's low-density, rural nature. The benefit of increased public transportation would be a reduction in commuter trips between the rural center area and the Portland metropolitan area. It would service for rural residents accessing jobs in the urban area and urban residents accessing farming jobs in the rural area.

As the rural center area develops, transit stops and facilities such as park and ride lots could become more attractive to commuters. Commuters served by both SAMS and Tri-Met as well as car-poolers with urban destinations could use a small park-and-ride lot in the rural center. If a park-and-ride lot were constructed, it could be served by Tri-Met Route 84. As an alternative, arrangements could be made with the City of Sandy to serve a park-and-ride within the study area.

Air, Rail, Water, Pipeline Systems

This section describes design standards and planned improvements for air, rail, water, and pipelines. The pipeline system is the most likely of the four to affect the west of Sandy River rural area because of the importance of existing facilities already located in the area.

Air, Rail, Water, and Pipeline System Design Standards

Reference is made to the appropriate design standards used within the industry and/or professional practice.

Air Transportation

The design standards used for design of airports are found in the Federal Air Administration's (FAA) advisory circulars. FAA Advisory Circulars 150-5300-13 and 150-5320 are the primary design standards of airports.

Rail Transportation

The design standards used for design of new track are the American Railway Engineering Association design standards.

Pipelines

The design standards used by Northwest Natural Gas are American Society of Testing and Materials (ASTM) and American National Standards Institute (ANSI) design standards.

Air, Rail, Water, Pipeline and Culvert System Improvements**Air Transportation**

Portland International Airport, approximately 15 miles northwest of the study area, plans to provide additional runway capacity in the future.

Water Pipelines

The Portland Water Bureau plans to construct a future conduit within the right-of-way of Dodge Park Boulevard and Orient Drive.

Culverts

Eighteen fish barrier culverts identified for future improvements are within the West of the Sandy River Rural Area, most of which are in the Beaver Creek basin. A map of significant fish passage culverts is included in the Appendix.

Findings and Conclusions for Transportation System Improvements

Most of the proposed roadway improvements are realignment and intersection improvement projects intended to improve conditions that are a result of the rural nature of the area. Shoulder widening improvements would increase motor vehicle safety and benefit pedestrian and bicycle travel. The County will develop project cost estimates and priority rankings for recommended improvements as part of the CIP process, which will evaluate, prioritize and select projects for funding on a countywide basis. The County's CIP is being updated in 2002 and will include projects identified in this plan after it's adopted.

Regulatory changes are also proposed affecting functional classification designations and, for the Rural Center, intersection level of service standards. The functional classification change would reclassify SE Bluff Road from SE Orient Drive to the Multnomah/Clackamas county line. It would provide a closer match between roadway classification and the land use and travel patterns served by the particular roadways.

To balance mobility needs for the Orient Rural Center with constraints on capacity improvements in unincorporated areas, it is recommended that the intersection level of service standard for roadways in the Orient Rural Center be revised to LOS D. This change addresses projected 2020 conditions at the intersections of Orient Drive/282nd Avenue, and Orient Drive and Bluff Road, and allows for a greater range of land use development intensities in the rural center.

Due to the unique geographic character of the County's jurisdiction, the County will be adopting four separate transportation system plans. Once all the transportation system planning is complete the County's Comprehensive Framework Plan and ordinances will be updated with any necessary changes.

These proposed regulatory changes together with the recommended transportation improvements described below will accommodate proposed development plans within the West of Sandy Rural Area, in particular the zoning changes proposed for the Orient Rural Center.

Figure 16 illustrates the general location of the specific roadway improvements in the West of Sandy River Rural Area proposed for inclusion in the County's rural area CIP. Individual improvements are shown in figures included in the *Recommended Transportation Improvements* Appendix, and described in Table 8.

None of the identified improvements are anticipated to impact EFU. If, upon more detailed engineering, a project is identified to impact EFU, compliance with the TPR will be undertaken at that time.

Table 11: Proposed Improvements

Improvement	Description	Jurisdiction
1 (Appendix Figure A-1)	<i>Orient Road/Dodge Park Boulevard Realignment</i> Realign the intersection to create a more perpendicular angle. Driveway modifications would be required to serve the autobody shop in the northwest quadrant of the intersection.	County
2 (Appendix Figure A-2)	<i>Division Drive/Troutdale Road Realignment.</i> Eliminate the northeast leg of the intersection between SE Division Drive and SE Troutdale Road to create one intersection. Realign each end of the segment proposed for closure. While projected 2020 PM peak hour traffic volumes satisfy signal warrants, signalization is not recommended until additional warrants are satisfied. All-way stop control would provide LOS D with projected 2020 PM peak hour traffic volumes, while adding an eastbound right turn lane would provide LOS C.	County
3 (Appendix Figure A-3)	<i>302nd Avenue/Orient Drive/Bluff Road Realignment.</i> Potential options include realigning SE Orient Drive to intersect SE Bluff at a more perpendicular angle or creating a left turn lane for eastbound traffic on SE Orient Drive. Either option may require realignment of SE Teton Drive. Further engineering analysis will be necessary to determine a preferred alignment. Signalize realigned intersection when warranted.	County
4 (Appendix Figure A-4)	<i>Oxbow Drive/327th Avenue Realignment.</i> Channelizing the broad paved area on SE 327 th Avenue at the approach to SE Oxbow Drive to create a more perpendicular intersection is recommended to improve sight distance and reduce the potential for conflict between westbound left turns and northbound left turns.	County
5 (Appendix Figure A-5)	<i>Lusted Road/302nd Avenue/Pipeline Road Realignment/ Intersection Consolidation.</i> Further engineering analysis is recommended to determine if intersection consolidation is feasible given the surrounding vertical grades and the location of a sewage holding tank in the center of the intersection. Recent parking restrictions enacted by the County may be adequate for the near term.	County
6 (Appendix Figure A-6)	<i>Lusted Road/Powell Valley Road/282nd Avenue Consolidation.</i> Realignment to connect SE Lusted Road directly with SE Powell Valley Road is included in the County's Capital Improvement Plan and Program. The project would require further engineering analysis and coordination with the City of Gresham to develop a recommended alignment. A traffic signal is warranted based on projected 2020 PM peak hour volumes, and would provide LOS B operations.	County/City of Gresham
7	<i>282nd Avenue/Stone Road Turn Lanes</i> The addition of turn lanes in the northbound and southbound direction on 282 nd would reduce the high incidence of rear end crashes at this location. Some roadway widening would be necessary.	County
8 (Appendix Figure A-7)	<i>Shoulder Widening to Meet Updated Standards</i> Prioritization for shoulder improvements within the West of Sandy River rural area should be given to roadways connecting to school sites, especially Barlow High School. Proposed shoulder widening should be evaluated based on potential impacts on drainage and adjacent productive lands. For shoulders wider than 1.8 meters, the adopted County standards require paved width of 1.5 meters. The remaining 0.3 meters may be unpaved. Shoulder widening should be incorporated into routine roadway maintenance wherever possible.	County/Metro

POLICIES AND STRATEGIES

Recommended Policies and Strategies for the West of Sandy River TSP

Policy 27

Implement a balanced transportation system that is safe and efficient in meeting the needs of all modes of travel for area residents and those traveling through the area by improving roadways to provide safe conditions for motorized and non-motorized travel.

Strategies:

- 27.1 Monitor crash rates for all modes of travel, and focus safety improvement resources on the locations with high rates and/or severity of crashes.
- 27.2 Implement operational improvements within budgetary constraints.
- 27.3 Apply the County's access management and driveway spacing standards for proposed new access locations.
- 27.4 Implement feasible and cost-effective intersection consolidations to reduce potential conflict points.
- 27.5 Consolidate driveway access points in the rural center through the land development process and other appropriate methods.
- 27.6 Coordinate with Metro to identify potential improvements to the roadways providing direct access to Oxbow Regional Park.
- 27.7 Ensure that the County's Capital Improvement Plan evaluation criteria adequately considers the needs of the West of Sandy River Rural Area.
- 27.8 Update County ordinances to meet the requirements of the Transportation Planning Rule.

Policy 28

Actively support safe travel speeds on the transportation system.

Strategies:

- 28.1 Support speed limit enforcement.
- 28.2 Apply design standards that encourage appropriate motor vehicle and truck speeds.

Policy 29

Provide safe facilities for bicyclists and pedestrians.

Strategies:

- 29.1 Make intersection and minor realignment improvements focusing on safety, sight distance, and efficiency.
- 29.2 Widen and pave shoulders to safely accommodate vehicular, bicycle, and pedestrian needs.

- 29.3 Maintain safe conditions for pedestrians and bicyclists during roadway maintenance and improvement work.

Policy 30

Encourage mobility for the transportation disadvantaged.

Strategy:

- 30.1 Work with public transportation providers and other non-profit groups to monitor and encourage the provision of transportation service for the transportation disadvantaged.

Policy 31

Develop a transportation system that supports the surrounding rural character and land use designations of rural Multnomah County west of the Sandy River by discouraging through traffic on local rural roads.

Strategies:

- 31.1 Reduce conflicts between street classification and street use, by providing appropriate traffic control devices.
- 31.2 Periodically review and update functional classification of trafficways in rural Multnomah County.
- 31.3 Coordinate with ODOT, Metro and Clackamas County in efforts to implement "Green Corridor" policies along US 26.

Policy 32

Balance the need of roadway users with potential impacts to the environment, fish, wildlife and agricultural resources and users when applying roadway design standards.

Strategies:

- 32.1 Develop a program for retrofitting drainage facilities in conformance with requirements adopted by the National Marine Fisheries Service and the U.S. Fish and Wildlife Service.
- 32.2 Secure funding for identification, prioritization and remediation of all deficient stream crossings for fish and wildlife passage.
- 32.3 Develop and adopt drainage system design guidelines and standards to accommodate fish passage where appropriate.
- 32.4 Develop and implement standards for all transportation projects with regard to water quality treatment and detention of runoff from existing and new impervious surfaces to avoid further degradation of water quality as well as fish and wildlife habitats.
- 32.5 Develop and implement standards for all transportation projects with regard to protection of existing, and restoration of deficient, riparian buffers where waters of the state border current and future road and path segments.
- 32.6 Identify and protect critical fish and wildlife migration corridors to prevent the further fragmentation of existing habitats by future project alignments.

Policy 33

Encourage preservation of critical view sheds by placing new pipelines and transmission lines in existing rights-of-way whenever possible.

Strategy:

- 33.1 Enhance and preserve the rural character and scenic qualities of the area by placing utilities underground when possible.
- 33.2 Coordinate street improvements with utility improvements whenever possible to minimize cost, visual impact and disruption to traffic flow.

Policy 34

Coordinate transportation improvements with appropriate regulatory agencies to meet federal, state and regional air, noise and water standards.

Strategies:

- 34.1 Obtain permits as necessary for transportation improvement projects and maintenance activities.
- 34.2 Develop closer working relationships with regulatory agencies by providing opportunities for participation and input at the project development phase of projects.
- 34.3 Encourage transportation staff to attend programs regarding regulatory processes such as the Endangered Species Act, The Clean Water Act and Metro's Green Streets Program.

Policy 35

Provide ongoing coordination with state, regional, and local business interests to assure efficient movement of goods and services to support a healthy rural economy.

Strategies:

- 35.1 Support north/south arterial improvements between I-84 and US-26 in the East County urban area.
- 35.2 Coordinate with ODOT to ensure continued safe access onto and across US-26.
- 35.3 Review truck weight and size restrictions based on new roadway improvements and current state law.

Policy 36

Provide a transportation system that ensures economically viable transportation of goods from farm to market.

Strategies:

- 36.1 Evaluate and implement safety improvements for trucks on rural arterials.
- 36.2 Seek funding for improvements to rural arterials.

Policy 37

Maximize cost-effectiveness of transportation improvements using the Capital Improvement Plan process and maintenance program.

Strategies:

- 37.1 Coordinate intersection improvements as appropriate through the County's Capital Improvement Plan and the County's maintenance program.
- 37.2 Provide minor improvements during maintenance projects where possible.

FINANCING PLAN

The West of Sandy River Rural Area TSP covers one of four subareas of unincorporated Multnomah County. The county assesses transportation system improvement needs on a countywide basis and develops a CIP for the entire County, instead of tracking expenditures or allocating funds by subarea. This section describes the process used to evaluate candidate projects in the West of Sandy River Rural Area for inclusion in the County's CIP.

A list of projects was developed through a public involvement process that included extensive stakeholder input. The projects address existing and future needs while maintaining the rural character of the area and conforming to the requirements for transportation improvements in rural areas under the state Transportation Planning Rule. These projects will compete for funding from a variety of county, state, and federal sources. Multnomah County will develop cost estimates for all projects, and evaluate and compare them with projects from the other regions. Over the next fiscal year the Roadway Project Evaluation Framework that has been used to select projects in the past will be updated to include criteria that weigh the importance of the land use goals of a roadway segment along with its functional efficiency. In a rural area this may mean including criteria that weigh the importance of maintaining the rural character of a roadway and preserving the natural environment and adjacent agricultural lands. Evaluation criteria will be developed through a public process beginning in 2001. The result will be a countywide, 20-year, financially constrained capital improvements plan and program. The time frame for completion of the countywide CIP has not been determined.

Various processes used to allocate funding for transportation projects within Multnomah County are summarized below. Candidate projects compete for funding based on the program amount available.

Capital Improvement Program (CIP)

Description

The Multnomah County CIP is a continuous and open process, allowing citizen input annually. Priorities for the county road system are dynamic, changing in response to land use decisions and infrastructure life cycles. Consequently, the Capital Improvement Plan and Program is updated on a regular basis.

The county holds public meetings in various communities to solicit public input regarding transportation needs. Project proposals are also solicited from each of the four east-county cities (Gresham, Troutdale, Fairview and Wood Village). After assembly by County staff, the project list is reviewed by the East Multnomah County Transportation Committee (EMCTC) and approved by the Board of County Commissioners (BCC).

The Transportation Division reviews the CIP annually, with a full update involving all interested parties occurring every 2 years. The annual review and biennial updates ensure that limited resources for capital projects are allocated to the most critical capital needs. As mentioned above, the criteria used to evaluate candidate projects for inclusion and prioritization within the County CIP will be revised through a public process beginning in 2001.

Regional Transportation Plan (RTP)

Description

The RTP is developed for the three-county metropolitan area including Clackamas, Multnomah, and Washington Counties. Public meetings are held throughout the region to solicit public input regarding transportation needs. Projects are required to meet federal and state air quality and environmental standards. The RTP is updated using a public process and committee review at the technical and policy levels before being sent to the seven-member Metro council.

Funding Potential

The Metro Transportation Improvement Program (MTIP) process, which allocates federal transportation funding to regional projects listed in the RTP, only addresses projects that can be identified as regionally significant. Stark Street, Troutdale Road, Lusted Road, Division Drive, Orient Drive have all been identified in the RTP on the Regional Motor Vehicle System.

State Transportation Improvement Program (STIP)

Description

ODOT manages the STIP update process, reviewing the projects generally in 3-year intervals through an open process that allows citizen input. The STIP update cycle was recently increased to three years due to a lack of new transportation funds at the state level.

Funding Potential

Public meetings are held in various communities around the state to solicit public input regarding transportation needs. Project proposals are also solicited from each of the local jurisdictions and metropolitan planning organizations (MPOs) from around the state. The list of projects is reviewed for air quality conformity and approved by the Oregon Transportation Commission before being sent to the U.S. Department of Transportation in Washington D.C. for approval. The draft 2000-2003 STIP includes a single project in the study area, replacement of the Stark Street Viaduct.

Candidate projects in the West of Sandy River Rural Area that qualify for state funding will be forwarded to the STIP process for funding through ODOT's Region 1. Candidate projects will receive funding based upon statewide priorities and parameters as set forth by the Oregon Transportation Commission for Modernization, Preservation, and Alternative Modes. The most likely projects to be selected for the STIP are bridges and projects for alternative modes. Other projects eligible for federal funds may also be included, such as projects on the segment of U.S. 26 through the study area.

Other Processes

Operations and Maintenance

Description. Multnomah County and ODOT each have operational budgets for ongoing maintenance and operations as allowed by Oregon statute and organizational policy. These budgets are set up to maintain facilities and services at minimum thresholds established by each agency, while being responsive to changing site conditions and customer requests.

Current Application. Operational budgets are applied to routine maintenance for traffic signing, travel lane markings, pavement management, vegetation control, winter weather patrol, and other activities. Each agency is responsible for maintenance and operations of its roadways unless there is an intergovernmental agreement transferring responsibilities.

Aside from the maintenance activities mentioned above, ODOT has a budget set aside for speed zone investigations when recommendations are made to the State Speed Control Board for changes in posted speeds.

Funding Potential. West of Sandy River Rural Area candidate projects that qualify for funding through the operations and maintenance budget will be recommended for funding to the appropriate operations and maintenance department. Minor shoulder improvements in the direction of the County's newly adopted road standards could be funded through operations and maintenance budgets.

Grants

Description. Grant programs are sponsored by various federal and state agencies for special studies and/or improvement projects beyond the processes described above.

Current Application. Grants relating to economic development and growth management-related activities are available. The grants are usually very specific in their evaluation criteria and are usually for specific studies or project types.

Funding Potential. West of Sandy River Rural Area candidate projects will be evaluated as grant funding opportunities arise.

COMPLIANCE WITH TRANSPORTATION PLANNING RULE REQUIREMENTS

Compliance with the Transportation Planning Rule was evaluated for each applicable TPR requirement and summarized in a technical memorandum provided to Multnomah County. Plan adoption and implementation ordinance preparation will follow; all other TPR requirements are addressed in this document.

APPENDIX

PLANNING CONTEXT

PLANNING CONTEXT

This section of the plan provides an overview of the laws and regulations Multnomah County addressed as part of this planning effort. These laws and regulations range from recommendations to outright requirements.

Statewide Planning Goals

Oregon planning law requires that local comprehensive plans and land use regulations be consistent with the 19 Statewide Planning Goals and state rules. At regular intervals, the State conducts reviews of local comprehensive plans to ensure that they comply with these requirements.

The State adopted its 19 statewide planning goals in the mid-1970's to set a framework for local land use planning. They include the following:

1. Citizen Involvement
2. Land Use Planning
3. Agricultural Lands
4. Forest Lands
5. Open Spaces, Scenic and Historic Areas and Natural Resources
6. Air, Water and Land Resources Quality
7. Areas Subject to natural Disasters and Hazards
8. Recreation Needs
9. Economy of the State
10. Housing
11. Public Facilities and Services
12. Transportation
13. Energy
14. Urbanization
15. Willamette Greenway
16. Estuarine Resources
17. Coastal Shorelands
18. Beaches and Dunes
19. Ocean Resources

Goals 15 through 19 do not apply to all communities, and are not applicable to the West of Sandy River study area. All of the other goals are applicable, and must be addressed as part of

this planning process. Several of these goals are particularly relevant to current planning in the study area. They include Goal 2 - land use planning; Goals 3 and 4 - agricultural and forestlands; Goal 11 - public facilities; Goal 12 - transportation; and Goal 14 - urbanization. The scope of work for this Plan required that the following goals be addressed: 1, 3, 4, 5, 6, 7, 8, 11, 12, 13, and 14.

Goal 1: Citizen Involvement

Goal 1 requires that citizens be involved in all aspects of the planning process. This Plan included multiple open houses, stakeholder interviews and an on-going Task Force.

Goal 3: Agricultural Lands

Goal 3 is intended to protect the state's agricultural lands for their contribution to the state's economy, as well as for the scenic and environmental benefits. This goal requires that designated agricultural lands (defined for western Oregon as land of predominantly Class I, II, III and IV soils) be preserved and maintained for farm use. Related statutes provide for counties to zone such areas for exclusive farm use (EFU), and limit the amount of partitioning and development activity that may occur in these areas. Minimum parcel sizes should be large enough to allow existing agricultural enterprises to continue – usually 80 acres for farmland and 160 acres for rangeland. The extension of sewer and water services in such areas should be appropriate only for the uses permitted. Non-farm uses, particularly those that may impact farming operations, are to be minimized. The Land Use section of this Plan thoroughly addresses the requirements of Goal 3.

Goal 4: Forest Lands

Goal 4 contains similar provisions relating to forest lands. The purpose of Goal 4 is to conserve areas that are deemed suitable for commercial forestry uses. Local governments are to inventory, designate and zone such areas as forestlands, and limit uses that may impact forestry activities. Minimum parcels sizes in forest zones should be large enough to allow for forest operations to continue. They are usually set at 80 acres. As with agricultural lands, the state sets strict limits on the type and extent of partitioning and development activity permitted in these areas. The Land Use section of this Plan thoroughly addresses the requirements of Goal 4.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 is intended to conserve open space and protect natural and scenic resources. As part of the development of the West of Sandy Rural Area Plan the County has conducted a Goal 5 analysis in accordance with OAR 660, Division 23. As required by OAR 660-023, the County has taken the following steps:

- Prepared an inventory of wildlife habitat and riparian corridor resources pursuant to 660-023-0030 and utilized the Statewide Wetlands Inventory pursuant to 660-023-0100 for wetlands.
- Made a determination of “significance” for wildlife habitat and riparian corridors,
- Conducted an analysis of the economic, social, environmental and energy (ESEE) consequences of allowing, prohibiting or limiting a conflicting use within the resource or its impact area for wildlife habitat and riparian corridors; and

- Made a decision as to whether to prohibit, limit or allow uses that conflict with wildlife habitat and riparian corridor resources that are determined to be significant.

Goal 6: Air, Water and Land Resources Quality

Goal 6 requires local jurisdictions to maintain and improve the quality of the air, water and land resources of the state. Compliance with Goal 6 requires that “all waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards.” The planning guidelines for the goal include that “plans should buffer and separate those land uses which create or lead to conflicting requirements and impacts upon the air, water and land resources.” Title 3 of Metro’s adopted Functional Plan addresses the water quality elements of Goal 6. A portion of the West of Sandy River Study is within the Metro Boundary and, as such, must comply with Metro’s requirements. In order to provide one set of regulatory requirements within the Rural Area these standards have been met and applied consistently throughout the entire West of Sandy River Rural Area.

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 states that “developments subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural disasters and hazards without appropriate safeguards”. Multnomah County is currently a participant in the National Flood Insurance Program. However, as noted above, a portion of the West of Sandy River Study is within Metro and, as such, must comply with Metro’s requirements. Title 3 of Metro’s adopted Functional Plan also addresses the flood hazard elements of Goal 7 and include some specific provisions regarding balanced cut-and-fill. These provisions have been met through recommended policies.

Goal 8: Recreational Needs

Goal 8 requires local jurisdictions with responsibility for recreation areas, facilities and opportunities to plan for those areas in a manner for use now and in the future. Multnomah County does not operate any parks in the study area, but Oxbow Regional Park and some other recreation facilities are found in the study area. These areas are addressed in the Land Use section of this Plan and specific policies are recommended to preserve recreational opportunities in the study area.

Goal 11: Public Facilities

Goal 11 states that all urban and rural development should be guided by, and limited to the capacity of facilities that are appropriate for the area. Local plans must address how public facilities are, or will be provided to the areas under consideration. In order to help maintain the rural character of areas outside of urban growth boundaries, local governments may not allow the extension of sewer systems into rural areas, in most cases. In addition, local governments may not rely on current water or sewer systems to accommodate rural residential development that is denser than the type of development that would be permitted without such systems. Public facilities are addressed in the Rural Center section of this Plan.

Goal 12: Transportation

Goal 12 requires communities to plan for transportation facilities and services. cities and counties must include transportation system plans that consider all types of transportation, as well as local, regional and statewide needs. Through these plans, cities and counties must weigh the options of different transportation choices, and ensure that the community does not rely on one primary mode of travel. In addition, cities and counties must incorporate environmental and economic considerations into their planning process, such as protecting air quality, ensuring that the needs of the disadvantaged are met, and facilitating the adequate flow of goods and services. This goal also requires cities and counties to coordinate their transportation planning with land use planning.

Goal 13: Energy Conservation

Goal 13 requires local jurisdictions to manage and control land use development to maximize the conservation of all forms of energy and to account for economic considerations. The environmental section of this plan considers the energy impacts of protecting natural resources in the study area. In addition, existing County policies provide guidance on energy conservation.

Transportation System Planning Rule

The West of Sandy River Plan includes a transportation system plan as required to implement Statewide Planning Goal 12. State of Oregon legislation requires local jurisdictions to prepare and periodically update a Transportation System Plan (TSP) as part of their overall Comprehensive Plan. The requirement for a TSP stems from the 1991 adoption by the State Land Conservation and Development Commission (LCDC) of the Transportation Planning Rule (TPR), Section 660, Division 12 of the Oregon Administrative Rules (subsequently modified in 1995).

Unincorporated Communities Rule

In December 1994, the LCDC adopted the Unincorporated Communities Rule. The rule provides the framework for land use designations and development standards to plan and zone for unincorporated communities outside established Urban Growth Boundaries (UGBs). The Unincorporated Communities Rule requires that established communities outside of urban growth boundaries be designated and planned as one of the several types of communities described in the Rule.

Through the Unincorporated Communities Rule, the State has acknowledged that some communities that are not rural exist outside of urban growth boundaries. State guidelines for these areas have been constructed to help counties plan for these areas and bypass a stringent "exceptions" process in their planning efforts. The rule requires that counties identify and designate such areas, plan for permitted and prohibited uses, and anticipate current and future facilities needs.

The rule requires areas to be designated as either Urban Unincorporated Communities or Unincorporated Communities. An Urban Unincorporated Community contains over 150 permanent residential dwellings and a mixture of land uses, and is served by a community sewer and water system. Because of the lack of a community sewer system and the lower number of

dwellings, both the Orient Rural Center and Pleasant Home area meet the definition of an Unincorporated Community.

Unincorporated Communities must also be defined as one of the three following types of areas:

- **Resort Communities** – established primarily for recreational and resort purposes.
- **Rural Communities** – consisting primarily of permanent residential dwellings, with at least two other lands uses present (such as commercial, industrial or public uses).
- **Rural Service Centers** – consisting primarily of commercial or industrial uses. They provide goods and services to the surrounding rural area and to persons traveling through the area.

Endangered Species Act

The decline of salmon within the Pacific Northwest has caused the National Marine Fisheries Service (NMFS) to list 26 salmon and steelhead evolutionary significant units (ESUs) in Oregon, Washington, California and Idaho as threatened or endangered under the ESA. Some jurisdictions also may be affected by ESA listings for resident fish, which remain in freshwater lakes or streams for their entire lives such as bull trout and cutthroat trout. The US Fish and Wildlife Service (USFWS) has authority to manage the recovery of these species. The Sandy River Watershed supports steelhead, chinook and coho salmon, and cutthroat trout and the Johnson Creek Watershed supports steelhead trout, all of which are covered under the ESA.

The ESA prohibits “take” of a member of any species listed as endangered, and allows the USFWS or NMFS to impose the same prohibitions for any species listed as threatened. The term “take” is defined in the ESA as to “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” Take has been defined to include the intentional or negligent act of habitat modification that significantly impairs essential behavioral patterns such as breeding, spawning, rearing, migrating, feeding, or sheltering, and which results in death or injury of a protected species.

Loss or degradation of habitat resulting from land development can be considered a take, and the jurisdiction that permitted or allowed the offending development can be held liable for that take. The ESA provides for third-party lawsuits, so private citizens alleging that take has occurred because of land development can sue the permitting jurisdiction.

There is a lot of uncertainty about the exact effect of the salmon and steelhead listings on land development activities. Loss or degradation of habitat caused by development can be considered a take, and the jurisdiction that permitted or allowed the offending development can be held liable for that take. Section 4(d) of the ESA requires that NMFS list the activities that could result in a take. NMFS has also described certain precautions that, if followed, would preclude prosecution for take even if a listed species were harmed inadvertently. Such a provision is called a limit on the take prohibition. The intent is to provide local governments and other entities greater certainty regarding their liability for take.

Multnomah County has established an on-going program to respond to the listing of endangered salmonids. As part of that effort, the County has prepared the *ESA/Recovery Planning: A Decision-Support Document and Review of Multnomah County Policies, Activities and*

Regulatory Functions (dated May 2000) and is continuing to evaluate its options with regard to ESA compliance.

Metro Title 3

Title 3 of Metro's Urban Growth Management Functional Plan provides regional standards for the protection of water quality and floodplains. A portion of the West of Sandy River study area is within the Metro Boundary and, as such, must comply with Metro's requirements. In order to provide one set of regulatory requirements within the study area these standards have been applied consistently throughout the entire West of Sandy River Rural Area.

Title 3 requires local jurisdictions to adopt code to address development in "water quality and flood management areas." An official map must be adopted, and specific performance standards for water quality and flood management must be implemented. Title 3 setbacks from streams and wetlands vary from 15 to 200 feet, based on site-specific conditions.

The Metro Title 3 program for fish and wildlife is presently being developed.

The Economic, Social, Environmental, and Energy analysis is a separate document.

Draft

ENVIRONMENTAL PROTECTION PROGRAM CODE CONCEPTS

M E M O R A N D U M

TO: Chuck Beasley.

FROM: Cathy Corliss, Angelo Eaton & Associates

DATE: September 25, 2001

CC: Jason Franklin, Parametrix; Dan Stark, Fishman Environmental Services

FILE #: 026-001

RE: Final Code Concepts for Water Resources and Significant Wildlife Habitat Protection in the West of Sandy River Subarea

This memo describes the code concepts for environmental protection in the West of Sandy River area. The code concepts provide the framework for how significant environmental resources could be protected in the area, but will require further work before actual development code can be adopted. The code concepts described in this memo are designed to meet the requirements of Statewide Planning Goal 5 and elements of Goals 6 and 7 (as implemented through Metro's Title 3, sections 1-4). Goal 7 also is currently implemented through the Flood Plain Development ordinance and the Hillside Development ordinance.

The code concepts address the riparian corridors (and associated wetlands) and the wildlife habitat sections of Goal 5. As noted above the concepts address the portions of Goal 6 and 7 implemented by Metro's Title 3. This generally includes water quality (Goal 6) and flood hazards (Goal 7). Metro's Title 3 is used because a portion of the West of Sandy River Study is within the Metro Boundary and, as such, must comply with Metro's requirements. In order to provide one set of regulatory requirements within the Rural Area, these standards are applied consistently throughout the entire West of Sandy River area.

The recommended regulatory approach is to use the County's existing Significant Environmental Concern (SEC) Zoning Overlay District to establish protection standards for both water resource (under Goal 5 and Goal 6) and wildlife habitat (under Goal 5). The expansion of the SEC overlay to include Goal 6 (Water Quality) would be unique to the West of Sandy River Subarea. In other subarea plans the SEC Overlay is limited to Goal 5 implementation. However, other elements of the proposed West of Sandy River Subarea SEC Overlay District would be similar to the regulatory approach taken in other subareas (e.g., the West Hills Subarea), including:

- ❖ Requiring an SEC Permit for regulated development within the SEC Overlay District; and
- ❖ Establishing base standards that apply to the entire Overlay District with special standards for specific resources.

Pursuant to 660-023-0010(3), an "impact area" is a geographic area within which conflicting uses could adversely affect a significant Goal 5 resource. Within the West of Sandy River Subarea, the area within the boundaries of the SEC Overlay District represents the "impact area". Within the Impact Area there are two subcategories that include standards for the protection of natural resources: Habitat (SEC-h) and

Water Resources Areas (SEC-wr). The types of special standards that might apply in these areas are described in the Code Concepts. The regulatory approach is summarized below.

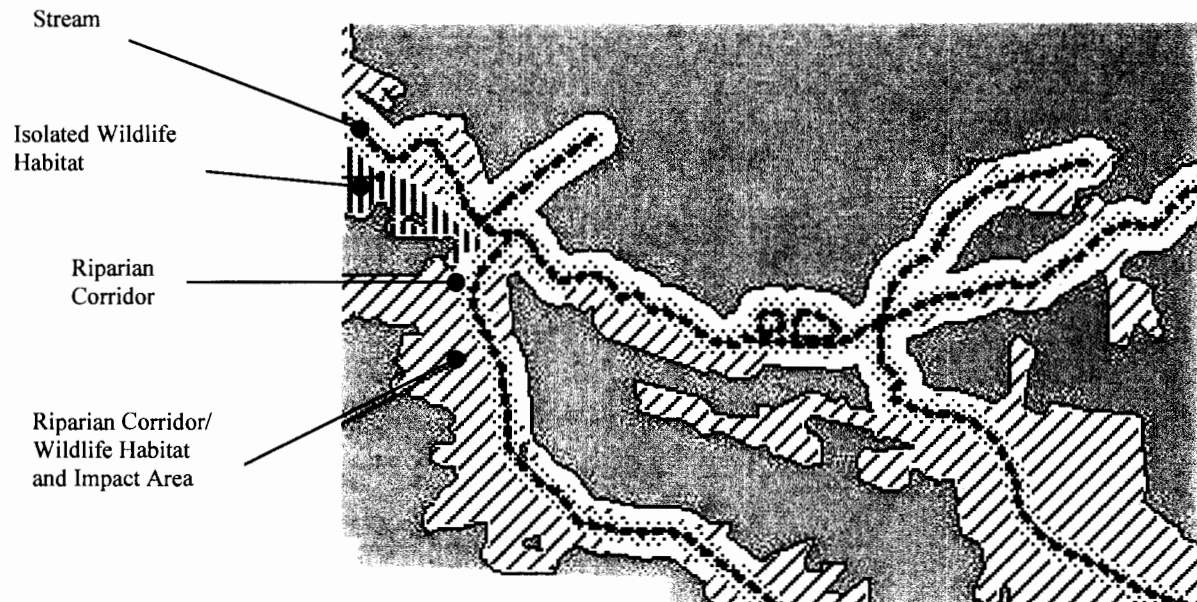
Summary of Regulatory Approach

The protection program described in this memo requires landowners to obtain a SEC permit from the County when they are proposing qualifying development. Qualifying development includes new building development, paving, grading, removal of more than 10 percent of existing vegetation and other uses that are not specifically exempted from County review. The following table provides a snapshot of how the protection program works depending on where the qualifying development is located.

Area of Regulation	Area on Map (see sample map below)	How Regulated
Areas not within the SEC boundary	All areas shown in gray on the Inventory Map*	The SEC requirements would not apply
Water Resource areas (SEC-wr)	All areas within the SEC boundary that are within 200 feet of a Protected Water Feature (see definition in Section B, in the Code Concepts)*. These are identified as "Riparian Corridor and Impact Area" on the map.	The general SEC requirements apply plus special SEC-wr standards (Code Concepts, Sections H and I)
Wildlife Habitat areas (SEC-h)	All areas within the SEC boundary* which are not otherwise identified as Water Resource Areas including areas identified on the map as: ♦ "Riparian Corridor/Wildlife Habitat and Impact Area", or ♦ "Isolated Wildlife Habitat"	The general SEC requirements apply plus special SEC-h standards (Code Concepts, Sections H and J)

** Included in the Code Concepts (Section E) is a process by which an applicant can provide additional information to establish the boundary of the resource if the maps are unclear.*

Map Sample from Draft Goal 5 Natural Resource Inventory



**CODE CONCEPTS FOR THE SIGNIFICANT ENVIRONMENTAL CONCERN (SEC) ZONING
OVERLAY WITHIN THE WEST OF SANDY RIVER SUBAREA**

A. Purpose - The purpose statement, which explains why this chapter is needed, should establish the following:

1. That the chapter is intended to provide protection for natural resources or areas with natural resource values that have been identified by the County as providing benefits to the public and to protect and improve the beneficial water uses and functions and values of Water Resource Areas.
2. Regulated areas include sites meeting the standards of Statewide Planning Goal 5 for riparian corridor or habitat values as well as water quality resources pursuant to the requirements of Title 3 of the Metro Urban Growth Management Functional Plan and Statewide Planning Goal 6.
3. The SEC Overlay Zone will provide protection for natural resource sites depending upon the characteristics of the resource by establishing two subdistricts within the SEC Zoning Overlay: SEC Water Resources (SEC-wr) and SEC Habitat (SEC-h)
4. The overlay zone is intended to allow development in situations where adverse impacts from the development can be avoided or mitigated.

B. Designations - This section should establish the where these standards would apply and the relationship of the regulations to the map. Concepts that could be addressed in this section include:

1. The standards of this subsection would apply to those lands within the West of Sandy River Subarea designated SEC on the Multnomah County Zoning Map.
2. Within the boundaries of the SEC Overlay Zone, map and text definitions will be used to determine when to apply specific requirements.
3. Establish definitions for the SEC-wr and SEC-h subdistricts - Water Resource Areas (protected water feature and riparian/vegetated corridor) and Habitat Areas, as described below:
 - a) SEC-Water Resources (SEC-wr) – Protected water features, significant riparian/vegetated corridors and the adjacent impact area as established by these definitions are included within the SEC-wr Zoning Overlay Subdistrict.
 - (1) Protected Water Features shall include:
 - (a) Wetlands that provide a water quality benefit - Wetlands of metropolitan concern as shown on the Metro Water Quality and Flood Management Area Map and other wetlands which meet any one of the following criteria. Wetlands do not include artificially constructed and managed stormwater and water quality treatment facilities.
 - (i) The wetland is fed by surface flows, sheet flows or precipitation, and has evidence of flooding during the growing season, and has 60 percent or greater vegetated cover, and is over one-half acre in size;
 - (ii) The wetland qualifies as having “intact water quality function” under the 1996 Oregon Freshwater Wetland Assessment Methodology;

- (iii) The wetland is in the Flood Management Area, and has evidence of flooding during the growing season, and is five acres or more in size, and has a restricted outlet or no outlet;
 - (iv) The wetland qualifies as having “intact hydrologic control function” under the 1996 Oregon Freshwater Wetland Assessment Methodology; or
 - (v) The wetland or a portion of the wetland is within a horizontal distance of less than one-fourth mile from a water body which meets the Department of Environmental Quality definition of “water quality limited water body” in OAR Chapter 340, Division 41 (1996).
- (b) rivers, streams, and drainages downstream from the point at which 50-acres or more are drained to the water feature (regardless of whether it carries year-round flow); and
 - (c) streams within significant riparian corridors; and
 - (d) streams carrying year-round flow; and
 - (e) springs which feed stream and wetlands and have year-round flow; and
 - (f) natural lakes.
- (2) Riparian/Vegetated Corridors and Impact Area – The standard width of the riparian/vegetated corridor for all Protected Water Features should be two hundred (200) feet from the top of bank (including the Impact Area). Top of bank as defined by OAR 660-023-0090(g)
- b) SEC-Habitat (SEC-h) —The SEC Overlay Zone includes nonriparian and nonwetland natural resource sites containing habitat values such as wooded areas and areas with rare or endangered flora and fauna, as identified by the Goal 5 Inventory. Habitat areas include the significant Goal 5 habitat resource and a 25 foot buffer to protect the root zone of the vegetation. The boundaries of Significant Habitat Areas, which are designated as SEC-h, are established by the Goal 5 Natural Resource Inventory and include:
- (1) Those areas identified on the map as “Riparian Corridor/Wildlife Habitat and Impact Area” that do not otherwise meet the definition of Water Resource Area, above; and
 - (2) Those areas identified on the map as “Isolated Upland Wildlife Habitat” that do not otherwise meet the definition of Water Resource Area, above.
- C. Uses – SEC Permit Required - This Section establishes what types of activities this standards would apply to. As with the Draft Environmental Policies, we have recommended incorporating Metro’s definition of “development” with the modification that forest practices be clearly excluded and the inclusion of a reference to land divisions.**
- 1. Establish that this chapter applies to development in the SEC Overlay Zone and a definition of “development” as follows:
 - a) Any manmade change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation.

- b) Any other activity that results in the removal of more than 10 percent of the existing vegetation in the Water Resource Area or Habitat Area on a lot or parcel.
 - c) Other uses not specifically exempted from review, including land divisions.
2. The County may wish to state that the provisions of this section do not prohibit uses allowed [or conditionally allowed] by the primary zone. However, the amount and placement of uses and development may be regulated in order to meet the purpose and provisions of this section.
 3. The County may also wish to include a statement that prohibits pre-development clearing to alter site conditions. Potentially, the County could require that such an action would result in the maximum vegetated corridor widths and require mitigation/enhancement, regardless of pre-existing corridor conditions.

D. Exemptions – The County may wish to consider exempting certain activities from obtaining an SEC permit. These could include:

1. Uses legally existing on [adoption date];
2. Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this document;
3. The propagation of timber or the cutting of timber for public safety or the cutting of timber in accordance with the State Forest Practices Act;
4. Routine repair and maintenance of existing structures, roadways, driveways, utility facilities, accessory uses and other development.
5. Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905(6);
6. The maintenance and repair of existing flood control facilities;
7. The placing, by a public agency, of signs, markers, aids, etc., to serve the public;
8. Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;
9. Stream enhancement or restoration projects approved by the County;
10. The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;
11. Within SEC-wr - Change, expansion, or alteration of existing uses which do not require any modification to the exterior of the structure;
12. Within SEC-h - Change, expansion, or alteration of existing uses which require the addition of less than 400 square feet of ground coverage to the structure;

13. Construction on lots in subdivisions meeting the criteria of ORS 92.040(2) (1995);
14. Placement of structures that do not require a grading, land use or building permit;
15. Work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies provided that after the emergency has passed, adverse impacts are mitigated; and
16. The sale of property.

E. Establishing the Boundaries of the SEC, SEC-wr or SEC-h Districts

The County may wish to allow development activities to demonstrate by on-site delineation and survey that the standards of this Chapter should not apply to the activity site. If so, the County should establish what type of permit (e.g., Type I) would be required and require site assessment information pursuant to Section G.

F. Buildable Lot Variance

In order to avoid the risk of a “taking”, the County may wish to include a “Buildable Lot Variance”. Given the large size of most lots in the West of Sandy River Subarea, this may not be necessary; however, these standards will also apply to the smaller lots within Orient and Pleasant Home. This would be a variance to avoid the loss of all economically viable use of a lot that is partially inside the SEC Overlay Zone. It would allow development on such lots provided not more than 5,000 square feet, including access roads and driveways, is disturbed. The development would still be subject to the erosion and sediment control standards. The applicant would need to demonstrate the following:

1. Without the proposed variance, the applicant would be denied economically viable use of the subject property. To meet this criterion, the applicant must show that no other application could result in permission for an economically viable use of the subject property. Evidence to meet this criterion shall include a list of uses allowed on the subject property.
2. The proposed variance is the minimum necessary to allow for the requested use;
3. The proposed variance will comply with Section J (mitigation); and
4. The proposed use complies with the standards of the base zone.

G. Application requirements - This Section should establish what information must be submitted with applications for an SEC Permit or requests for boundary modifications. The information provided must be sufficiently detailed for County staff to evaluate the impacts of the proposal. Below is a list of the type of information typically requested by a local jurisdiction for natural resource evaluation.

1. A scaled site plan which clearly identifies:
 - a) the location of all existing natural features including, but not limit to, all trees of a caliper greater than six (6) inches diameter at breast height (DBH), natural drainages on the site, springs, seeps and outcroppings of rocks, or boulders within the Water Resource Area or Habitat Area.;

- b) the location of both existing and proposed structures, parking/maneuvering areas, utilities, and other development;
 - c) a topographic map of the site at contour intervals of five feet or less showing a delineation of the Water Area or Habitat Area;
 - d) location of wetlands;
 - e) an inventory and location of existing debris and noxious materials; and
 - f) information provided for the site from the County Goal 5 Inventory.
2. A narrative describing the proposed activity and its relation to the location of the natural resources.
 3. Preparation of plans and surveys - The County may wish to specify who may prepare natural resource site surveys, mitigation plans, and management plans (e.g., type of professional expertise required), as well as what methodologies will be used. For example, the County may wish to require that wetlands be identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual.
 4. Natural resource management plans - As an option, the County could allow natural resource management plans as part of the development review process for larger-scale, long-term or phased developments. This approval would allow the proposed development to occur without the need for additional development reviews, provided the proposal follows the approved plan. The natural resource management plan should include a site survey of the natural resources, a site plan, and mitigation plan. Modifications to an approved plan would require a new development review process.

H. General SEC Requirements - Standards in this section would be applied to all areas within either SEC-wr or SEC-h.

1. Site preparation and construction practices shall be followed that prevent drainage of hazardous materials or erosion, pollution, or sedimentation to water resource area or habit area.
2. 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.
3. Outdoor activities, including open fabrication or operations which create large amounts of noise, dust, or glare, vehicle maneuvering and parking areas, outside storage and display areas, and trash collection areas shall be screened from the water resource area or habitat area by sight-obscuring vegetation or fencing.
4. The types, sizes, and intensities of lights must be placed so that they do not shine directly into the water resource area or habitat area.

5. The following nuisance plants shall not be used as landscape plantings within the SEC Overlay Zone:

Table 1

Nuisance Plant List

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

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

6. Coordination among agencies – *[NOTE: The regulations of other agencies may apply to development proposals for natural resource areas. These agencies may include the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the Environmental Protection Agency, the Oregon Division of State Lands, and the Oregon Department of Fish and Wildlife.]* The County may wish to establish standards regarding the notification of applicable agencies for referral responses to specific development proposals prior to the issuance of County permits. The County may also wish to encourage the applicant to contact applicable agencies before development plans are completed so as to consider the requirements and restrictions that may be imposed by the agencies.

I. Specific Requirements for Development within SEC-wr Areas – These standards would apply within the 200' riparian/vegetated corridor in addition to the requirements in Section H, above.

1. In addition to other SEC Permit submittal requirements, any application to develop in a SEC-wr Subdistrict shall also include:
 - a) A site plan drawn to scale showing the Water Resource Area boundary, the location of all existing and proposed structures, roads, watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval equivalent to the best available U.S. Geological Survey 7.5' or 15' topographic information;
 - b) An assessment of the existing condition of the Water Resource Area in accordance with Table 2. *[NOTE: Table 2 is from work the Unified Sewerage Agency (USA) did for Title 3 compliance. In general, the USA table is clearer and easier to use than the similar table from the Title 3 Model Ordinance. However, the USA version references two additional USA documents: Site Assessment Guidance Document and Landscape Guidance Document. Three potential options for the County to consider: (1) delete the references to additional guidance documents and let the table stand as it is; (2) delete the references to additional guidance and add supporting text to the table to further clarify the requirements; or, (3) consider developing local versions of the USA guidance documents.]*
 - c) An inventory of vegetation, including percentage ground and canopy coverage, and presence of nuisance plant listed in Table 1.
 - d) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;
 - e) A study of any flood hazard, erosion hazard, and/or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards;
 - f) A detailed Mitigation Plan as described in subsection I(6), if required; and
 - g) A description of how the proposal meets the standards of this section.
2. Exception for low impact sites – The County may wish to provide an opportunity for development sites that meet the following criterion to avoid some or all of the requirements of this Section. Applicants would need to submit sufficient information to demonstrate that they meet the criteria (e.g., topographic data) and would still have to meet the standards in Section H, above.

- a) The development site is at least one hundred (100) feet from top of bank or top of ravine, which ever results in a greater distance from the Protect Water Feature.

Top of ravine is the break in the $\geq 25\%$ slope. Slope should be measured in 25-foot increments away from the water feature until slope is less than 25% (top of ravine) Where multiple resources are present (e.g., stream with wetlands along banks), the starting point for measurement should be whichever offers greatest resource protection.

- 3. Alternatives Analysis Required - The Code should identify a means by which a proposed use or development activity, which poses a potentially adverse impact to a Water Resource Area can be allowed if there is no alternative. The process of making that determination typically requires an alternatives analysis to be prepared by the applicant. The alternatives analysis should demonstrate that:

- a) No practicable alternatives to the requested development exist that will not disturb the Water Resource Area;
- b) Development in the Water Resource Area has been limited to the area necessary to allow for the proposed use; and
- c) The Water Resource Area can be restored to an equal or better condition; or
- d) Any net loss of resource area, function and/or value can be mitigated. *[NOTE: The County may also wish to provide an exception for the alteration, addition, rehabilitation or replacement of existing structures which would be somewhat easier to meet (e.g., that impacts be minimized and mitigation occur to the maximum extent feasible)].*

- 4. Development standards within SEC-wr Subdistrict - This section establishes what standards must be met within the SEC-wr Overlay Zone. The following are some examples of development standards that could be used to protect water resources areas:

- a) Development shall occur as far as practically possible from the stream.
- b) Development of trails, rest points, viewpoints, and other facilities for the enjoyment of the resource must be done in such a manner so as to reduce impacts on the natural resource while allowing for the enjoyment of the natural resource.
- c) Development in areas of dense standing trees will be designed to minimize the numbers of trees to be cut. No more than 50 percent of mature standing trees (of 6-inch diameter or greater at a 5-foot. height) shall be removed without a one-for-one replacement with comparable species. The site plan for the proposed activity shall identify all mature standing trees by type, size, and location, which are proposed for removal, and where and what type of tree replacement (if applicable) is to occur.
- d) Areas of standing trees, shrubs, and natural vegetation will remain connected or contiguous, particularly along natural drainage courses, except where mitigation is approved, so as to provide a transition between the proposed development and the natural resource, provide opportunity for food, water, and cover for animals located within the natural resource location, and to protect the visual amenity values of the natural resource.

- e) The Water Resource Area shall be restored to “good condition” and maintained in accordance with the mitigation plan and the specifications in Table 2.
- f) To the extent practicable, existing vegetation shall be protected and left in place. Work areas shall be carefully located and marked to reduce potential damage to the Water Resource Area. Trees in the Water Resource Area shall not be used as anchors for stabilizing construction equipment.
- g) Where existing vegetation has been removed, or the original land contours disturbed, the site shall be revegetated, and the vegetation shall be established as soon as practicable. Nuisance plants, as identified in Table 1, may be removed at any time. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Nuisance plants shall be replaced with non-nuisance plants by the next growing season.
- h) Prior to construction, the Water Resource Area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as otherwise allowed by this chapter. Such markings shall be maintained until construction is complete.
- i) Stormwater quantity control and quality control facilities:
 - (1) Stormwater management shall be conducted in a manner that does not increase the flow of stormwater to the stream above pre-development levels.
 - (2) The stormwater quantity control and quality control facility may only encroach a maximum of 25 feet into the outside boundary of the Water Resource Area of a primary water feature; and
 - (3) The area of encroachment must be replaced by adding an area equal in size and with similar functions and values to the Water Resource Area on the subject property.
- j) Additions, alterations, rehabilitation and replacement of lawful structures.
 - (1) For existing structures, roadways, driveways, accessory uses and development which are nonconforming, this document shall apply in addition to the nonconforming use regulations of the County zoning ordinance (Title ____).
 - (2) Additions, alterations, rehabilitation or replacement of existing structures, roadways, driveways, accessory uses and development shall not encroach closer to the Protected Water Feature than the existing structures, roadways, driveways, accessory uses and development.

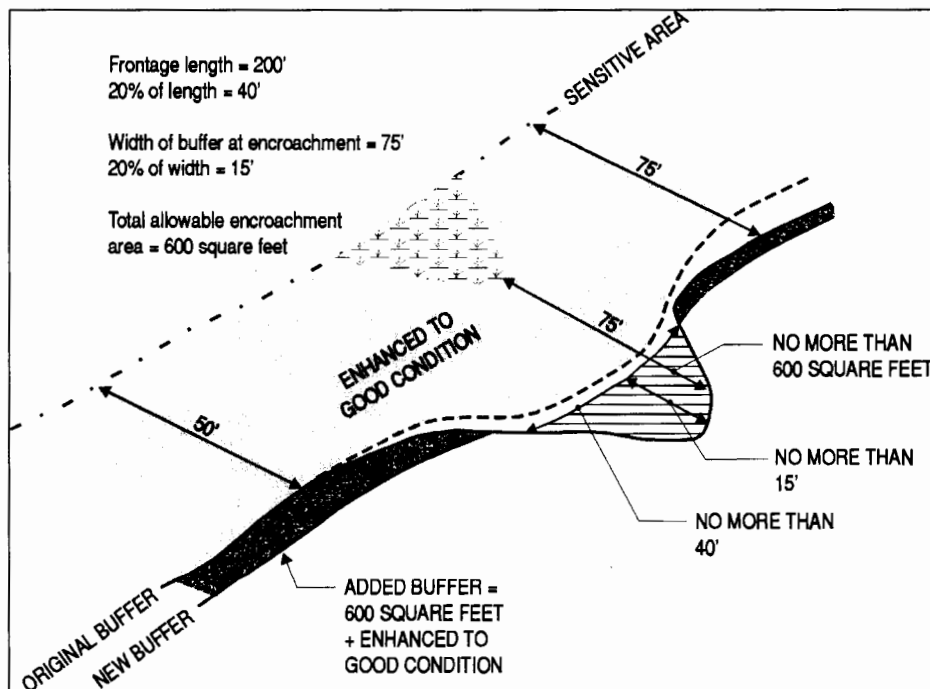
5. Buffer Averaging

As an option, the County may also wish to allow “buffer averaging”. For example, development activities, which are within a designated SEC-wr, may be allowed to reduce the width of the 200 foot riparian/vegetated corridor and impact area under the following circumstances (see Figure 1 for an illustration):

- a) Site assessment information pursuant to Section G has been submitted.

- b) The riparian/vegetated corridor is certified to be in a marginal or degraded condition pursuant to Table 2. Buffer averaging is not allowed to encroach in areas certified to be in good condition.
- c) The maximum encroachment does not exceed 20% of the frontage length of the vegetated corridor by 20% of the required width.
- d) The entire remaining vegetated corridor on the project site or the first 50 feet closest to the stream (whichever is less) will be enhanced to "good" condition pursuant to Table 2.
- e) The area of encroachment will be replaced at a 1:1 ratio.
- f) The replacement area will be incorporated into the remaining vegetated corridor on the project site and meet the "good" condition pursuant to Table 2, regardless of its distance from the resource area.

Figure 1



6. Mitigation - Mitigation may be required to offset the impacts of development within the SEC-wr Overlay District. This section establishes how mitigation can occur. It also includes an optional exception to the mitigation requirement for development that is permitted to allow "reasonable use" of a site.
- a) Mitigation Sequence. Mitigation includes avoiding, minimizing or compensating for adverse impacts to regulated natural resource areas. When a proposed use or development activity poses potentially adverse impacts to a regulated natural resource area, the preferred sequence of mitigation as defined below shall be followed unless the applicant demonstrates that an overriding public benefit would warrant an exception to this preferred sequence.

- (1) Avoiding the impact altogether by not taking a certain action or parts of actions on that portion of the site which contains the regulated natural resource area;
- (2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- (3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (4) Compensating for the impact by replacing, enhancing or providing substitute resources or environments on-site.
- (5) Compensating for the impact by replacing, enhancing or providing substitute resources or environments off-site.
- (6) When evaluating potential impacts to the natural resource, the County may consider whether there is an overriding public benefit, given:
 - (a) The extent of the public need for the proposed regulated activity;
 - (b) The functional values of the Water Resource Area that may be affected by the proposed regulated activity;
 - (c) The extent and permanence of the adverse effects of the regulated activity on the Water Resource Area, either directly or indirectly;
 - (d) The cumulative adverse effects of past activities on the Water Resource Area, either directly or indirectly; and
 - (e) The uniqueness or scarcity of the Water Resource Area that may be affected.
- b) Mitigation Exemption for Reasonable Use. If a project qualifies for a Buildable Lot Variance for construction of a single family residence in accordance with Section F, the requirements for mitigation will be waived if adverse impacts to a regulated natural resource area cannot be avoided on a parcel which constituted a legal building site prior to the adoption of this Chapter.
- c) Compensatory Mitigation: General Requirements. As a condition of any permit or other approval allowing alteration which results in the loss or degradation of regulated natural resource areas, or as an enforcement action, compensatory mitigation shall be required to offset impacts resulting from the actions of the applicant or violator.
 - (1) Except for persons exempt under Section b, above, any person who alters or proposes to alter regulated natural resource areas shall restore or create natural resource areas equivalent to or larger than those altered in order to compensate for resource losses.
 - (2) The following ratios apply to the creation or restoration of natural resource areas. The first number specifies the amount of natural resource area to be created and the second specifies the amount of natural resource area to be altered or lost.

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

- (3) Only marginal or degraded water resource areas may be the subject of a restoration project proposed as part of a Mitigation Plan.
- (4) 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.
- (5) Compensation shall be completed prior to destruction, where possible.
- (6) In order to ensure that the mitigation area will be protected in perpetuity, proof that a deed restriction or other preservation measure, such as a conservation easement, has been placed on the property where the mitigation is to occur is required.

Table 2
Riparian/Vegetated Corridor Standards

Existing Riparian/Vegetated Corridor Condition	Requirements of Riparian/Vegetated Corridor Protection, Enhancement, and/or Mitigation
<p style="text-align: center;">Good Corridor</p> <ul style="list-style-type: none"> Combination of native trees, shrubs, and groundcover covering greater than 80% of the area <li style="text-align: center;">and Greater than 50% tree canopy exists (aerial measure) 	<ul style="list-style-type: none"> Provide certification, pursuant to the Site Assessment Guidance Document, to the County by a professional ecologist/biologist that the riparian/ vegetated corridor meets condition criteria. Remove any invasive non-native or nuisance species and debris and noxious materials within the corridor by hand. Provide the County with a native plant revegetation plan appropriate to the site conditions developed by an ecologist/biologist or landscape architect to restore condition and mitigate any habitat or water quality impacts related to development. See Landscape Guidance Document. Revegetate impacted area per approved plan to re-establish "good" corridor conditions
<p style="text-align: center;">Marginal Corridor</p> <ul style="list-style-type: none"> Combination of native trees, shrubs, and groundcovers covering 50%-80% of the area <li style="text-align: center;">and/or 26-50% tree canopy exists (aerial measure) <p>(Enhancement up to "good" corridor required regardless of planned impact or not)</p>	<ul style="list-style-type: none"> Provide certification, pursuant to the Site Assessment Guidance Document, to the County by a professional ecologist/biologist that the riparian/vegetated corridor meets condition criteria. Remove any invasive non-native or nuisance species and debris and noxious materials within the corridor by hand or mechanically with small equipment, as appropriate to minimize damage to existing native vegetation. Provide County with a native plant revegetation plan appropriate to the site conditions developed by an ecologist/biologist or landscape architect to restore to a good corridor condition. See Landscape Guidance Document. Vegetate corridor to establish "good" corridor conditions
<p style="text-align: center;">Degraded Corridor</p> <ul style="list-style-type: none"> Combination of native trees, shrubs, and groundcovers covering is less than 50% of the area <li style="text-align: center;">and/or Less than 25% tree canopy exists (aerial measure) <li style="text-align: center;">and/or Greater than 10% of the area is covered by invasive, non-native species <p>(Enhancement up to "good" corridor required regardless of planned impact or not)</p>	<ul style="list-style-type: none"> Provide certification, pursuant to the Site Assessment Guidance Document, to the County by a professional ecologist/biologist that the riparian/vegetated corridor meets condition criteria. Remove any invasive non-native or nuisance species and debris and noxious materials within the corridor by hand or mechanically as appropriate. Provide County with a native plant revegetation plan appropriate to the site conditions developed by an ecologist/biologist or landscape architect to restore to a good corridor condition. See Landscape Guidance Document. Vegetate corridor to establish "good" corridor conditions

7. Mitigation plans - The Code should include standards for mitigation plans that may be required as a result of development within the SEC Overlay District. Typically, natural resource mitigation plans are required to contain the following information:
 - a) A description of adverse impacts that will be caused as a result of development.
 - b) An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated.
 - c) A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for work on the development site.
 - d) A map showing where the specific mitigation activities will occur.
 - e) An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. All in-stream work in fish-bearing streams must be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.

J. Specific Requirements for Development within SEC-h Areas – These standards would apply in addition to the general standards in Section H, above.

1. In addition to the information required by Section H, an application for development in an area designated SEC-h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:
 - a) Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas;

For the purposes of this section, a forested area is defined as an area that has at least 75% crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A non-forested "cleared" area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan.
 - b) Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels;
 - c) Existing and proposed type and location of all fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property.
2. Development standards:
 - a) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

- b) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.
- c) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.
- d) The access road/driveway shall be located within 100 feet of the property boundary if adjacent property has an access road or driveway within 200 feet of the property boundary.
- e) The development shall be within 300 feet of the property boundary if adjacent property has structures and developed areas within 200 feet of the property boundary.
- f) Fencing within a required setback from a public road shall meet the following criteria:
 - (1) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.
 - (2) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.
 - (3) Cyclone, woven wire, and chain link fences are prohibited.
 - (4) That portion of the required setback along a public road.
 - (5) Fences with a ratio of solids to voids greater than 2:1 are prohibited.
 - (6) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.
- g) Nuisance plants pursuant to Table 1 shall not be planted as landscaping and shall be controlled within cleared areas of the subject property.
- h) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.
 - (1) The applicant cannot meet the development standards of Section (2) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or
 - (2) The applicant can meet the development standards of Section (2), but demonstrates that the alternative conservation measures exceed the standards of Section 2 and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section 2.
 - (3) The wildlife conservation plan must demonstrate the following:

- (a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.
- (b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.
- (c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.
- (d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.
- (e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.

Draft

RURAL CENTER CODE CONCEPTS

RURAL COMMUNITY RESIDENTIAL ZONE

West of the

Sandy River

Rural Area

Transportation and

Land Use Plan

This paper describes general concepts for zoning regulations for development in residential zones within the Orient Rural Community. They are based on the requirements currently in place for this area. The purpose statement includes concepts from the vision, as well as from the existing code.

Purpose

The purposes of the Orient Rural Community Residential zone are to provide standards and review procedures which will encourage concentrations of rural residential development for people who want to live in a rural setting close to small-scale, low impact commercial and industrial services; to provide for home occupations and marketing of home-grown products and to provide standards for rural land use and development consistent with the desired rural character and capability of the land and natural resources.

Permitted Uses

- Single-family detached dwellings
- Farm Use
- Propagation/harvest of forest products
- Public and private conservation areas, etc.

Uses Under Prescribed Conditions (administrative land use decision)

- Type B Home occupations
- An additional dwelling (manufactured dwelling) for help required for a primary use.
- Wholesale or retail sales for products raised or grown on the premises.

Conditional Uses

- Planned developments

Dimensional Requirements

- Minimum lot size: 1 acre
- Minimum yard dimensions (setbacks)
 - Front: 30 feet
 - Side: 10 feet
 - Street side: 30
 - Rear: 30
- Maximum height: 35 feet
- Minimum front lot line length: 50 feet

Design Standards

- Access and circulation: Any lot in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians, passengers and emergency vehicles.
- Landscaping: There are no landscaping requirements.
- Vehicle parking: Two spaces for each dwelling.
- Utilities standards: As existing in Framework Plan Policy 37, includes water and disposal system, drainage, energy and communications.



RURAL COMMUNITY COMMERCIAL ZONE

West of the

Sandy River

Rural Area

Transportation and

Land Use Plan

This paper describes general concepts for zoning regulations for development in commercial zones within the Orient Rural Community. Existing plan Policy 7 states that commercial and community uses are intended to be primarily for the residents of the rural area and some tourist services. State rules require that commercial uses must be small-scale low impact (not exceeding 4,000 sq. feet). If larger uses are allowed, findings in the plan must show that they are needed to serve the community and surrounding rural area or the travel needs of people passing through the area. Making such findings is problematic due to the proximity of the Rural Center to the Urban Growth Boundary, and staff is therefore working with the size limitation in the Rules.

Purpose

The Rural Community Commercial zone is intended to provide for small-scale, low-impact commercial uses that serve the population of the immediate Rural Community area, and the immediate surrounding rural area as well as those travelling through the area. The uses allowed within the zone will reinforce the rural nature of the area and will not adversely impact adjacent agricultural uses or exceed the capacity of the transportation system serving the area.

Permitted Uses

- The same uses listed as "Permitted" in the residential zone.

Uses Under Prescribed Conditions (administrative land use decision)

Potential uses (regulated to buildings not exceeding 4,000 square feet) could include:

- Automobile repair
- Restaurant
- Tavern
- Office for professional services
- Garden supply store
- Hardware store
- Retail bakery
- Service station
- Beauty and barber shop
- Video tape rental
- (industrial use)

The above uses also could be grouped into broader categories such as:

- Auto-oriented uses

- Entertainment (clubs, amusement uses)
- Medical and dental offices
- Mixed use development
- Office uses
- Personal and professional services (child care, restaurants, dry cleaners, banks, etc.)
- Retail trade and services

Other uses

- Uses authorized under Goals 3 and 4, such as farms, nurseries, farm stands, etc.

Conditional Uses

- Community Services as found in Section 7020 of the code. Includes such uses as a campground, cemetery, church, group care facility, park, library, government building, etc.
- Other uses not specified above and subject to the following conditions:
 - A) The use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use;
 - (B) The proposed use will not, by itself or in combination with existing uses in the community, result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations;
 - (C) The proposed use will not, by itself or in combination with existing uses in the community, exceed the carrying capacity of the soil or of existing water supply resources and sewer services; and
 - (D) The traffic generated by the proposed use is consistent with the identified function, capacity, and level of service of transportation facilities serving the community; and
 - (E) The proposed use will not create significant adverse effects on existing uses or permitted uses on adjacent land, considering such factors as noise, dust and odors.

Dimensional Requirements

- Same as existing RC zone
- Lot area: The building site shall be of sufficient size to accommodate on-site sewage disposal, stormwater/drainage control, and water systems unless these services are provided by a public or community source or can be accessed by easement, required parking, landscaping, and yard areas (same as existing).
- Lot coverage: No more than 20 percent of a lot or parcel shall be covered by buildings.

Design Standards

- Access and circulation: Any lot in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians, passengers and emergency vehicles.
- Landscaping: Existing in off-street parking code, design review.
- Vehicle parking: Parking and loading shall be provided as required in Section .6100 through .6148 of the code.
- Utilities standards: As existing in Framework Plan Policy 37, includes water and disposal system, drainage, energy and communications.
- Traffic Impact Analysis: A traffic impact analysis will be required for all new uses and expansions of existing uses of greater than 25 percent of the floor area.

RURAL COMMUNITY INDUSTRIAL ZONE

West of the
Sandy River
Rural Area
Transportation and
Land Use Plan

This paper describes general concepts for zoning regulations for industrial zones within the Orient Rural Community. State rules require that industrial uses must be either small-scale low impact (not exceeding 10,000 sq. feet). As is the case with commercial uses, larger uses would have to be justified by findings in the Framework Plan. For industrial uses, the findings would need to show:

- That the uses do not provide employment that exceeds the projected employment needs within the community and surrounding rural area,
- That the use would not rely on workers coming from the within the UGB, and
- That the determination of needed employment is coordinated with Metro projections.

Due to the location of the community adjacent to the Urban Growth Boundary, staff does not believe the requirements can be met and is therefore using the size limitation in the Rules .

Purpose

The Rural Community Industrial zone is intended to support small-scale, low-impact industrial uses, expansion of existing industrial uses and uses that require proximity to a rural resource. The uses allowed within the zone will reinforce the rural nature of the area, will not adversely impact adjacent agricultural uses, will not exceed the capacity of the transportation system serving the area and will not exceed sewer or water capacity of the site.

Uses Under Prescribed Conditions (administrative land use decision)

- Potential uses (regulated to buildings not exceeding 10,000 square feet) could include:
- Uses authorized under Goals 3 and 4, such as farms, nurseries, farm stands, etc.
- Agricultural services
- Construction contractor offices

Conditional Uses

- Manufacturing and processing of:
 - (i) Apparel and other finished products made from fabrics (SIC 23)
 - (ii) Millwork, veneer, plywood, and structural wood members (SIC 243);
 - (iii) Wood containers (SIC 244);
 - (iv) Wood products, not elsewhere classified (SIC 2499);
 - (v) Furniture and fixtures (SIC 25);
 - (vi) Stone, clay, glass products (SIC 32) except: cement (SIC 324), ready-mix concrete (SIC 3273), and minerals and earths ground or otherwise treated (SIC 3295);

- (vii) Fabricated metal products (SIC 34);
 - (viii) Household appliances (SIC 363);
 - (ix) Electric lighting and wiring equipment (SIC 364);
 - (x) Communications equipment (SIC 366);
 - (xi) Electronic components and accessories (SIC 367);
 - (xii) Motor vehicle parts and accessories (SIC 3714);
 - (xiii) Laboratory apparatus and analytical, optical, measuring, and controlling instruments (SIC 382);
 - (xix) Food and kindred products
- Public warehousing and storage (SIC 4220);
 - Freight trucking terminal, with or without maintenance facility (SIC 4231);
 - Wholesale trade (SIC 50).
 - Automotive repair (SIC 753);

The above uses also could be grouped in broader categories:

Industrial

- Heavy manufacturing, assembly, and processing of raw materials
- Light manufacture
- Warehousing and distribution
- Uses similar to those listed above

Accessory Uses and Structures

Conditional Uses

- Community Services as found in Section 7020 of the code. Includes such uses as a campground, cemetery, church, group care facility, park, library, government building, etc.
- Other uses not specified above and subject to the following conditions:
 - A) The use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use;
 - (B) The proposed use will not, by itself or in combination with existing uses in the community, result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations;
 - (C) The proposed use will not, by itself or in combination with existing uses in the community, exceed the carrying capacity of the soil or of existing water supply resources and sewer services; and
 - (D) The traffic generated by the proposed use is consistent with the identified function, capacity, and level of service of transportation facilities serving the community; and
 - (E) The proposed use will not create significant adverse effects on existing uses or permitted uses on adjacent land, considering such factors as noise, dust and odors.

Dimensional Requirements

- Yards: Same as existing RC zone.
- Lot area: The building site shall be of sufficient size to accommodate on-site sewage disposal, stormwater drainage/control, and water systems unless these services are provided by a public or community source or can be accessed by easement, required parking, landscaping, and yard areas
- Lot coverage: No more than 20 percent of a lot or parcel shall be covered by buildings.

Design Standards

- Access and circulation: Any lot in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians, passengers and emergency vehicles.
- Landscaping: Existing in off-street parking and design review code.
- Vehicle parking: Parking and loading shall be provided as required in Section .6100 through .6148 of the code.
- Utility standards: As existing in Framework Plan Policy 37, includes water and disposal, drainage, energy and communications.
- Traffic Impact Analysis: A traffic impact analysis will be required for all new uses and expansions of existing uses of greater than 25 percent of the floor area.





PLEASANT HOME RURAL SERVICE CENTER ZONE

The Pleasant Home Rural Service Center will continue to develop according to the current Rural Center Zoning (see map below). However, according to the State Unincorporated Communities Rule and County Policy 7, all of the commercial or industrial uses need to meet the small-scale low impact standard and serve the immediate area.

West of the

Sandy River

Rural Area

Transportation and

Land Use Plan

Draft

ORIENT AND PLEASANT HOME HISTORIC STRUCTURES

MULTNOMAH COUNTY, OREGON

HISTORIC CONTEXT STATEMENT

SEPTEMBER 1990



STATEMENT OF SIGNIFICANCE

Resource Nos. 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 62, 63, 64, and 65.

The potential Pleasant Home/Orient Rural Historic District is an area historically associated with the agricultural history of Multnomah County. While the area was settled early in Multnomah County, the biggest period of growth occurred in the first half of the 20th century when road and rail improvements facilitated transportation of agricultural goods to market.

In 1903 service began on an electric interurban railroad line between Portland, Estacada via Gresham and Boring. Power was supplied by the Cazadero dam on the Clackamas River. Branch lines were extended to Bull Run and Troutdale. By 1930 the best of the agricultural land was in production. The area remains today in agricultural use, however, the products have changed to reflect market demands.

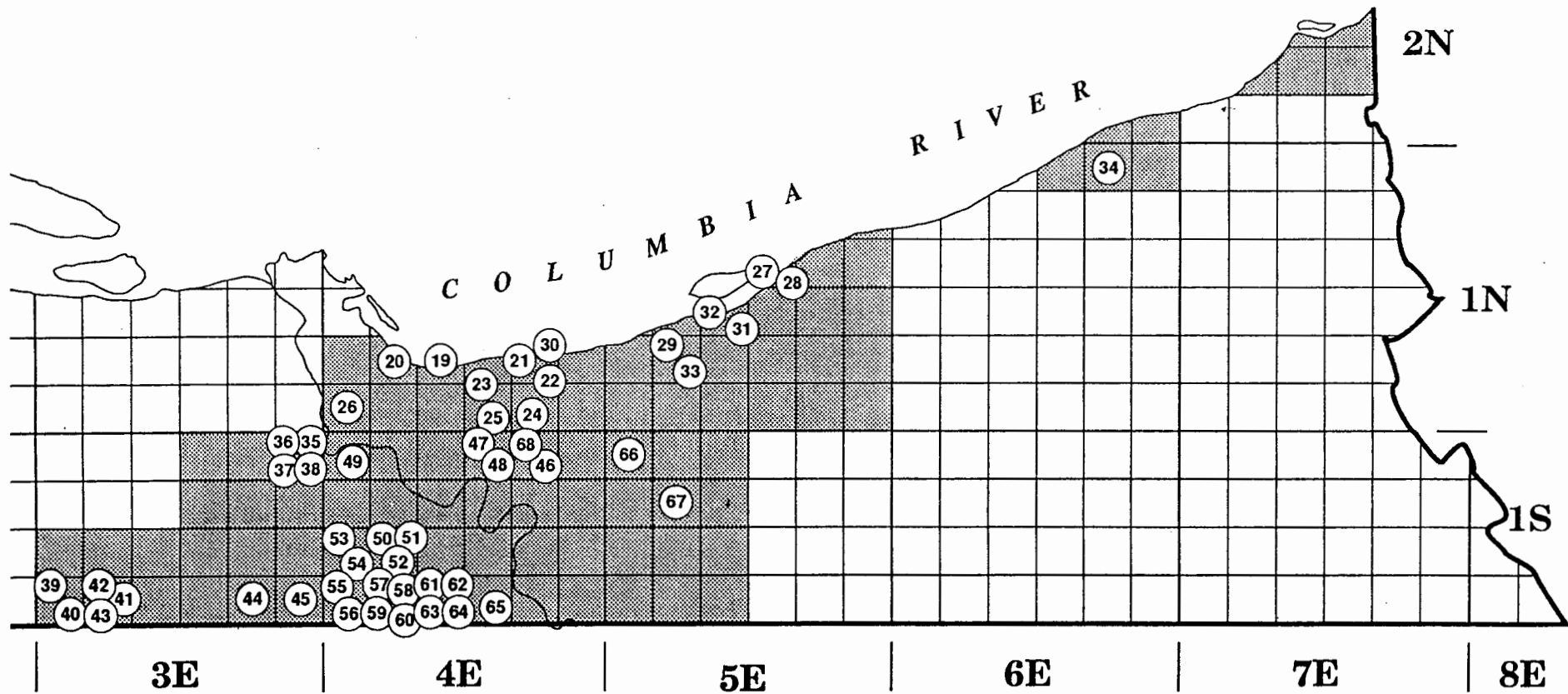
The second factor effecting transportation was the improvement of roads for vehicular traffic. During the latter part of the 19th century, farmers collectively worked to improve roads. In Aside from the obvious advantages for marketing their farm products, the incentive of free mail delivery spurred rural road improvements. By the 1913 the Good Roads Movement had caused local governments to play an active role in road improvements.

The extant historic resources in the area primarily date from the Progressive Era, 1884 through 1913. Of the 15 inventoried properties five were built after 1914. Consequently extant resources reflect the popular building styles of that period. Bungalow Craftsman dwellings are the most numerous type in the Pleasant Home/Orient area. Western barns, either the simple gable or gambrel roof variation, are typical. Smaller sheds and outbuildings were utilitarian in nature and ususally showed no influence of the leading architectural styles. These buildings are nonetheless important for they illustrate the organization and operation of the farmstead of the period.

To date fifteen farm complexes or isolated farm buildings have been inventoried and are identified with the Pleasant Home/Orient area. While many are not considered individually significant, as a group they are significant because they represent an important aspect of Multnomah County's agricultural, economic and social history.

FIGURE III

RESOURCE DISTRIBUTION MAP: EAST COUNTY



⑧ Resource Number



MULTNOMAH COUNTY



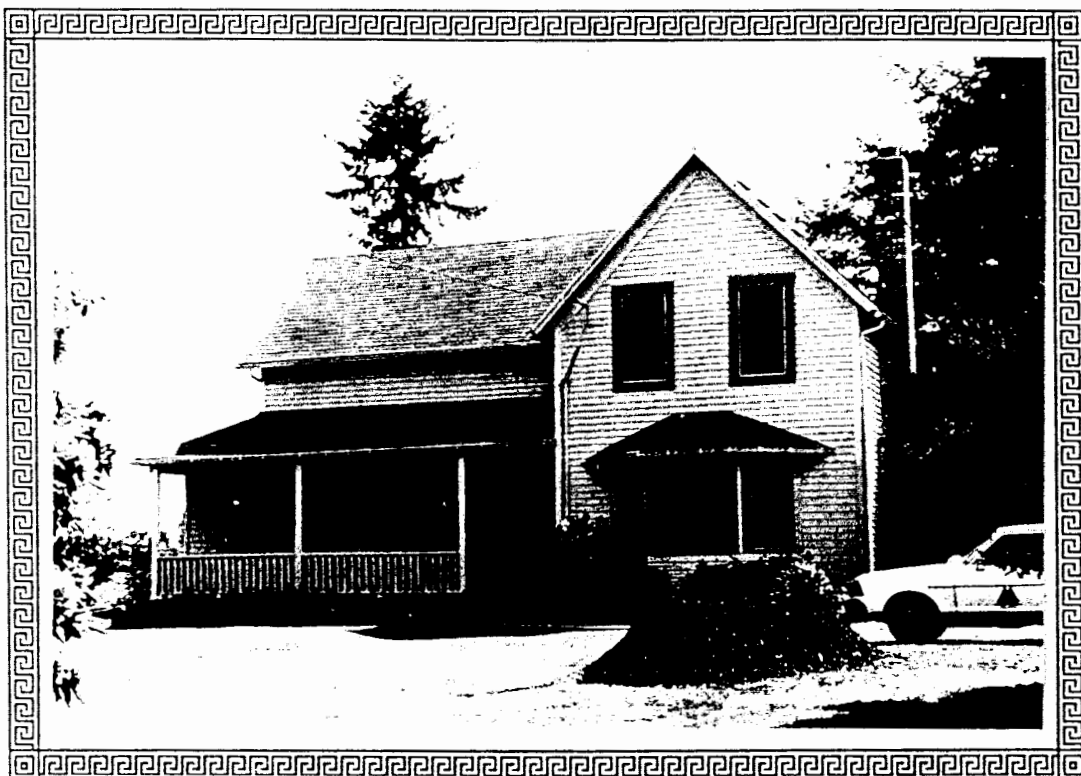
Current Owner: Chiodo

R994170270



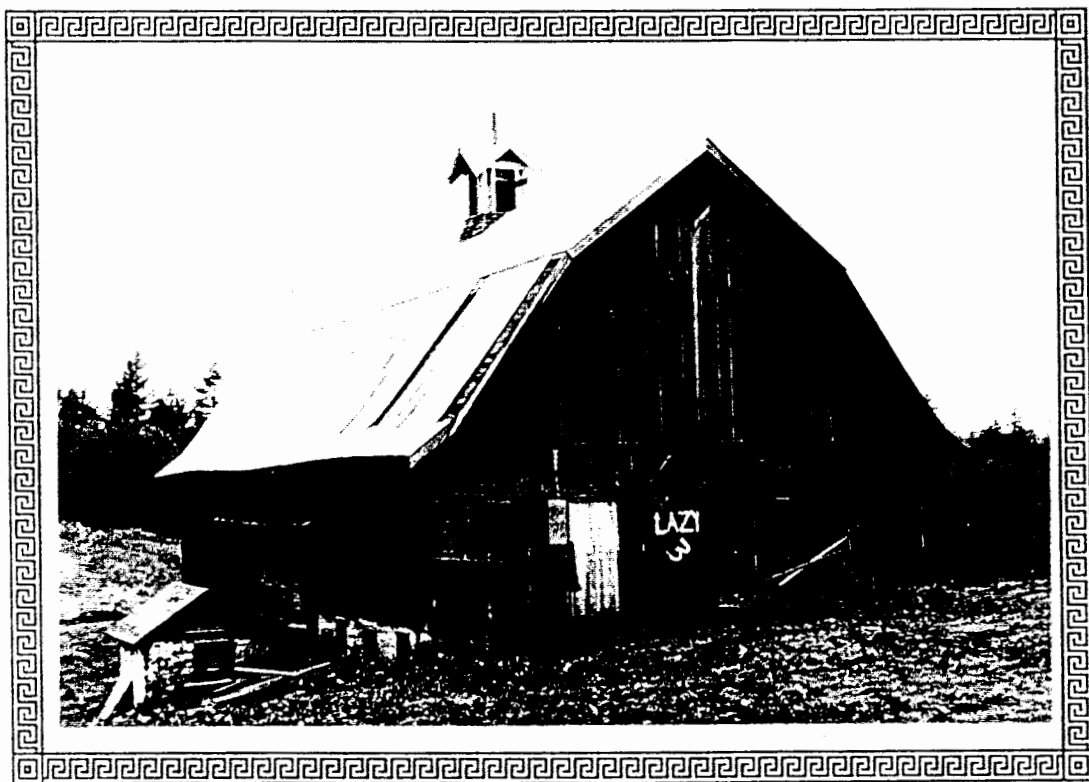
Current Owner: Rea

R994170350



Current Owner: Youmans

R994170690



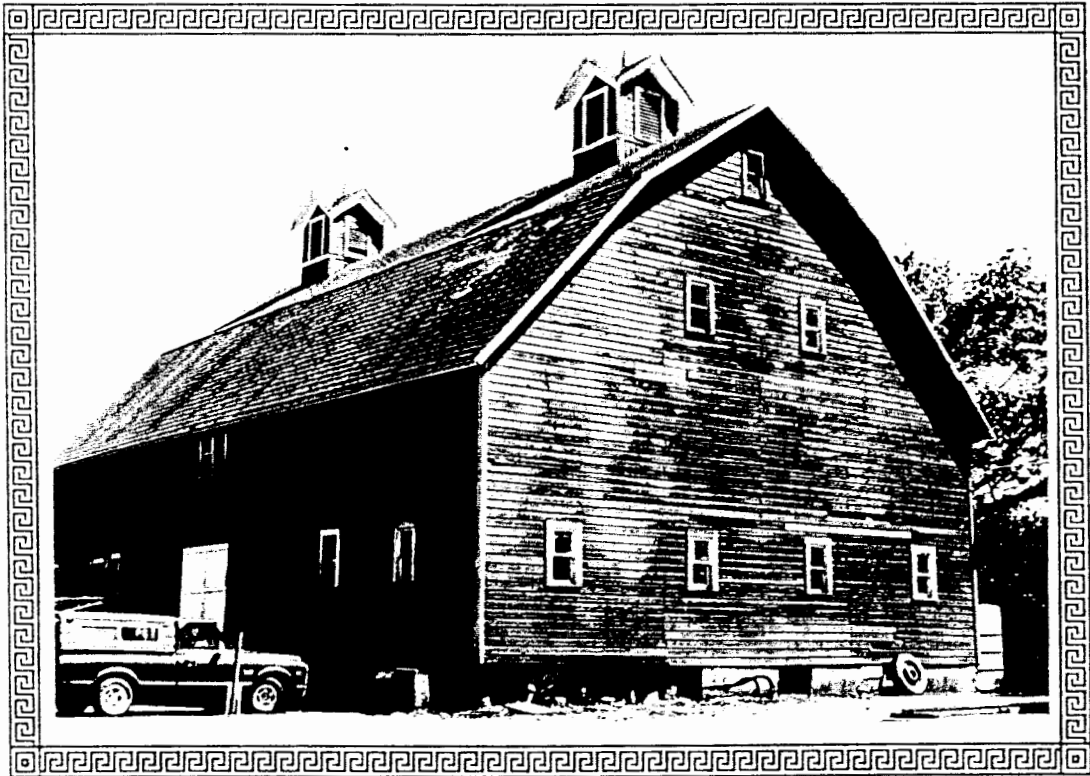
Current Owner: Shattuck

R994180950



Current Owner: Kelly

R994181320



Current Owner: Richards

R994190040



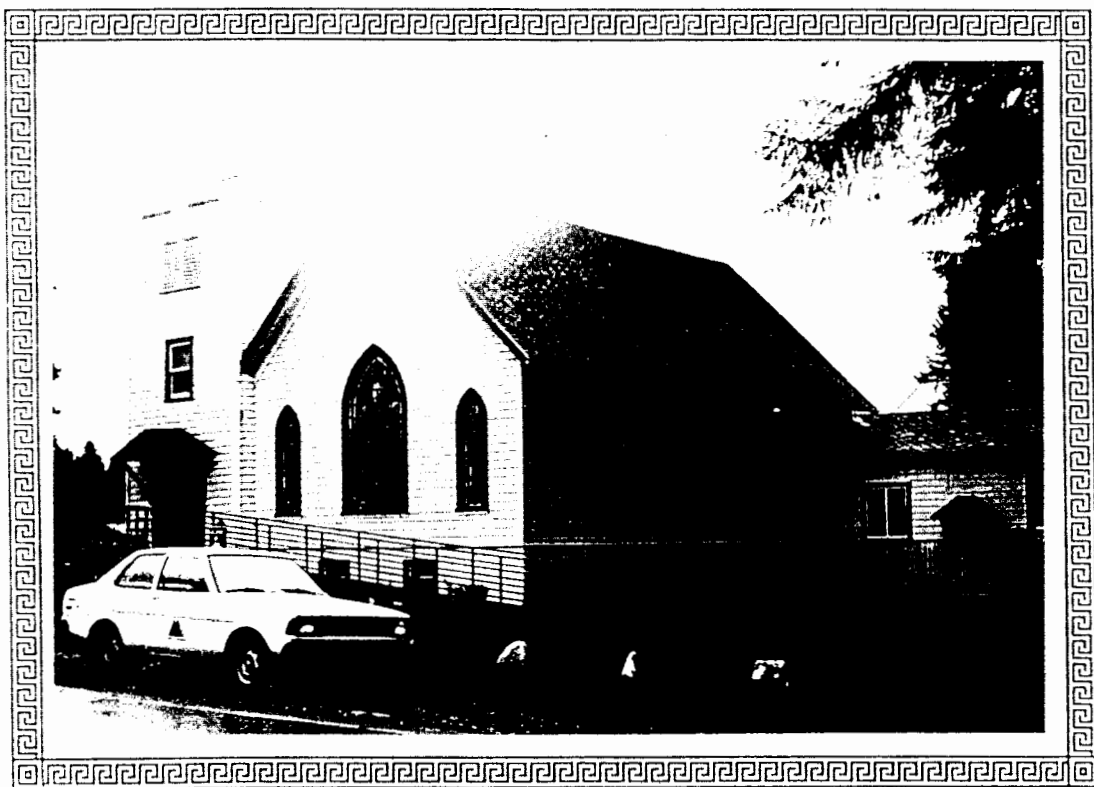
Current Owner: Harris

R994191200



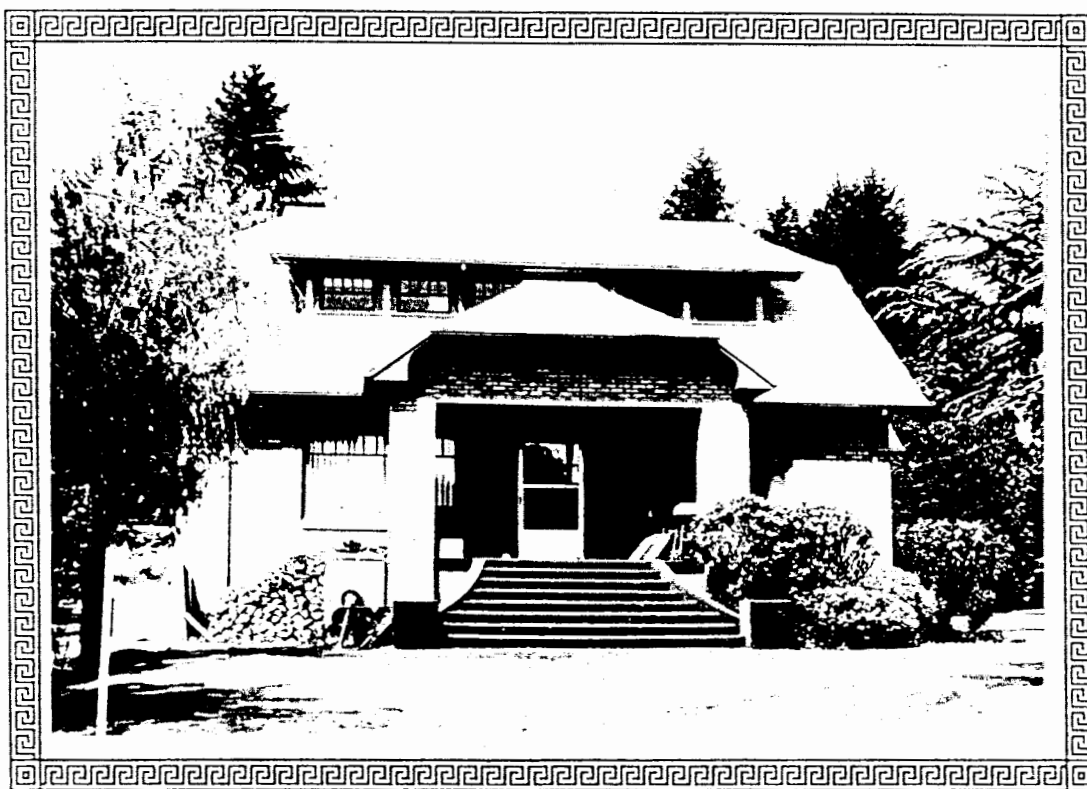
Current Owner: Carpenter and Hardin

RL51300190

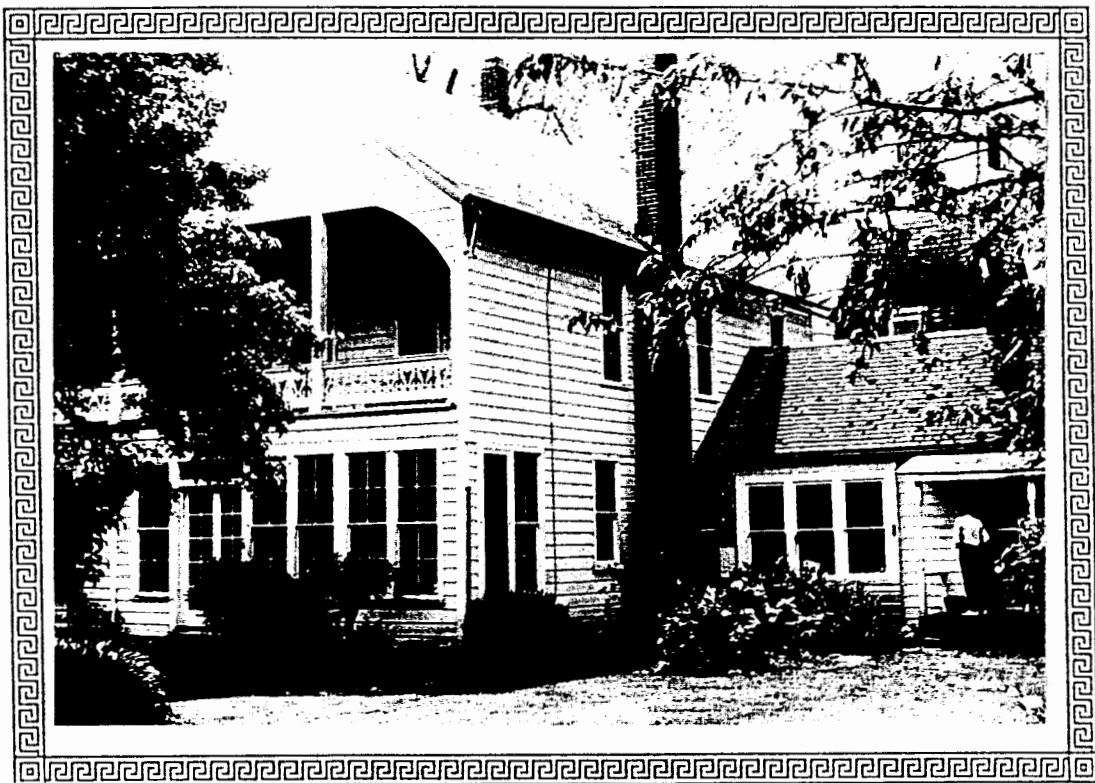


Current Owner: Pleasant ^{Home}~~Valley~~ Methodist Church

R994200290

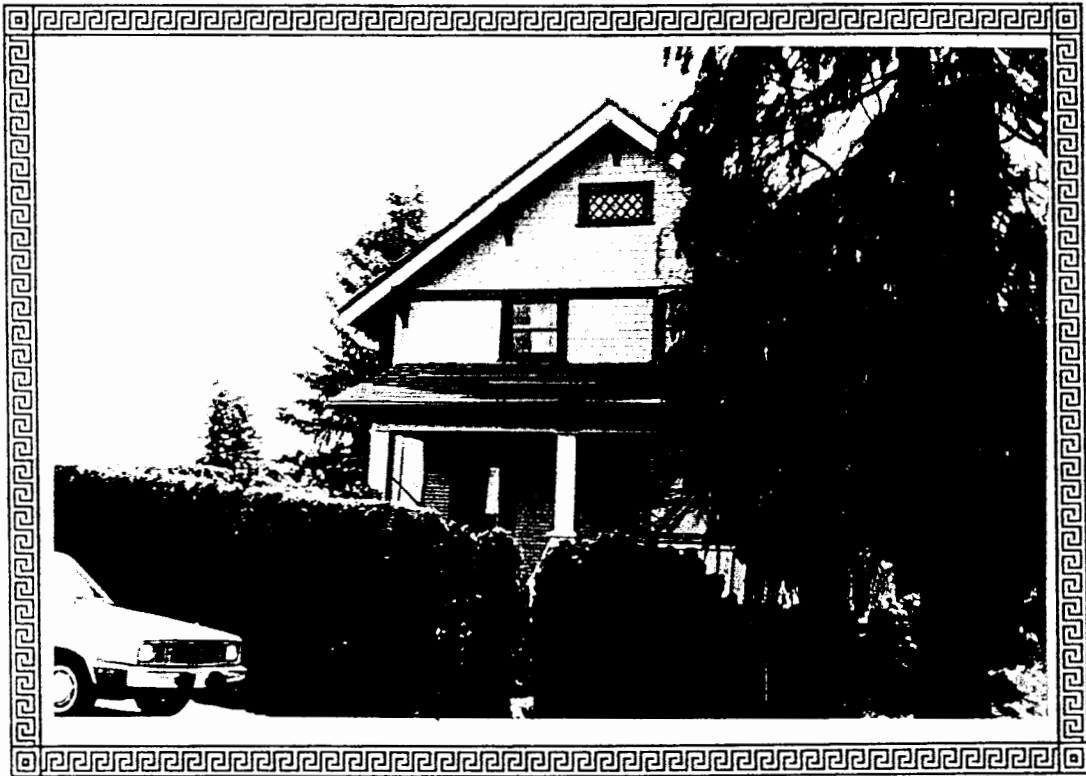


Current Owner: Louderback



Current Owner: Bennett

R994202030



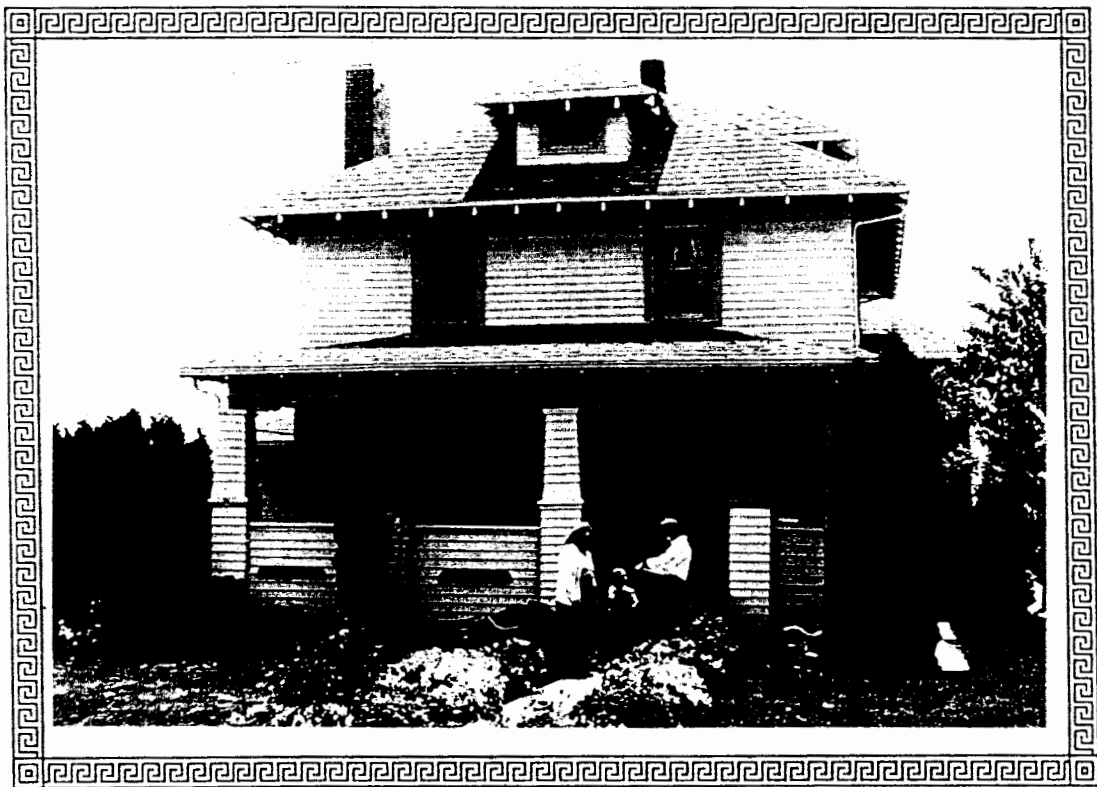
Current Owner: Surface

R994210030



Current Owner: Lamb

R994210170



Historic Name: Adolph Sester House

R994210630



Current Owner: Blankenship

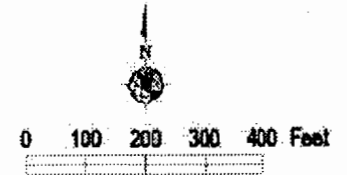
R994220060

Draft

RECOMMENDED TRANSPORTATION IMPROVEMENTS

Key

--- Conceptual Road
Realignment



SE 282nd Avenue

SE Orient Drive

Autobody
Shop

Nursery

SE Powell Valley Road

SE Dodge Park Boulevard



Multnomah County

*West of the Sandy River Rural Area:
Transportation and Land Use Plan*

**Figure A-1:
Orient Road/Dodge Park Boulevard
Potential Realignment**



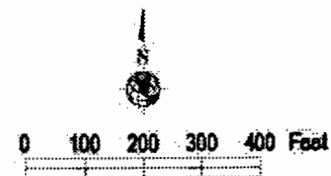
Parametrix, Inc.

Key

--- Conceptual Road Realignment



Remove Roadway Segment
(westbound bicycle access
could remain)



SE Division Drive

SE Troutdale Road

Minor Intersection Realignment

Single Family
Residence

SE Division Drive

Signalize consolidated intersection when warranted

Increase radius for east bound to south bound right turn

SE Troutdale Road



Multnomah County


*West of the Sandy River Rural Area:
Transportation and Land Use Plan*

**Figure A-2:
Division Drive/Troutdale Road Potential
Intersection Consolidation/Signalization**

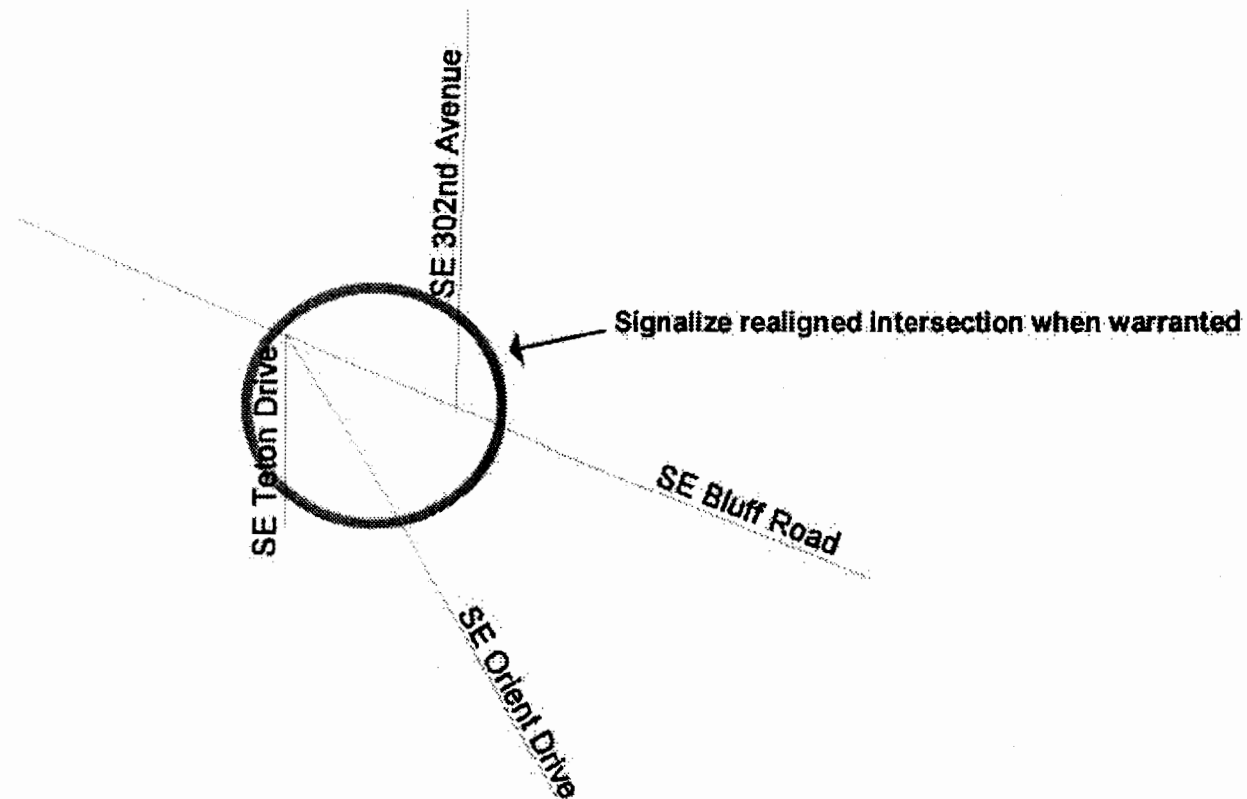
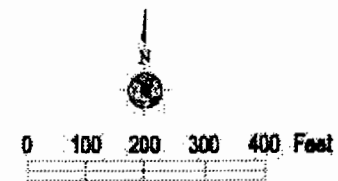


Parametrix, Inc.

Key



Area for Evaluation of Roadway Realignment



Multnomah County
*West of the Sandy River Rural Area:
Transportation and Land Use Plan*

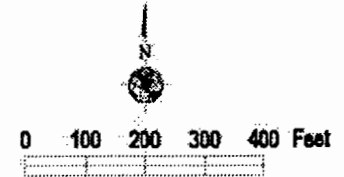
Figure A-3:
302nd Avenue/Bluff Road/Orient Drive
Potential Intersection Realignment



Parametrix, Inc.

Key

■ ■ ■ ■ Area of Approach
Modification



SE Oxbow Drive

SE Oxbow Drive

SE Pipeline Road

SE Altman Road
SE 327th Avenue



Multnomah County

*West of the Sandy River Rural Area:
Transportation and Land Use Plan*

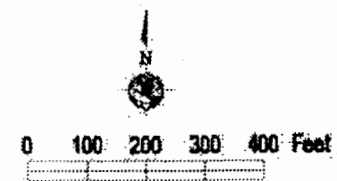
**Figure A-4:
Oxbow Drive/327th Avenue/Altman Road
Potential Intersection Realignment**



Parametrix, Inc.

Key

- Parking Restrictions in Place
- Area for Evaluation of Roadway Realignment/Intersection Consolidation



SE Lusted Road

Barlow
High School

Sewage
Holding
Tank

SE 302nd Avenue

SE Lusted Road

Existing All-way
Stop Control

SE Pipeline Road



Multnomah County

*West of the Sandy River Rural Area:
Transportation and Land Use Plan*

Figure A-5:

**Lusted Road/302nd Avenue/Pipeline Road
Potential Improvements**



Parametrix, Inc.

Key



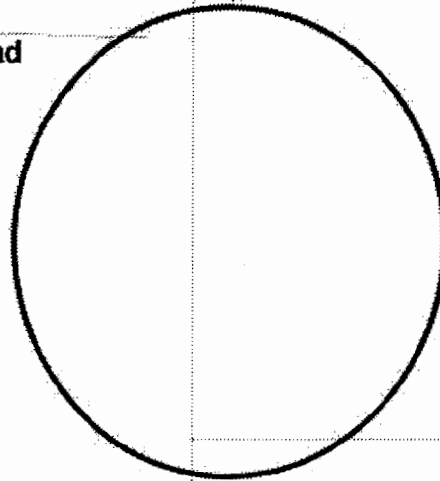
Area for Evaluation of
Roadway Realignment



0 100 200 300 400 Feet

Signalize consolidated intersection when warranted

Powell Valley Road



SE Lusted Road



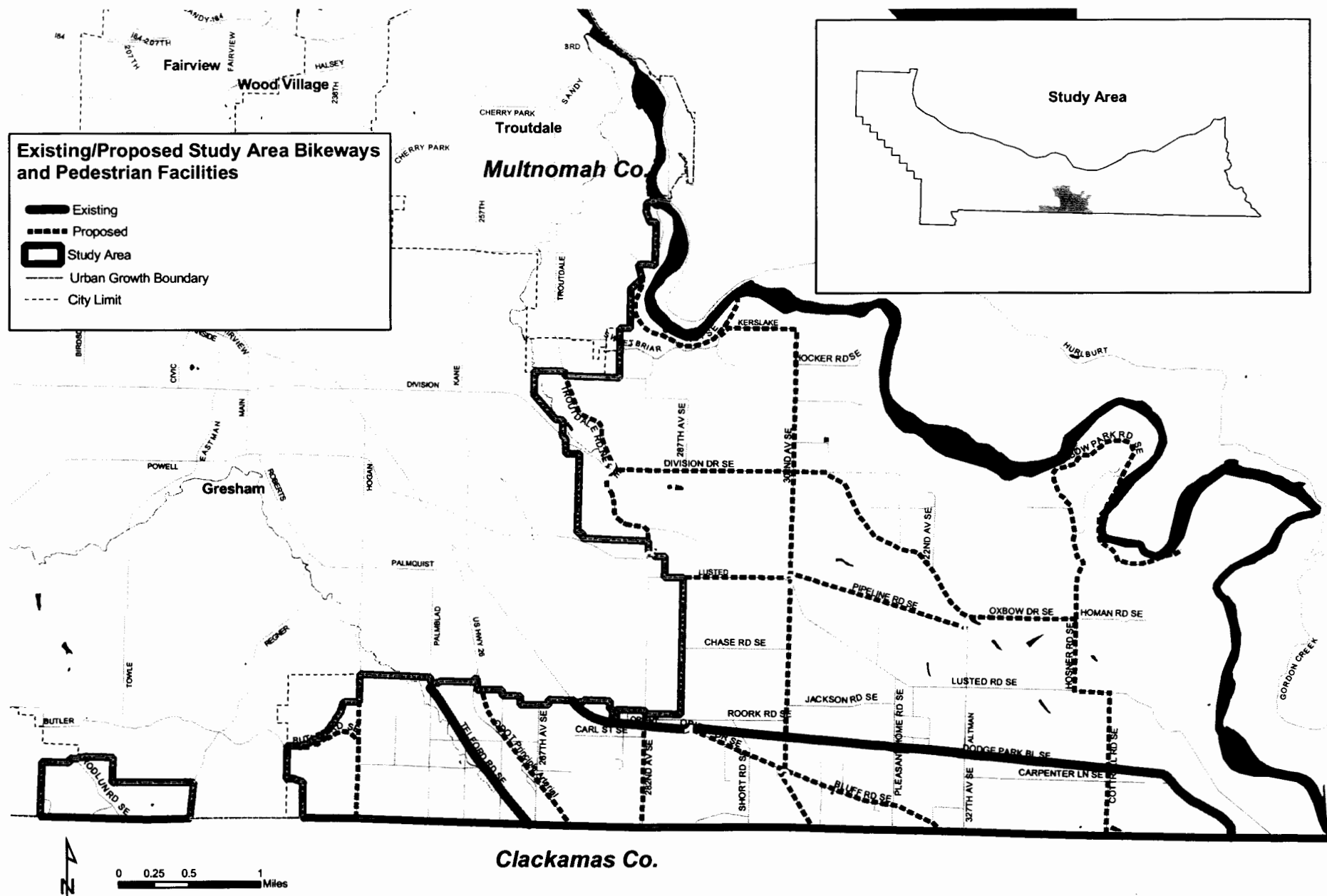
Multnomah County

*West of the Sandy River Rural Area:
Transportation and Land Use Plan*

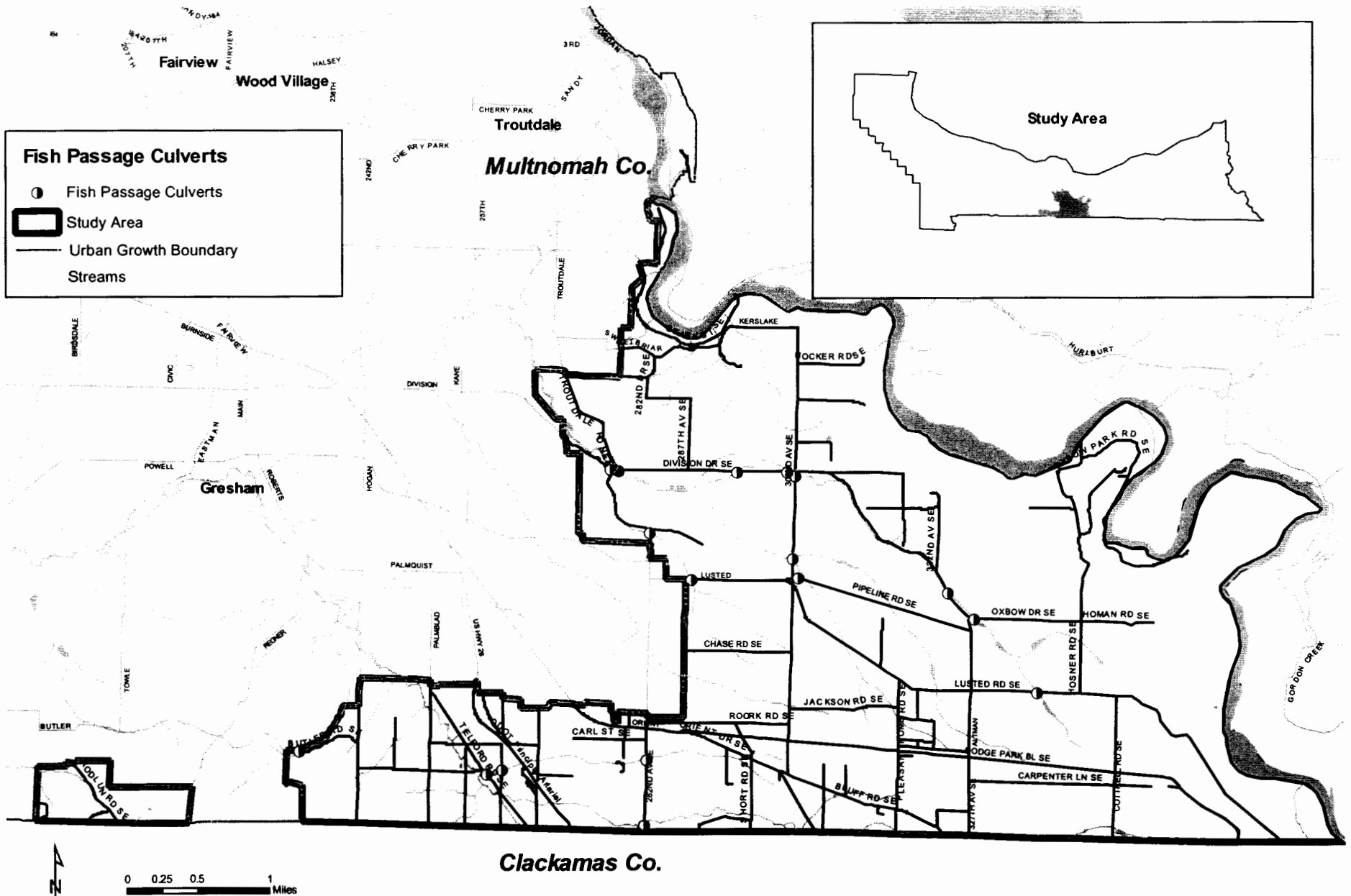
**Figure A-6:
Lusted Road/Powell Valley Road at 282nd
Avenue Potential Realignment**



Parametrix, Inc.

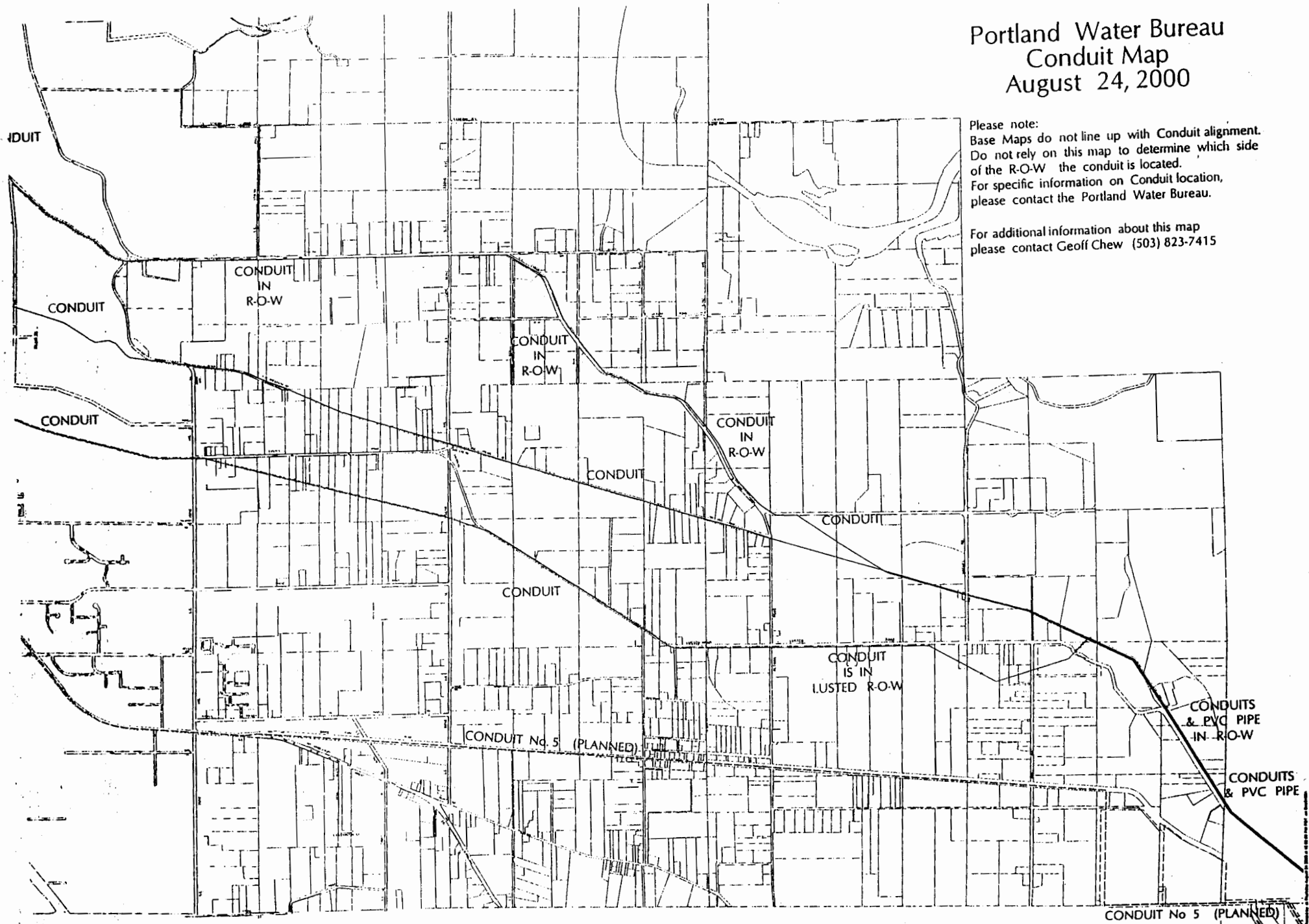


SIGNIFICANT FISH PASSAGE CULVERTS



GENERAL CONDUIT ALIGNMENTS

Portland Water Bureau Conduit Map August 24, 2000



TECHNICAL ADVISORY COMMITTEE MEMBERS

List of people invited to attend Technical Advisory Committee meetings and to comment on work completed by the project team.

Sue Barker, City of Sandy
Jeff Beiswenger, City of Gresham
Steve Brutschner, Oregon Parks and Recreation Department
Ken Cushman, Marion District-Oregon Department of Forestry
Kathy Damon, Lusted Water District
Clifton Deal, East Multnomah Soil and Water Conservation District
Maggie Dickerson, Clackamas County Planning
Mike Ebling, City of Portland Bureau of Buildings
Steve Fedje, USDA Natural Resources Conservation Service
Bill Fuji, Oregon Water Resources Department
Michelle Granger-Moore, Gresham-Barlow School District
Don Grey, Oregon Association of Nurserymen
Rob Hallyburton, Department of Land Conservation and Development
Jane Hart, Metro Greenspaces
Jim Johnson, Oregon Department of Agriculture
Ross Kevlin, Oregon Department of Transportation
Steve Kucas, City of Portland Water Bureau
Elizabeth McCallum, City of Troutdale
Juno Pandian, Oregon Water Resources Department
Rod Park, Metro Councilor
Mike Powers, Oregon Department of Agriculture/Multnomah County
Greg Robart, Oregon Department of Fish and Wildlife
Scott Schaeffer, Oregon Farm Bureau
Ray Valone, Metro Growth Management
Cindy Zinser, Pleasant Home Water District

**West of the Sandy River
Rural Area Transportation
and
Land Use Plan**

***Wildlife Habitat and Stream Corridor
ESEE Report***

**Board of County Commissioners Draft
October 24, 2002**

PREPARED FOR:

**MULTNOMAH COUNTY, OREGON
TRANSPORTATION DIVISION
1600 SE 190TH AVENUE
PORTLAND, OREGON 97233-5910**

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OCTOBER 24, 2002 DRAFT REVISED BY
MULTNOMAH COUNTY PLANNING

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1 West of Sandy Natural Resource Inventory and ESEE Report

1.1 Purpose

This ESEE document has been prepared as part of the West of Sandy River Transportation and Land Use Plan. Included is a natural resource inventory conducted as part of the project, a summary of the method used to determine significance, an identification of conflicting uses, and finally an analysis of the Economic, Social, Environmental, and Energy consequences of allowing, limiting, or prohibiting conflicting uses.

1.2 West of Sandy Study Area

The study area is characterized by rural agricultural land bisected by several riparian corridors. The predominant land uses in the study area are ornamental tree farms and pastures. The study area is located in two major drainage basins, the Sandy River and the Willamette River. Three large riparian corridor systems are present in the study area: Beaver Creek, which flows northwest through the central portion of the study area to the Sandy River; Johnson Creek, which flows west along the southern portion of the study area to the Willamette River; and the Sandy River, which forms the north and east study area boundary. Kelly Creek north (a tributary to Beaver Creek) and Kelly Creek South (a tributary to Johnson Creek) as well as many unnamed tributaries to Beaver Creek, Johnson Creek and the Sandy River are present in the study area. Clearing of riparian corridor trees and shrubs has occurred along several streams in the study area due to adjacent agricultural land use activities. However, several streams are bordered by large and intact riparian forests with low levels of human disturbance and provide important habitat for wildlife and anadromous fish species as well as provide important water quality function.

The character of the study area is influenced by large expanses of native upland forest habitat in parks, private ownership and also some land owned by the Nature Conservancy within the study area and contiguous natural lands outside of the study area. Connectivity between the riparian corridors in the study area and these large blocks of upland forest increases the wildlife habitat value of both the riparian corridors and adjacent upland forest resources.

The project team noted that most resources are located on steep slopes or other areas that would be difficult to convert to agriculture or forestry use. In addition, there are a number of properties in public and private ownership that do not practice farm or forestry where resources are identified.

1.3 Goal 5 Planning in the Study Area

Oregon's 19 statewide planning goals are the framework for local planning programs in the State. Goal 5 is one of these statewide planning goals that each County and City must address. The goal itself and Oregon Administrative Rule 660, Division 23 establish specific procedures and criteria for the Goal 5 process. Division 23 replaces the old rule, OAR 660-016-000. The revised Goal 5 rule is similar to the old rule in that it requires an inventory and ESEE analysis of natural resources.

The Goal 5 process begins with an inventory of the quantity, quality and location of an identified resource site. A resource site describes an area identified which is not limited to individual taxlots or parcels, but includes the area where Goal 5 resources are located and therefore may include multiple and/or contiguous parcels.

The objective of a Goal 5 inventory is to obtain "adequate" information regarding quantity, quality, and location of the resource sites. Goal 5 permits local jurisdictions to choose the information they include in the inventory. Once the information is deemed to be adequate, a significance determination process evaluates the quality, quantity, and location information for the resource.

After significant resource sites are identified, and based on the best available information found in the inventory phase, land uses that conflict with Goal 5 resource sites are identified. Next, the economic, social, environmental, and energy consequences (ESEE) of allowing or not allowing conflicting uses are considered.

The "ESEE" analysis is considered in the local governments' determination of whether to:

- Allow conflicting uses,
- Limit conflicting uses,
- Prohibit conflicting uses.

A fundamental requirement of the ESEE analysis is that it be as site-specific as possible. It is equally important that the methodology and factual justification are useful to local decision-makers and are capable of withstanding legal challenge.

1.4 Resources Considered in the West of Sandy Plan

The West of Sandy ESEE analysis addresses the Riparian Corridors

(OAR 660-023-0100) Wetlands

(5) For areas outside UGBs and UUCs, local governments shall either adopt the statewide wetland inventory (SWI; see ORS 196.674) as part of the local comprehensive plan or as a land use regulation, or shall use a current version for the purpose of section (7) of this rule.

(6) For areas outside UGBs and UUCs, local governments are not required to amend acknowledged plans and land use regulations in order to determine significant wetlands and complete the Goal 5 process. Local governments that choose to amend acknowledged plans for areas outside UGBs and UUCs in order to inventory and protect significant wetlands shall follow the requirements of sections (3) and (4) of this rule.

(7) All local governments shall adopt land use regulations that require notification of DSL concerning applications for development permits or other land use decisions affecting wetlands on the inventory, as per ORS 227 .350 and 215.418, or on the SWI as provided in section (5) of this rule.

(OAR 660-023-0090) and Wildlife Habitat (OAR 660-023-0110) resources as defined in the rule. Wetlands have not been inventoried and significance has not been determined for wetlands. The West of Sandy plan includes the Statewide Wetland Inventory (SWI) and the County has a program to notify the Division of State Lands (DSL) concerning development applications that may affect wetlands on this inventory. Wetlands were not inventoried for this project as permitted by Goal 5 [660-023-0100 (5) and (6)].

2 Natural Resource Inventory and Significance Determination

2.1 Summary

Fishman Environmental Services, LLC conducted a Riparian Corridor and Wildlife Habitat Inventory and Assessment for the unincorporated areas of Multnomah County, located west of the Sandy River. The study area is bordered by the Sandy River on the north and east and by the urban growth boundary on the south and west. Total study area acreage is approximately 10,250 acres or 16 square miles.

Goal 5 provides a series of riparian definitions. Riparian area is “the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem”. A riparian corridor “includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian boundary”.

Wildlife habitat is defined as an area upon which wildlife depend in order to meet their requirements for food, water, shelter, and reproduction. Examples include wildlife migration corridors, big game winter range, and nesting and roosting sites.

In the West of Sandy study area, fish habitat is evaluated under riparian corridors and not wildlife habitat. Riparian corridor conditions have a more direct impact upon fish habitat than do areas that are not adjacent to a stream, river, or lake. In some wildlife habitat areas there is no fish habitat, whereas in riparian corridors fish habitat is always evaluated.

Twenty riparian corridor units were inventoried and assessed, all of which were determined to be significant based upon scoring high in one or more of the following categories: fish habitat, wildlife habitat, water quality protection, ecological integrity, or connectivity. Federal Endangered Species Act listed salmonid fish species are known to be present in Johnson Creek and the Sandy River; therefore, both the Johnson Creek and Sandy River riparian corridors rate high for fish habitat. All streams within the study area are either tributaries to Johnson Creek or the Sandy River, and all of these tributaries have the potential to provide fish habitat, or to affect fish habitat downstream (i.e. water quality). Therefore, all riparian corridors in the study area rate high for fish habitat.

Twenty-nine wildlife habitat units were inventoried and assessed, of which twenty are stream-associated and nine are isolated. All stream-associated wildlife habitat units were determined to be significant based upon scoring high in one or more of the following categories: wildlife habitat, water quality protection, ecological integrity, connectivity, or uniqueness. Five of the isolated wildlife habitat units (U1, U2, U3, U4, U6, U9) were determined to be significant. These isolated wildlife habitat units were found to be suitable for special status wildlife species that have been documented in the project area, and for small bird and mammal habitat. However, these units do not provide as valuable wildlife habitat as the stream-associated wildlife habitat units. The

remaining four isolated wildlife habitat units were determined to be non-significant. The non-significant units consist of small forests isolated from riparian corridors and surrounded by agricultural land use. Factors contributing to a determination of non-significance include poor vegetation structure and diversity, no adjacent permanent or seasonal water, small size of the unit, no connectivity to riparian corridors or other wildlife habitat areas due to paved roads or adjacent agricultural land use, grazing disturbance, and high occurrence of invasive species.

Additional detailed information is included in the accompanying report, and appendices provide summary tables and resource unit summary sheets.

2.2 Project Description

Project Purpose

Multnomah County is conducting an update of the West of the Sandy River Rural Transportation and Land Use Plan. To insure that the plan is compliant with Goal 5, the County is required to inventory natural resources including riparian corridors and wildlife habitat according to OAR 660-023. The following provides a summary of the inventory.

Study Area

The study area includes the unincorporated areas of Multnomah County located west of the Sandy River and is characterized by rural agricultural land dissected by several riparian corridors. The predominant land uses are ornamental tree farms and pastures. The character of the study area is influenced by large expanses of native upland forest habitat in public parks (e.g. Oxbow, Dabney) and land owned by the Nature Conservancy that is contiguous with natural lands outside of the study area. The study area is bordered by the Sandy River on the north and east and by the urban growth boundary on the south and west. Total study area acreage is approximately 10,250 acres or 16 square miles. This figure includes roads in the study area. Other portions of the West of Sandy Plan may include acreage calculations that exclude roads. As a result, these numbers appear higher. The study area is shown on Map 1 after page 25.

The study area extends into 26 sections on four USGS topographic quadrangles (Washougal, WA-OR; Camas, WA-OR; Damascus, OR; and Sandy, OR) as follows:

- T1N R3E Section 36
- T1N R4E Section 31
- T1S R3E Sections 1, 12, 20, 21, 22, 23, 24
- T1S R4E Sections 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22 & 23

Drainage Basins

The study area is located in two major drainage basins including the Sandy River and the Willamette River. It also includes three large riparian corridor systems: Beaver

Creek, which flows northwest through the central portion of the study area to the Sandy River; Johnson Creek, which flows west along the southern portion of the study area to the Willamette River; and the Sandy River, which forms the north and east study area boundaries. Kelly Creek north (a tributary to Beaver Creek) and Kelly Creek South (a tributary to Johnson Creek) as well as many unnamed tributaries to Beaver Creek, Johnson Creek and the Sandy River are also present.

2.3 Scope of Work

Wetlands

A Local Wetlands Inventory was not conducted for this project. For areas outside urban growth boundaries (UGBs) and urban unincorporated communities (UUCs), local governments are not required to conduct a Local Wetlands Inventory under the Goal 5 process (OAR 660-23-0100). As an alternative to conducting a Local Wetlands Inventory, local governments located outside UGBs and UUCs are required to adopt the Statewide Wetland Inventory. The Statewide Wetland Inventory is based on the National Wetland Inventory. It is important to note that the Statewide Wetland Inventory is meant to be used as a general planning tool, and there may be many wetlands present in the study area that are not mapped on the Statewide Wetland Inventory. This is due to the fact that the Statewide Wetland Inventory was prepared using aerial photo interpretation at a large photo scale, and many small or seasonally wet wetlands are typically not identified.

Wetlands are regulated by Oregon's Removal/Fill Law (ORS 196.800 - 196.990) and by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. An on-site wetland determination or delineation should be conducted by a qualified wetland specialist prior to any development activities proposed in or adjacent to streams or wetlands.

The Division of State Lands (DSL) maintains databases of all wetland determinations / delineations and wetland removal / fill permits. More information is available from the Division of State Lands.

Riparian Corridor and Wildlife Habitat Inventory

The intent of this natural resource inventory is to identify the riparian corridors and wildlife habitat natural resources that are considered for protection under Oregon's Statewide Planning Goal 5. Riparian corridor and wildlife habitat inventory methods are not precisely defined in the Goal 5 OAR.

The process of determining an exact location of the boundaries of a riparian corridor requires onsite resource delineation. Even among experts, the definition of "riparian" and the position of the boundary is often debated. For the purposes of Goal 5 the definition states (OAR 660-23-0090):

(b) "Riparian area" is the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

(c) "Riparian corridor" is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.

(d) "Riparian corridor boundary" is an imaginary line that is a certain distance upland from the top of bank, for example, as specified in section (5) of this rule.

Based on the above definitions in the rule, the project team interprets "riparian area" to be an ecological designation representing the ecotone, or transition between two distinct ecosystem types. The location of the riparian area edge, therefore, is not a standard distance measured from a streambank, it is a real boundary that can only be determined on the ground on a site-specific basis. As required by Goal 5, the riparian corridor, which includes the riparian area, has been identified and is shown on Figure 1, page 36.

The standard inventory method [OAR 660-023-0030] of Goal 5 requires [660-023-0110] that the wildlife habitat inventory, at a minimum, include:

(a) Threatened, endangered, and sensitive wildlife species habitat information;

(b) Sensitive bird site inventories; and

(c) Wildlife species of concern and/or habitats of concern identified and mapped by ODFW (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs).

This wildlife habitat inventory for the West of Sandy River area also includes sites meeting the Goal 5 definition of wildlife habitat including those "areas upon which wildlife depend in order to meet their requirements for food, water, shelter, and reproduction."

Inventory and Mapping Methodology

This inventory was conducted using an offsite inventory and assessment method developed by Fishman Environmental Services, LLC and approved by Multnomah County. The offsite methodology was appropriate for the Multnomah County inventory since the study area has many roads crossing streams that enable easy visual access to the adjacent riparian corridor. In addition, most wildlife habitat areas could also be viewed either from adjacent roads or from a distance using binoculars. Fieldwork was conducted on March 13 and 20, 2001.

Riparian corridors were mapped as combinations of stream channels, associated wetlands and wildlife habitat (forests) adjacent to streams. As a result, some of the larger riparian corridor units are a combination of riparian corridor and adjacent upland

forested wildlife habitat. Other riparian corridor segments are mapped as just the stream channel. These segments have adjacent agricultural or other land uses to the top of the stream bank, and no riparian corridor vegetation signature appears on the aerial photos. The disturbed riparian areas are included in the Impact Area discussed in the ESEE Evaluation report.

The outer extent of riparian corridors and wildlife habitat areas and field observation points were mapped by hand on July 1997 or July 1998 digital color aerial photographic base maps (1 inch = 400 or 800 feet). The study area is contained on five base maps. Resource boundaries have been digitized by Fishman Environmental Services, LLC GIS staff onto 1998 digital color aerial photographic maps.

Summary sheets were prepared for each riparian corridor and wildlife habitat unit using existing background information when available and aerial photo interpretation along with limited ground-truthing. Each riparian corridor unit was viewed from at least one road crossing to collect data on stream characteristics and dominant vegetation. Most wildlife habitat units were also viewed from adjacent roads. Summary sheets include the site name, site code, location, drainage basin (riparian corridor summary sheets only), adjacent land use, Township, Range, and Section location, map sheet number, date(s) of field work, general description, stream information, dominant vegetation, functions, significance determination, and recommendations for enhancement.

Significance Determination

The summary sheet for each resource site includes a determination of significance that is based on assessment criteria developed by Fishman Environmental Services, LLC. The assessment criteria are unique to the West of Sandy River area and were reviewed and accepted by the Task Force. These items are based on, a modified application of the Wildlife Habitat Assessment (WHA) method originally developed by the City of Beaverton and subsequently modified with input from state and federal resource agencies and the Audubon Society of Portland. The WHA method, which has been adapted and applied throughout the region, relies on qualitative analysis of resource sites by trained field biologists. The biologists rank each site for five main habitat components, water, food, cover, values and features. The WHA utilizes a number ranking system to represent high, medium and low rankings for each habitat component. The West of Sandy River area assessment criteria (described below) are substantially similar to the WHA criteria. However, instead of using a numeric system to represent high, medium and low the project biologists simply used high, medium or low to describe the habitat components present in each resource site. As with the WHA method, a decision is made on what is significant based on the systematic and qualitative ranking of each of the resource sites.

Public Involvement Process

Fishman Environmental Services, LLC presented the inventory information at two Task Force meetings. The first introduced the project to the Task Force members and the

second presented the preliminary inventory maps. The Task Force provided information and analysis regarding their local knowledge of the resource sites. Inventory information also was presented to potentially affected land owners in two separate meetings.

2.4 Riparian Corridors (OAR 660-023-0090)

Portions of the historic riparian corridors in the study area have been altered due to adjacent agricultural or nursery land use activities. However, sections of several streams and tributaries are bordered by large intact riparian forests that have low levels of human disturbance. Riparian corridors are important for water quality, flood management, and fish and wildlife resources. Riparian corridors provide habitat that may be used by threatened and endangered fish and wildlife species. Riparian corridors can protect water quality parameters such as temperature, suspended sediment and contaminants both on-site and in downstream waters that provide habitat for federally listed salmonid fish species. Riparian trees contribute large pieces of wood to the stream channel that provide habitat and channel structure. Riparian corridors also provide a link or continuity for wildlife movement between riparian corridors and adjacent wildlife habitat areas. Headwater areas, including intermittent streams, can be important for fish and wildlife resources. These areas can provide good quality water, insect and organic material, protect existing water quality, and other important factors for downstream habitat areas¹.

Human activities have adversely impacted functions of several riparian corridor units in the study area. Clearing of riparian trees and shrubs occurred along several streams. A well-vegetated riparian corridor filters out many of the pollutants present in runoff and prevents pollutants from entering the stream. A well-vegetated corridor also provides shade to the stream resulting in lower water temperatures. Therefore, clearing of riparian corridors negatively impacts water quality. Clearing of riparian corridors is especially detrimental to the water quality of streams that are bordered by agricultural land uses because runoff from pastures and ornamental nursery fields often contains pollutants (i.e. animal waste, fertilizers, pesticides). Once a riparian corridor has been cleared, the area adjacent to the stream often consists of sparse herbaceous vegetation or bare soils which occur as a result of intensive grazing or plowing activities. In addition to failing to filter out harmful pollutants, these sparsely vegetated or bare soil areas increase erosion and sedimentation into the adjacent stream.

Riparian Corridor Units

Twenty riparian corridor units were evaluated in the inventory. The site code and reach number or tributary number and the location of each unit are listed below. The riparian corridor data sheets are included in Appendix B.

¹ Spence, B.C., G.A. Lomnický, R.M. Hughes, and R.P. Novitzki. 1996. An ecosystem approach to salmonid conservation. TR-4501-96-6057. ManTech Environmental Research Services Corp., Corvallis, Oregon.

Beaver Creek

- B-1 UGB to 322nd Avenue
- B-2 322nd Avenue to headwaters

Beaver Creek Tributaries

- BT-1 South of Troutdale Road, west of 302nd Avenue
- BT-2 East of 287th Avenue, north & south of Division Street
- BT-3 East of Troutdale Road, north of Dodge Park Boulevard
- BT-4 South of Oxbow Drive, east & west of Honser

Johnson Creek

- J-1 UGB to Telford Road
- J-2 East of Telford Road, west of Highway 26
- J-3 Between Highway 26 & Orient Drive and adjacent to Revenue Road
- J-4 East & west of Cottrell Road

Johnson Creek Tributaries

- JT-1 North of Butler Road
- JT-2 West of 252nd Avenue
- JT-3 East of Telford Road, north of Callister Road
- JT-4 South of McNutt Road
- JT-5 East of Telford Road, south of Orient Drive
- JT-6 East & west of Kane Road, north of Rugg Road
- JT-7 East of Orient Drive, north & south of Bluff Road

Kelly Creek North

- KN North of Dodge Park Road, east & west of 302nd Avenue

Kelly Creek South

- KS South of Rodlun Road

Sandy River

- S North and east study area boundary

Riparian Corridor Assessment Criteria

The following assessment criteria developed by Fishman Environmental Services, LLC, were used to assess riparian corridors, as defined for this project. These assessment criteria are unique to the West of Sandy River area, though they are based on the criteria found in Framework Plan Policy 16-G. The criteria were reviewed and accepted by the Task Force.

Fish Habitat - evaluates existing and potential aquatic habitat. It also evaluates the use of the habitat on-site, upstream and downstream. The presence, either on-site or downstream, of state or federal Endangered Species Act listed fish species habitat

automatically results in a rating of high. Disturbed stream channels with no on-site or downstream habitat for listed fish species have a low rating. Disturbed stream channels include those that have been straightened, armored, cleared of large wood, have large sediment loads, lack riparian vegetation, and other disturbances. Stream channels rate high if they have natural or naturalistic channel morphology, variable substrate types (i.e. boulders, gravel, fines), moderate to high amounts of large wood, riffles and pools, functional floodplain, and intact riparian corridor vegetation that provides habitat, nutrients, and moderates water temperature.

Wildlife Habitat - evaluates habitat diversity. Areas with permanent or seasonal water, diverse vegetation and structure (tree canopy, understory, groundcover), and interspersed plant communities rate high compared to areas without water, with low structural diversity, and/or single type plant communities. Wildlife habitat value also increases with the size of the site and linkage to other habitat areas. Snags and large woody debris increase the value of the habitat.

Water Quality Protection - evaluates the potential of the resource to protect contiguous streams and wetlands. Riparian corridors adjacent to streams maximize water quality protection from surface water runoff if the riparian corridor zone is greater than 50 feet wide, well vegetated, and has a well-established duff layer². Well-vegetated slopes also minimize erosion. Water quality protection rates high on moderate and steep slopes adjacent to a stream if well vegetated; medium if vegetation or duff is patchy; low if hillslopes are eroding or not well vegetated.

Ecological Integrity - evaluates the condition of native site vegetation and the degree of human disturbance. If the historic riparian corridor vegetation adjacent to the stream is intact, it rates high. Sites where the riparian corridor has been cleared of most trees and shrubs rate low. If vegetation is dominated by a mixture of native species with limited invasive species influence, it rates high. Sites with mostly native species and with invasive species that could be removed rate medium. Sites strongly impacted by invasive species (Himalayan blackberry, English ivy, English holly) rate low.

Connectivity - evaluates the importance of linkage or continuity of a resource site to allow wildlife passage between larger habitat units, fish passage up- and downstream, or genetic flow between plant populations. Connectivity for wildlife rates high if the riparian corridor is large and connected to other Goal 5 resources (i.e. wildlife habitat); medium if the riparian corridor is narrow or connectivity is reduced due to partial clearing; low if the riparian corridor is fragmented or if only sparse riparian tree or shrub cover is present. Connectivity for fish rates high if there are no barriers to fish passage (adult and juvenile) downstream for headwater reaches and up- or downstream for lower reaches between the resource site and stream reaches known to have fish access. Connectivity for fish rates low if there are such barriers. Barriers to fish passage are only known at stream crossings of County roads that were evaluated in a

² Spence, B.C., G.A. Lomnický, R.M. Hughes, and R.P. Novitzki. 1996. An ecosystem approach to salmonid conservation. TR-4501-96-6057. ManTech Environmental Research Services Corp., Corvallis, Oregon.

Multnomah County culvert survey. There may be other natural or artificial barriers to fish passage, including stream crossings of state- or privately-owned roads. Ratings for this criterion are expressed as X/Y, with X representing wildlife and Y representing fish. "U" is used if fish passage conditions are unknown.

Determination of Significance for Riparian Corridors

Twenty riparian corridor units were inventoried and assessed. Riparian corridor units were determined to be significant for this area if they rated high in one of the following riparian corridor assessment criteria: fish habitat, wildlife habitat, water quality protection, ecological integrity, or connectivity. It should be noted that "significant" means that the resource site is then carried through the Goal 5 process including undergoing further analysis through the ESEE process. The ESEE process determines whether the resource is protected, or whether the conflicting use (residential or industrial development, for example) is allowed or limited.

Federal Endangered Species Act (ESA) listed salmonid fish species known to be present in the study area include Chinook salmon (threatened), and steelhead trout (threatened). In addition, coastal cutthroat trout (proposed threatened) and coho salmon (candidate for listing) are also present. ESA listed salmonids are known to be present in Johnson Creek and the Sandy River; therefore, both the Johnson Creek and Sandy River riparian corridors rate high for fish habitat. All streams within the study area are either tributaries to Johnson Creek or the Sandy River, and all of these tributaries have the potential to provide fish habitat, or to affect fish habitat downstream (i.e. water quality). Therefore, all riparian corridors in the study area rate high for fish habitat. The Division of State Lands has mapped essential indigenous salmonid habitat in the study area along the Sandy River and the lower portions of Beaver Creek and Johnson Creek.

The determination of significance for riparian corridors is summarized in Table 1 on page 17.

**TABLE 1: SIGNIFICANT RIPARIAN CORRIDORS
MULTNOMAH COUNTY WEST OF SANDY**

RIPARIAN UNIT(feet)	Fish Habitat	Wildlife Habitat	Water Quality	Ecological Integrity	Connectivity (wildlife/fish)	Significant?*
BEAVER CREEK (122 miles)						
B-1	H	H	H	M	H/L	Y
B-2	H	M	L	L	L/U	Y
BEAVER CREEK TRIBUTARIES						
BT-1	H	H	H	M	H/L	Y
BT-2	H	H	H	M	L/U	Y
BT-3	H	H	H	M	H/L	Y
BT-4	H	M	L	L	L/U	Y
JOHNSON CREEK						
J-1	H	H	H	M	H/U	Y
J-2	H	L	L	L	L/U	Y
J-3	H	H	M	M	M/L	Y
J-4	H	H	M	M	M/U	Y
JOHNSON CREEK TRIBUTARIES						
JT-1	H	H	H	M	H/U	Y
JT-2	H	H	H	M	H/U	Y
JT-3	H	L	L	L	L/U	Y
JT-4	H	H	H	M	M/U	Y
JT-5	H	H	H	M	M/L	Y
JT-6	H	H	H	M	H/U	Y
JT-7	H	M	M	L	L/U	Y
KELLY CREEK NORTH						
KN (7157)	H	M	H	M	M/L	Y
KELLY CREEK SOUTH						
KS	H	H	H	M	H/L	Y
SANDY RIVER						
S	H	H	H	H	H/H	Y

H = Highest function; large intact riparian corridor; ESA-listed fish species.

M = Medium function; riparian corridor function reduced due to partial clearing, invasive species, grazing.

L = Lowest function; riparian corridor is no longer functioning due to extensive clearing of trees and shrubs.

U = Fish passage conditions are unknown.

Riparian corridors which scored high in at least one of the functions evaluated were determined to be significant.

2.5 Wildlife Habitat (OAR 660-023-0110)

Wildlife Habitat Definition

Wildlife Habitat resource areas, as defined in this study for the purpose of meeting Goal 5, include upland forests at least one acre in size. Most of the wildlife habitat units in the study area are associated with streams and riparian corridors; however, several wildlife habitat units are isolated. These wildlife habitat areas are typically isolated from streams and riparian corridors by large expanses of agricultural land use or by paved roads. Areas not considered to be wildlife habitat include orchards and Christmas tree plantations, small clumps of trees, and areas with only a few scattered trees.

Although meadows, in addition to forests, provide important wildlife habitat, no native prairie meadows were identified within the study area. Existing upland meadows and fields in the study area have been modified in some way by plowing, planting, mowing, etc. Meadows were therefore not included in this inventory.

Wildlife Habitat Units

Thirty wildlife habitat units were evaluated in the inventory. The wildlife habitat units consist of both stream-associated (riparian/upland) forests and isolated (upland) forests. The site code and the location of each unit are listed below. Wildlife habitat data sheets are included in Appendix A.

Stream-Associated Wildlife Habitat Units

B1-R/U	Beaver Creek, reach 1
B2-R/U	Beaver Creek, reach 2
BT1-R/U	Beaver Creek tributary 1
BT2-R/U	Beaver Creek tributary 2
BT3-R/U	Beaver Creek tributary 3
BT4-R/U	Beaver Creek tributary 4
J1-R/U	Johnson Creek, reach 1
J2-R/U	Johnson Creek, reach 2
J3-R/U	Johnson Creek, reach 3
J4-R/U	Johnson Creek, reach 4
JT1-R/U	Johnson Creek tributary 1
JT2-R/U	Johnson Creek tributary 2
JT3-R/U	Johnson Creek tributary 3
JT4-R/U	Johnson Creek tributary 4
JT5-R/U	Johnson Creek tributary 5
JT6-R/U	Johnson Creek tributary 6
JT7-R/U	Johnson Creek tributary 7
KN-R/U	Kelly Creek North
KS-R/U	Kelly Creek South
S-R/U	Sandy River

Isolated Wildlife Habitat Units

U1	Regner Road
U2	Butler Road South
U3	Telford Road
U4	262nd Avenue
U5	Highway 26
U6	Stone Road
U7	Orient Drive
U8	Bluff Road
U9	Division/Troutdale Road

Wildlife Habitat Assessment Criteria

The following assessment criteria developed by Fishman Environmental Services, LLC, were used to assess wildlife habitat.

Wildlife Habitat - evaluates habitat diversity. Areas adjacent to permanent or seasonal water, diverse vegetation and structure (tree canopy, understory, groundcover), and interspersed plant communities rate high compared to areas without water, low structural diversity, and/or single type plant communities. Wildlife habitat value also increases with the size of the site and linkage to other habitat areas. Snags and large woody debris increase the value of the habitat.

Water Quality Protection - evaluates the potential of the upland resource to protect contiguous streams and wetlands. Uplands adjacent to streams maximize water quality protection from surface water runoff if the upland area is greater than 50 feet wide, well vegetated, and has a well-established duff layer. Well-vegetated slopes also minimize erosion. Water quality protection rates high on moderate and steep slopes adjacent to a stream if well vegetated; medium if vegetation or duff is patchy; low if hillslopes are eroding or not well vegetated.

Ecological Integrity - evaluates the conditions of native site vegetation and the degree of human disturbance. If the forest is intact, it rates high. Sites where the vegetation diversity and/or structure have been decreased due to grazing or other activities rate low. If vegetation is dominated by a mixture of native species with limited invasive species influence, it rates high. Sites with mostly native species and with invasive species that could be removed rate medium. Sites strongly impacted by invasive species (Himalayan blackberry, English ivy, English holly) rate low.

Connectivity - evaluates the importance of linkage or continuity of a resource site to allow wildlife passage between larger habitat units, or genetic flow between plant populations. Connectivity rates high if forests are large and connected to other Goal 5 resources (i.e. riparian corridors); medium if forests are narrow or are separated from adjacent resources by a paved road; low if forests are fragmented or are isolated from adjacent resources by a large expanse of agricultural land use.

Uniqueness - evaluates the uniqueness of the resource. Uniqueness rates high if the site contains a federal or state categorized species, critical habitat, or unique plant community (age, species composition, etc.); medium for high quality common habitat; low for none of the above.

Determination of Significance for Wildlife Habitat

Wildlife Habitat resource areas were determined to be significant if they rated high in one of the above mentioned wildlife habitat assessment criteria. It should be noted that "significant" means that the resource is identified as a Goal 5 resource. Further analysis through the ESEE process is then required to determine whether the resource is protected, or whether the conflicting use (residential or industrial development, for example) is allowed or limited.

Twenty-nine wildlife habitat units were inventoried and assessed, of which twenty are stream-associated and nine are isolated. All stream-associated wildlife habitat units were determined to be significant based upon scoring high in one or more of the following categories: wildlife habitat, water quality protection, ecological integrity, connectivity, or uniqueness. Five of the isolated wildlife habitat units (U1, U2, U3, U6, U9) were determined to be significant. These isolated wildlife habitat units were found to be suitable for Special-Status Wildlife Species that have been documented in the project area, and for small bird and mammal habitat. However, these units do not provide as valuable wildlife habitat as the stream-associated wildlife habitat units. Four isolated wildlife habitat units were determined to be non-significant. Factors contributing to a determination of non-significance include poor vegetation structure and diversity, no adjacent permanent or seasonal water, small forest size, no connectivity to riparian corridors due to paved roads or adjacent agricultural land use, grazing disturbance, and high occurrence of invasive species.

The determination of significance/non-significance for wildlife habitat areas is summarized in Table 2 on page 24.

A Threatened and Endangered Species Background Review (OAR 660-023-0110(3)(a)) was conducted to check for the presence of sensitive species that have unique habitat requirements that are considered as the habitat is evaluated. To accomplish this review the Oregon Natural Heritage Program and the Oregon Department of Fish and Wildlife (ODFW) were contacted.

The Natural Heritage Data System is Oregon's most comprehensive database of rare, threatened and endangered species, and includes site-specific information on the occurrences, biology and status of over 2,000 species throughout Oregon. It includes the state's only database of natural vegetation, with descriptions and information on the occurrences and protected locations of all known ecosystem types. It is contracted to provide natural heritage and sensitive species information to state and federal agencies, and is accessed daily by public land managers, private developers, researchers and educators.

The Natural Heritage Data System was contacted for information regarding special-status species that were documented to occur in the study area. Special-status species include fish, wildlife and plant species that are federally or state listed as threatened or endangered, candidate species for listing, and other species of concern that do not currently have legal status but are being monitored by regulatory agencies because their populations have declined or are declining.

Special-Status Fish Species:

Coho salmon	<i>Oncorhynchus kisutch</i>	Federal candidate; State endangered
Chinook Salmon	<i>Oncorhynchus tshawytscha</i>	Federal threatened
Steelhead	<i>Oncorhynchus mykiss</i>	Federal threatened

Special-Status Wildlife Species

Special-status wildlife species that have been documented in the project area include red-legged frog, Oregon slender salamander, bald eagle, pileated woodpecker, little willow flycatcher, and olive-sided flycatcher.

The northern red-legged frog (*Rana aurora*) is a federal species of concern and a state sensitive species of undetermined status. It inhabits wetlands and slow moving streams. It breeds in seasonal ponds where it deposits large egg masses in January/February. Red-legged frogs have been observed in forested wetlands along Johnson Creek immediately downstream of the project area. In addition, public comments offered at the Task Force meetings have indicated that there may be additional occurrences of the red-legged frog in other portions of the study area. Staff did not confirm these sightings but has suggested that the citizens contact the Oregon Natural Heritage Program.

The Oregon slender salamander (*Batrachoseps wrighti*) is a state sensitive species of undetermined status. It inhabits old decaying logs and stumps in old growth and second growth coniferous forests. It has been observed in Oxbow Park and on the Nature Conservancy land west of the Sandy River.

The bald eagle (*Haliaeetus leucocephalus*) is a federal and state threatened species. It is associated with rivers and lakes with nearby tall trees or cliffs for nesting. It feeds mainly on fish and also eats a variety of carrion. The bald eagle is occasionally observed on the Sandy River; no known nests occur in the project area.

The pileated woodpecker (*Dryocopus pileatus*) is a state vulnerable species. It is associated with mature coniferous and deciduous forest habitat and requires large snags for nesting and foraging. Optimum nest snags are at least 20 inches in diameter and 31 feet tall (Marshall 1996). Other habitat components include dense forest, high snag densities, stumps, large woody debris and tall shrub cover. It has been observed in Oxbow Park and on the Nature Conservancy land west of the Sandy River.

The little willow flycatcher (*Empidonax traillii brewsteri*) is a federal species of concern and a state vulnerable species. It is found in willow thickets at the edges of streams or forest clearings. It eats mostly flying insects. It is a summer resident that typically arrives in Oregon in mid-May. It has been observed along the Sandy River and is likely present along streams in the project area where there is suitable habitat.

The olive-sided flycatcher (*Contopus cooperi*) is a federal species of concern and a state vulnerable species. It nests in coniferous forest and forages primarily on flying insects. Olive-sided flycatchers have been observed in Oxbow Park and on the Nature Conservancy land along the Sandy River.

A variety of federal species of concern and state sensitive bat species potentially roost and/or forage along the Sandy River and its tributaries. Bats are likely present in the project area, but no bat roosting areas have been documented.

Special-Status Vegetation Species

Tall bugbane (*Cimicifuga elata*) is a federal species of concern and a state candidate species. It inhabits moist forest habitat and has been observed in old growth forest habitat on BLM land outside the project area.

**TABLE 2: SIGNIFICANT WILDLIFE HABITAT
MULTNOMAH COUNTY WEST OF SANDY RIVER**

WILDLIFE HABITAT UNIT	Wildlife Habitat	Water Quality	Ecological Integrity	Connectivity	Uniqueness	Significant?*
NON-ASSOCIATED WILDLIFE HABITAT UNITS						
B1-R/U	H	H	M	H	M	Y
B2-R/U	M	L	L	L	L	Y
BT1-R/U	H	H	M	H	L	Y
BT2-R/U	H	H	M	L	L	Y
BT3-R/U	H	H	M	H	L	Y
BT4-R/U	M	L	L	L	L	Y
J1-R/U	H	H	M	H	H	Y
J2-R/U	L	L	L	L	L	Y
J3-R/U	H	M	M	M	M	Y
J4-R/U	H	M	M	M	L	Y
JT1-R/U	H	H	M	H	L	Y
JT2-R/U	H	H	M	H	L	Y
JT3-R/U	L	L	L	L	L	Y
JT4-R/U	H	H	M	M	L	Y
JT5-R/U	H	H	M	M	L	Y
JT6-R/U	H	H	M	H	L	Y
JT7-R/U	M	M	L	L	L	Y
KN-R/U	M	H	M	M	L	Y
KS-R/U	H	H	M	H	L	Y
S-R/U	H	H	H	H	H	Y
ISOLATED WILDLIFE HABITAT UNITS						
U1	H	L	M	H	M	Y
U2	H	L	H	H	M	Y
U3	H	M	M	M	M	Y
U4	L	L	L	L	L	N
U5	M	L	L	L	L	N
U6	H	L	M	M	L	Y
U7	L	L	L	L	L	N
U8	L	L	L	L	L	N
U9	H	L	M	M	L	Y

H = Highest function; large undisturbed forest adjacent to permanent or seasonal water.

M = Medium function; wildlife habitat function reduced due to lack of adjacent permanent or seasonal water, reduced connectivity to other wildlife habitat areas, low vegetation diversity, invasive species, grazing.

L = Lowest function; forest is too small and isolated to provide any wildlife habitat.

* Wildlife habitat areas which scored high in at least one of the functions evaluated were determined to be significant.

2.6 Location, Quantity, and Quality

Goal 5 requires location, quantity, and quality information to be used in significance determination. In this inventory, location information can be found on the maps for each drainage, quantity information found in Table 7 on page 51, and quality information found on each data sheet located in the appendix. This information is considered adequate per OAR 660-023-0030(3)(a, b, c)

Goal 5 also requires consultation with ODFW as well as other agencies to obtain current habitat information (660-023-0110(3)). Fishman Environmental Services LLC has consulted ODFW as well as the Oregon Natural Heritage Database to meet this requirement.

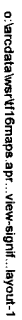
Insert Significant Goal 5 Resources and Impact Areas Map Map 1

Map 1

Goal 5 Resource Inventory Sites

Beaver Creek	B
Beaver Creek Tributaries	BT
Johnson Creek	J
Johnson Creek Tributaries	JT
Kelly Creek North	KN
Kelly Creek South	KS
Sandy River	ST
Updaters (Significant and Not Significant)	U

plands (Significant and Not Significant) U



3 Regulations in the Study Area

3.1 Introduction

The regulations in the study area have contributed over the years to the nature of the development pattern and land uses in the study area. The physical landscape in combination with commercial farm and forest zoning dominates the land use pattern in the West of Sandy Study Area. The physical limitations have determined where development or conversion to farm and forest use is practical, the zoning helps to maintain farm and forest use and each in turn helps to maintain the rural character of the study area.

State, Federal, and local regulations are discussed below. In order to understand the conflicting uses that will be discussed later in the analysis, the discussion highlights the impact of these regulations upon Goal 5 natural resources

3.2 Multnomah County Zoning Ordinance

Broad policy goals are part of the purpose statements for each zone found in the study area. Policy goals are particularly useful in the determination of the impacts that permitted uses may impose upon Goal 5 resources. Conflicting uses found within each zone are discussed in chapters 5 and 6 of this report.

Exclusive Farm Use (EFU)

“The purposes of the Exclusive Farm Use District are to preserve and maintain agricultural lands for farm use consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic and wildlife resources, to maintain and improve the quality of the air, water and land resources of the County and to establish criteria and standards for farm uses and related and compatible uses which are deemed appropriate. Land within this district shall be used exclusively for farm uses as provided in the Oregon Revised Statutes Chapter 215 and the Oregon Administrative Rules Chapter 660, Division 33.”

EFU zoning is found in resource areas of Beaver Creek, Johnson Creek, Kelly Creek North, Sandy River, and unit U3

Multiple Use Agriculture (MUA20)

“The purposes of the Multiple Use Agriculture District are to conserve those agricultural lands not suited to full-time commercial farming for diversified or part-time agriculture uses; to encourage the use of non-agricultural lands for other purposes, such as forestry, outdoor recreation, open space, low density residential development and appropriate Conditional Uses, when these uses are shown to be compatible with the natural resource base, the character of the area and the applicable County policies. “

MUA-20 zoning is found in resource areas of Beaver Creek, Kelly Creek North, Johnson Creek, Sandy River, U4, and U7

Commercial Forest Use (CFU)

"The purposes of the Commercial Forest Use District are to conserve and protect designated lands for continued commercial growing and harvesting of timber and the production of wood fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for agricultural uses; to provide for recreational opportunities and other uses which are compatible with forest use; implement Comprehensive Framework Plan Policy 11, Commercial Forest Land, and to minimize potential hazards or damage from fire, pollution, erosion or urban development."

CFU zoning is found in resource areas of Kelly Creek South, Beaver Creek, Sandy River and U1

Rural Residential (RR)

"The purposes of the Rural Residential District are to provide areas for residential use for those persons who desire rural living environments; to provide standards for rural land use and development consistent with desired rural character, the capability of the land and natural resources; to manage the extension of public services; to provide for public review of non-residential use proposals and to balance the public's interest in the management of community growth with the protection of individual property rights through review procedures and flexible standards."

RR zoning is found in resource areas of the Sandy River, Beaver Creek, U10

Rural Center (RC)

"The purposes of the Rural Center District are to provide standards and review procedures which will encourage concentrations of rural residential development, together with limited local and tourist commercial uses which satisfy area and regional needs; to provide for local employment through light industrial uses consistent with rural character and to manage the location and extent of public service centers and limit the extension of public services.

The RC zone is found in the Johnson Creek resource unit.

Significant Environmental Concern (SEC)

"The purposes of the Significant Environmental Concern sub-district are to protect, conserve, enhance, restore, and maintain significant natural and man-made features which are of public value, including among other things, river corridors, streams, lakes and islands, domestic water supply watersheds, flood water storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats, significant

geological features, tourist attractions, archaeological features and sites, and scenic views and vistas, and to establish criteria, standards, and procedures for the development, change of use, or alteration of such features or of the lands adjacent thereto.”

The SEC is applied to the Sandy River resource unit.

3.3 Other State, Federal and Regional Regulations

Metro Title 3

The Title 3 Water Quality and Floodplain requirements of the Metro Urban Growth Management Functional Plan will be applied across the study area. Title 3 provides regional standards for the protection of water quality and floodplains. The third element of Title 3, protection for significant streams pursuant to Goal 5 is in process.

Title 3 of the Metro Urban Growth Management Functional Plan requires local jurisdictions to adopt ordinances to regulate development in “water quality and flood management areas.” An official map must be adopted, and specific performance standards for water quality and flood management must be implemented. Title 3 setbacks from streams and wetlands vary from 15 to 200 feet, based on site-specific conditions. The protection program developed in conjunction with this ESEE analysis is substantially compliant with Title 3.

The Metro Title 3 program for fish and wildlife is presently being developed. The Multnomah County program reported here will be discussed with Metro as their program develops to determine how the County program will meet compliance requirements of Title 3.

A program will be developed for the study area pursuant to Statewide Goal 6, “Air, Water and Land Resources Quality”, that meets the standards set in the Title 3 Water Quality and Floodplain ordinance.

Wetlands

Wetlands and streams are regulated under both federal and state law. The U.S. Army Corps of Engineers administers Section 404 of the Clean Water Act that regulates discharge of any amount of dredged or fill material into “waters of the United States”. Waters of the United States include essentially all surface waters such as all navigable waters and their tributaries, all interstate waters and their tributaries, all wetlands adjacent to these waters, and all impoundments of these waters. The Division of State Lands administers Oregon’s Removal-Fill Law (ORS 196.800-990), which regulates the removal or fill of more than 50 cubic yards of material in “waters of the state”, or the movement of any amount of material in either a stream designated as Essential Indigenous Anadromous Salmonid Habitat or in a State Scenic Waterway. Waters of the state are defined as natural waterways including all tidal and nontidal bays, intermittent

streams, constantly flowing streams, lakes, wetlands and other bodies of water in this state, navigable and non-navigable, including that portion of the Pacific Ocean which is in the boundaries of this state.

Endangered Species Act

Wildlife Species

As discussed in section 2.5, special-status wildlife species that have been documented in the project area include red-legged frog, Oregon slender salamander, bald eagle, pileated woodpecker, little willow flycatcher, olive-sided flycatcher, and a variety of bat species.

Plant Species

Tall bugbane (*Cimicifuga elata*) is a federal species of concern and a state candidate species.

Fish Species

Several evolutionarily significant units (ESUs) of salmonids have been listed by the federal government under the Endangered Species Act (ESA). Three ESUs are listed as threatened and have designated critical habitat within the study area including Lower Columbia River Chinook Salmon, Lower Columbia River Steelhead and Columbia River Chum Salmon. In addition Southwestern Washington/Columbia River Coastal Cutthroat Trout are proposed for listing as threatened. The Lower Columbia River/Southwest Washington ESU for Coho Salmon is currently a candidate for listing.

Critical habitat for these ESUs include "all river reaches accessible to listed salmon or steelhead within the range of the ESUs listed" and consists of the water, substrate and adjacent riparian zones of riverine reaches listed in tables prepared by the National Marine Fisheries Service (NMFS) (50 CFR Part 226). Accessible riverine reaches "are those within the historical range of the ESUs that can still be occupied by any life stage of salmon or steelhead." (50 CFR 226.212). Riverine reaches are considered to be accessible unless they are blocked by longstanding (i.e. hundreds of years or greater) natural barriers, such as waterfalls.

In the West of Sandy study area, it is certain that the Sandy River, Johnson Creek, Beaver Creek, and Kelly Creek north contain "indigenous anadromous salmonid habitat" (ORS 141-102).

The National Marine Fisheries Service (NMFS) identifies riparian zones as ecological units that provide important watershed functions that directly benefit salmonids. These functions include: vegetation that produces stream shade, bank stabilization, organic litter and large woody debris; sediment storage; nutrient and chemical recycling; mediation of stream hydraulics; microclimate control; water quality protection. The critical habitat designations do not specify a standard riparian management area or zone based on some distance measured from the stream or river. Instead, the rule allows for site-specific determination of riparian function. The NMFS therefore defines

adjacent riparian zones as "...the area adjacent to a stream that provides the following functions: shade, sediment transport, nutrient or chemical regulation, streambank stability, and input of large woody debris or organic matter." (Federal Register, Vol.65, No. 32, February 16, 2000, p.7769) NMFS further states that "streams regularly submerge portions of the riparian zone via floods and channel migration, and portions of the riparian zone may contain off-channel rearing habitats used by juvenile salmonids, especially during periods of high flow." (Federal Register, Vol. 65, No. 32, February 16, 2000, p. 7768)

The West of Sandy project defines riparian area in a manner consistent with the NMFS definition discussed above. This definition relies on a functional view of riparian areas, rather than a standard landscape measurement.

ESA Recommendations

ESA compliance is not the same as compliance with specific regulatory code measures or standards. Under the ESA, all federal agencies are required to ensure that their actions, including permit authorizations, will not jeopardize the continued existence of a listed species and are not likely to result in the destruction or adverse modification of critical habitat. Under Section 9 of the ESA, it is illegal to take an endangered species.³ For species listed as threatened, Section 4(d) of the ESA requires the federal government to issue regulations necessary and advisable to provide for the conservation of the species. These 4(d) regulations may include any or all of the prohibitions, such as take prohibitions, that automatically apply to endangered species under ESA Section 9.

The NMFS issued 4(d) rules for threatened fish species in June 2000. The rules describe limits on the take prohibitions of ESA section 9, some of which may be applicable to the West of Sandy study area. These potentially applicable limits on take prohibitions are described below:

Limit No. 8 - Habitat Restoration Limits on the Take Prohibitions

The take prohibitions do not apply to habitat restoration activities if the State of Oregon certifies to NMFS in writing that the activity is part of a watershed conservation plan certified by NMFS to meet specific guidelines

Limit No. 9 - Water Diversions Screening

The take prohibitions do not apply to physical diversion of water from a stream or lake if NMFS engineering staff agrees in writing that the diversion facility is screened, maintained and operated in compliance with NMFS screening criteria;

³Take is defined to include harass, harm, pursue, hunt, shoot, wound, kill, trap, or collect; or to attempt any of these.

Limit No. 10 - Routine Road Maintenance Activities

The take prohibitions do not apply to routine road maintenance activities if the routine activity complies with the ODOT Maintenance Management System Water Quality and Habitat Guide (June 1999)

Limit No. 12 - Municipal, Residential, Commercial and Industrial Development and Redevelopment (MRCI)

The take prohibitions do not apply to MRCI development or redevelopment if such development occurs pursuant to local ordinances that NMFS has agreed in writing are adequately protective, or that Metro has found comply with an Urban Growth Management Functional Plan that NMFS has agreed in writing is adequately protective. For NMFS to find adequate protection, the following issues must be addressed in a manner that assures urban development will contribute to conserving listed salmonids:

- Avoid inappropriate areas (unstable slopes, wetlands, areas of high habitat value, similarly constrained sites).
- Prevent stormwater discharge impacts to water quality and quantity, or to the hydrograph of the watershed.
- Protects riparian areas well enough to attain or maintain properly functioning condition (PFC) around all perennial and intermittent streams, lakes or wetlands.
- Avoid stream crossings by roads whenever possible, and where one must be provided, minimize impacts through choice of mode, sizing, placement.
- Protect historic stream meander patterns and channel migration zones; avoid hardening of stream banks.
- Protect wetlands, wetland buffers, and wetland functions -including isolated wetlands.
- Preserve the hydrologic capacity of any intermittent or permanent stream to pass peak flows.
- Landscape with native vegetation to reduce need for watering and application of herbicides, pesticides and fertilizer.
- Prevent erosion and sediment runoff during (and after) construction.
- Assure that water supply demands for the new development can be met without impacting flows needed for threatened salmonids either directly or through

groundwater withdrawals, and that any new water diversions are positioned and screened in a way that prevents injury or death of salmonids.

- Provide mechanisms for monitoring, enforcing, funding, reporting, and implement a program.
- The development ordinance or plan complies with all other state and Federal environmental or natural resource laws and permits.

Although this natural resource inventory report and ESEE analysis does not directly address the ESA regulatory process as found in Federal law, the MRCI issues do provide good direction to the programmatic elements that are developed under Goal 5. Any comprehensive plan policies, ordinance revisions, overlay zones, or other implementation tools should consider the 12 MRCI issues in order for the program to be compatible with any jurisdiction-wide ESA compliance program.

Department of Environmental Quality 303(d)

DEQ is required by the federal Clean Water Act to maintain a list of stream segments that do not meet water quality standards. This list is called the 303(d) List because of the section of the Clean Water Act that makes the requirement. The U.S. Environmental Protection Agency has approved DEQ's 1998 list. The Sandy River is listed for temperature, downstream reaches of Johnson Creek are listed for toxics, bacteria, temperature. Beaver Creek is currently being studied for a potential listing on the 2002 update. This listing is important to keep in mind while formulating the Goal 5 program. Any program should consider not only direct impacts to the Goal 5 resources, but also impacts to the Goal 5 resource that can affect a 303(d) listing.

Map 2

Legend

Zoning

- CFU - Commercial Forest Use
- EFU - Exclusive Farm Use
- MUA20 - Multiple Use Agriculture
- RC - Rural Center
- RR - Rural Residential

Streets

Streams

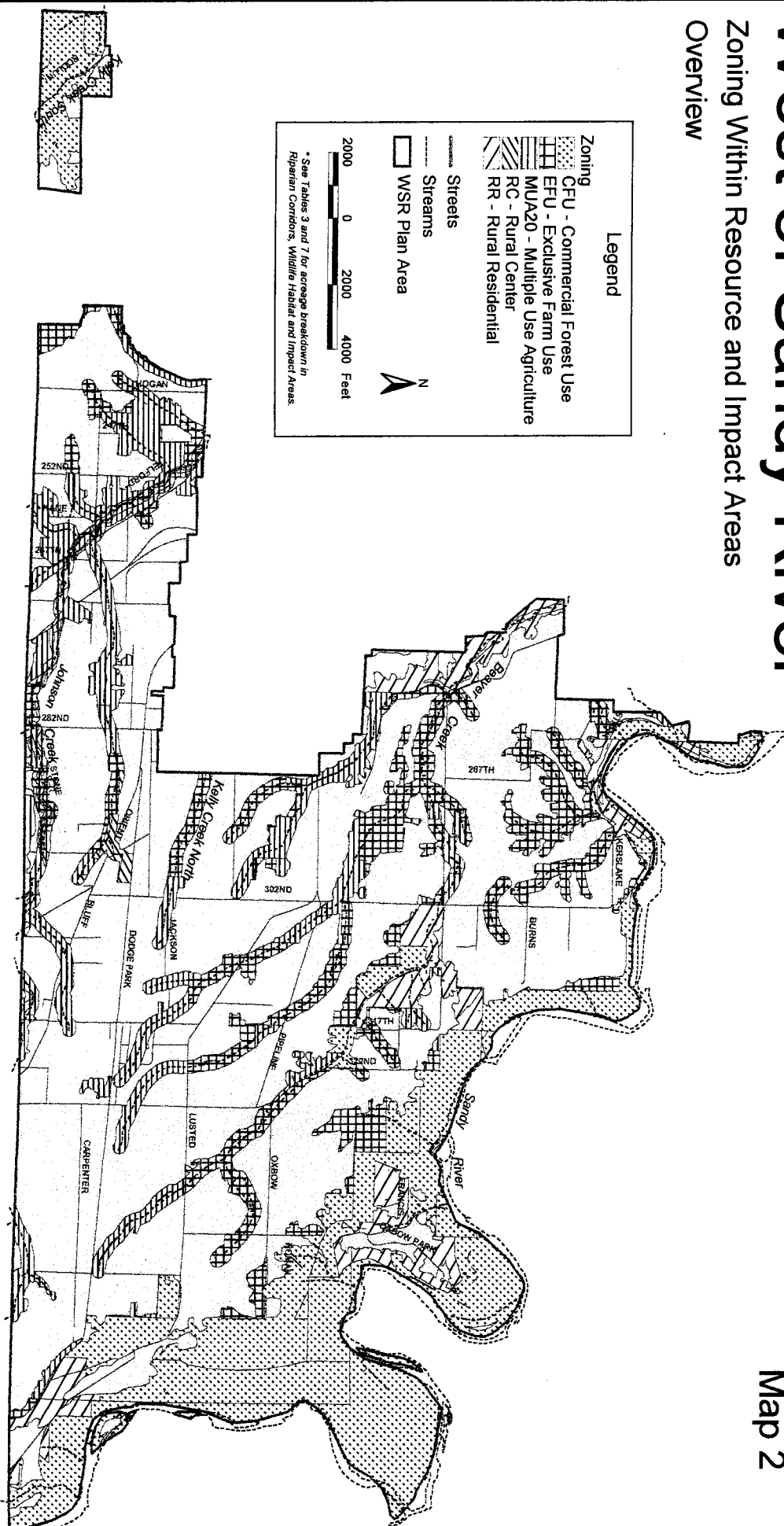
WSR Plan Area

Scale

0 2000 4000 Feet

North Arrow

*** See Tables 3 and 7 for acreage breakdown in Riparian Corridors, Wildlife Habitat and Impact Areas.**



4. ESEE Components

This section contains an overview of the elements in the analysis. The goal of the Economic, Social, Environmental and Energy (ESEE) analysis is to provide a rational basis for land use decisions in the study area. The ESEE does not include “what-if” scenarios for actions that otherwise would not be permitted under the current zoning ordinance.

The goal is to quantify the impacts of protecting significant Goal 5 resources. The ESEE analysis includes impacts upon property value (economic), quality of life (social), natural resource value (environment) and energy.

4.1 Components of the ESEE Analysis

Goal 5 requires the following steps to perform the ESEE (660-023-0040)

- Identify conflicting uses;
- Determine the impact area;
- Analyze the ESEE consequences

The results of the ESEE evaluation are used as the basis for development of a riparian corridor and wildlife habitat protection ordinance to protect these resources pursuant to Goal 5.

4.2 Conflicting Uses

Goal 5 directs local governments to identify conflicting uses that exist, or could occur within the impact area of significant Goal 5 resource sites. To identify these uses, local governments are directed to examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site. The following also applies in the identification of conflicting uses:

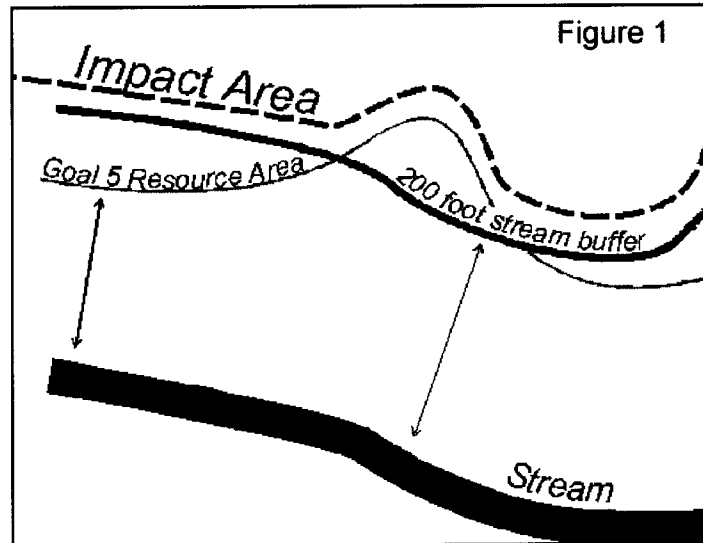
(a) If no uses conflict with a significant resource site, acknowledged policies and land use regulations may be considered sufficient to protect the resource site. The determination that there are no conflicting uses must be based on the applicable zoning rather than ownership of the site. (Therefore, public ownership of a site does not by itself support a conclusion that there are no conflicting uses.)

(b) A local government may determine that one or more significant Goal 5 resource sites are conflicting uses with another significant resource site. The local government shall determine the level of protection for each significant site using the ESEE process and/or the requirements.

The discussion of conflicting uses in the West of Sandy plan area is included in Section 5 of this report.

4.3 Impact Area

Local governments must determine an impact area for each significant resource site. The impact area must be drawn to include the area in which allowed uses could adversely affect the riparian corridor or wildlife habitat site. The impact area defines the geographic limits within which to conduct the ESEE analysis for the identified significant resource site. The impact area for the West of Sandy River plan has been drawn as selectively as possible based on observed conditions in the field, aerial photography, and public comments.



The impact area for riparian corridor and adjacent wildlife habitat resource areas has been developed using a nested approach. The size of the impact area varies with the type of natural resource and the slope in the immediate vicinity. The first boundary has been drawn to include a minimum of 200 feet from all streams that are mapped in the study area. Please see chapter 6.4 "riparian areas" and "wildlife habitat" for a discussion of habitat needs and impact areas. This distance is based both in the science of the functions and values of riparian corridors and the need for the County to adopt a Title 3 Water Quality and Floodplain ordinance that may include riparian corridors up to 200 feet wide. Appendix H contains tables summarizing some of the scientific research into habitat needs.

The second boundary has been drawn to extend 25 feet from the outer edge of all wildlife habitat areas. This distance was used to protect the root zone of forest resources.

The final boundary includes the top of all slopes that are equal to or greater than 25% (measured in rise over run). This method was used since activities on steep slopes may contribute to impacts upon riparian corridors. Please see the report section subtitled 6.4, "riparian areas" and "wildlife habitat" for a discussion of how these measurements were obtained.

660-023-0010

(3) "Impact area" is a geographic area within which conflicting uses could adversely affect a significant Goal 5 resource.

The project team used GIS (Geographic Information Systems) to create the boundaries. The original stream mapping was obtained through the RLIS (Regional Land Information System) data maintained by Metro. This information was supplemented by field

observed stream locations. The field biologists created wildlife habitat and riparian boundaries through the use of aerial photography and off-site inventory methods.

4.4 ESEE Scenarios

As Goal 5 directs, the ESEE analysis looks at two aspects of three different scenarios for each resource group. This analysis is included within section 6 of this report.

Scenario One

- The impact upon the natural resource site if the conflicting use is prohibited
- The impact upon the permitted use (including conditionally permitted uses) if the conflicting use is prohibited

Scenario Two

- The impact upon the natural resource site if the conflicting use is partially permitted
- The impact upon the permitted use (including conditionally permitted uses) if the conflicting use is partially prohibited

Scenario Three

- The impact upon the natural resource site if the conflicting use is permitted
- The impact upon the permitted use (including conditionally permitted uses) if the conflicting use is permitted

4.5 Analyze The ESEE Consequences

Local governments must analyze the ESEE consequences that could result from decisions to allow, limit, or prohibit a conflicting use. The analysis may address each of the identified conflicting uses, or it may address a group of similar conflicting uses. A local government may conduct a single analysis for two or more resource sites that are within the same area or that are similarly situated and subject to the same zoning. A local government may conduct a single analysis for a site containing more than one significant Goal 5 resource. The ESEE analysis must consider any applicable statewide goal or acknowledged plan requirements, including the requirements of Goal 5. The analyses of the ESEE consequences shall be adopted either as part of the plan or as a land use regulation.

4.6 Develop a Program to Comply with Goal 5

Local governments are required to determine whether to allow, limit, or prohibit identified conflicting uses for significant resource sites. This decision must be based on and supported by the ESEE analysis. A decision to prohibit or limit conflicting uses protects a resource site from the impacts of development. A decision to allow some or all of the conflicting uses for a particular site may also be consistent with Goal 5, provided it is supported by the ESEE analysis. The possible outcomes of the analysis are listed in the Goal 5 Rule as follows:

(a) A local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.

(b) A local government may decide that both the resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.

(c) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.

5 Conflicting Uses

5.1 Introduction

Following the inventory of Goal 5 resources, local governments must identify conflicting uses that could occur within inventoried resource sites. According to the Goal 5 administrative rule, a conflicting use is one that is customarily subject to land use regulations and, if allowed, could negatively impact a significant resource site. To identify potential conflicts, the rule directs local governments to examine the uses allowed within broad zoning categories. The zoning categories in the West of Sandy River area are described in section 3.2, and include Exclusive Farm Use, Commercial Forest Use, Multiple Use Agriculture, Rural Residential, and Rural Center. The various uses allowed in these zones are listed in section 5.3 of this report.

Section 5.2 below describes the conflicting uses that could be allowed in the zones and groups them into the broad categories of agriculture, forest, rural residential, commercial, industrial, and public facilities. The intent is to discuss the impact of these uses in a broad context and to set up the more detailed discussion of the conflicting uses that takes place in section 6, the ESEE analysis. Section 5 provides a detailed list of uses with impacts. Section 6 takes into consideration the unique conditions of the resource sites and examines in more detail how the conflicting uses listed here are considered in the economic, social, environmental, and energy context.

Agricultural Practices

Agricultural uses are permitted outright in all zones except RR, where “Limited Farm Use” is permitted as a primary use. Approximately 7,100 of the total 10,000 acres in the area are in two agricultural zones, EFU and MUA-20 as shown in Table 3. Nearly 1,000 acres in each of these zones falls within the impact area of riparian corridors or wildlife habitat (see Table 7 pg 51). The landscape of the study area is characterized by agricultural uses that include predominately nursery and berry farming, and pastures. There is at least one small sheep raising operation, and there may be other small livestock farming uses as well. The conflicts that can occur between farm uses and wildlife habitat are several. Wildlife connectivity often suffers from the presence of large areas of cultivated land that has no forest cover or is enclosed by fencing that prevents the migration of animals from various areas within their range. The use of pesticides and fertilizers that often accompanies farm uses may discourage native species from flourishing and limit the nature of forage for other species. This impacts both native plant and animal species.

Some farm practices impact riparian corridors in the plan area where crop management areas extend into the corridor. Livestock found at the edge of a stream can destroy riparian vegetation and trample stream banks. Unfiltered runoff from areas used by livestock can get into the stream and often contributes elevated levels of nitrogen and other nutrients that can impact both fish habitat and native plant habitats.

State statutes delegate regulation of farm practices for the protection of water quality to the Oregon Department of Agriculture, and the Senate Bill 1010 planning and rule provisions of (ORS 568.900 through 568.933, OAR 603-090-0000 through -0120). For this reason, the zoning ordinances that will be used to protect fish and wildlife in the plan area will not regulate farm practices. Farm practices common to the area include tilling, clearing, planting, harvesting, spraying of chemicals, irrigation, grazing, and livestock management. Development activities that occur on farm land are proposed to be subject to the habitat protection ordinances, and are therefore considered as conflicting uses in the ESEE analysis. Development activities may include, for example, barn and outbuilding construction or remodeling, construction of horse arenas, and manipulation of riparian vegetation for landscaping purposes.

Forest Practices

The propagation and harvesting of forest products is permitted outright in all zones in the plan area. The plan area contains approximately 2,075 acres of forest land in the CFU zone, most of which is within the Sandy River canyon. Nearly 90% of this land is within Goal 5 areas associated with wildlife habitat and riparian corridors. Typical forestry involves the construction of access roads, cutting of timber, clearing the site, and then replanting the site with a single commercial species. This practice impacts existing habitat conditions and may have significant impacts upon resource units. Impacts range from habitat fragmentation to the loss of native plant and animal species.

In the West of Sandy study area, much of the forested land is on steep side slopes of the Sandy River canyon. The predominate soil type is Halumbrepts, and is characterized in the Soil Conservation Service manual as subject to slumping and erosion. Commercial forest practices on steep slopes can lead to erosion and geologic instability due to the loss of the root structure that holds fragile soils together. This results in deposition of sediments into adjacent riparian areas. This process also results in the loss of fish habitat due to the sedimentation of gravels and pools that fish depend upon, as well as impacts to water quality through increased sediment loading.

Typical forest practices often involve the application of chemicals to encourage the growth of commercial tree species. By encouraging the growth of a single tree species, the wide range of other plant species that would otherwise be present is reduced or eliminated. As a result, the structure of the forest is changed from one with a developed ground cover, shrub, hardwood, and evergreen layer, to one with a single canopy of a single species. The wildlife habitat typically found within the structure is thereby eliminated.

In addition to the proposed designation of the Sandy River canyon as significant fish and wildlife habitat under this plan, all of the land within ¼ mile of the Sandy River except for a short segment at the north end of the plan area, is already designated as a Scenic Waterway and a Goal 5 resource. As is the case for farm practices, regulation of timber harvest is delegated to the Oregon Department of Forestry under state statutes. Commercial timber harvest operations that are carried out under the Department of Forestry and Scenic Waterway programs are therefore not proposed for

regulation under the plan and are not considered as conflicting uses in the ESEE analysis.

5.2 Conflicting Uses in Riparian Corridors and Wildlife Habitat Areas

There are a number of potential conflicting uses in the study area. As Goal 5 allows, they can all be grouped into the broad categories of agriculture, forestry, rural residential, commercial, industrial, and public facilities. It is important to note that some of these broad categories are represented in more than one zone. For example, public facilities are allowed in some capacity in all zones, as is agriculture.

Agriculture Uses

As described above, agricultural practices are an allowed use in all zones, but are not regulated by the County. There are, however, a number of uses allowed within the agricultural zones that are regulated by the County, and which represent conflicting uses within riparian corridors and wildlife habitat areas. The entire list of these uses is included in Section 5.3. Conflicting uses within the agriculture zones include commercial uses in conjunction with farm uses, cottage industry and dwellings. These uses are described in the Commercial, Industrial and Residential sections below.

Road building and public utilities such as radio towers, transmission towers and utility facilities necessary for public services are all similar in impacts to those conflicting uses described in the public facilities section below.

Expansion of existing schools and churches have similar though sometimes fewer adverse impacts as those described for commercial uses. Also included in the farm zones are wineries and farm stands, which also have impacts similar to those described in the commercial uses section.

Parks and other recreational facilities such as playgrounds can cause impacts to resources while providing for a public good. Parks and open areas construction and maintenance practices can cause erosion and damage vegetation and habitat. Removal of vegetation, creation of impervious surfaces such as roads, parking lots, and tennis courts, and construction of buildings are activities commonly associated with development of parks and open areas. The environmental consequences of these activities are similar to those described for residential uses except that normally a smaller percentage of land areas is covered by impervious surfaces. Unleashed domestic animals in parks and open areas can injure or kill wildlife.

Commercial activities that are associated with farm use, construction of new buildings, and other development activities that can occur on farm land are conflicting uses. The County may place appropriate conditions of approval to limit their impact upon resource functions and values when the County zoning code provides for this.

The county can also provide information regarding local programs available in the study area that encourage sustainable farm practices and other methods that result in minimum impacts or the elimination of impact to natural resources from farm uses.

Forestry Uses

As described above, forestry practices are an allowed use in all zones, but are not regulated by the County. There are, however, a number of uses allowed within the forestry zone that are regulated by the County, and which represent conflicting uses within riparian corridors and wildlife habitat areas. The entire list of these uses is included in Section 5.3. Those uses include many of the same uses described in the agriculture section, residential, commercial, industrial, road building, public facilities (including transmission towers and distribution lines), and parks and recreational facilities.

In addition to those use previously described, there are a number of uses that are unique to the forestry zone, including structures associated with forestry or conservation, solid waste disposal sites and landfills, forest product processing, logging equipment storage and repair, log scaling and weigh stations and aircraft landing areas. Structures associated with forestry and conservation uses, including inhabited and uninhabited structures have an impact similar, but probably lesser than those impacts described in the residential section. The structure would require site clearing leading to habitat disruption, erosion and other similar impacts. Roads would be required for maintenance and construction and utility lines would need to be run to provide electric service.

Solid waste disposal and landfills have substantial impacts to resources. As with mining operations (also allowed in the forestry zone) all resources are destroyed with the creation of a landfill. In addition to the short-term impact of resource removal, long-term impacts could include leaching of hazardous wastes, continued maintenance to prevent natural gas build up and the inability to reestablish significant forest growth.

Forest product processing, logging equipment storage and repair and log scaling and weigh stations have impacts similar to those described in the industrial section. These uses are characterized by large amounts of impervious surface, disruption of habitat through clearing and operations and the use of potentially hazardous chemicals that could cause significant resource degradation if a spill were to occur.

Residential

Residential uses are permitted outright in the RR, MUA-20 and RC zones, and conditionally in the EFU and CFU zones. Rural Residential uses are prominent in the study area. The study area contains a diverse mix of small lot rural residential use, to larger lot hobby farm residences. Rural residential uses in the area typically rely upon septic systems to provide sanitary sewer, and wells are used for water service in some areas. In high densities, septic systems can infiltrate groundwater and the use of wells can impact the level of the water table. Soils in the area typically hold water near the surface, and drainage measures are sometimes necessary to remove water from the

drainfield area in order for the system to function properly. Density varies but residential density in the area increases to one dwelling per acre in the Orient Rural Center area. There are no sanitary sewers in the area, and the roadside stormwater system has limited capacity.

Rural residential development often results in the fragmentation of native landscapes. Large lawns and landscaped areas, long graveled or paved driveways, stream crossings, and multiple buildings with large areas of impervious surface all contribute to this fragmentation. As the range of habitat for indigenous wildlife becomes restricted and isolated, opportunities for recruitment from other areas are limited and wildlife populations become vulnerable to disease, predation and local extinction. Increased impervious surface or compacted soils and loss of tree cover can increase runoff and may result in warm water entering a stream and contribute to water temperatures too high for healthy habitats. Large lawns and landscaped areas are often treated with fertilizers and pesticides that can end up in adjacent streams and wetlands.

Common residential landscaping as well as the removal of native vegetation may reduce natural resource values. Landscaping often includes invasive and other non-native species that compete with native vegetation. The use of products including fertilizer and pesticides is generally associated with residential development and if used improperly may have a detrimental effect on the significant natural resource site. Household lights and loud noises can be another significant impact by disturbing the breeding and predator instincts of animals. Activity levels as defined by noise and movement increase from between 10 and 100 times that of normal (natural systems) producing disruptions in competition, communication, mating and predation habits of animals⁴.

The project team found many examples of good stewardship in the study area. Along with encouraging these users, the County can also provide educational information regarding techniques to live near Goal 5 resources with minimum impact or possibly even improve the functions and values of the site.

Commercial

Commercial uses are currently allowed only as a conditional use in the RC and RR zones. Commercial uses are generally characterized by a high level of disturbance. Existing non-farm commercial uses in the area are concentrated in the Orient and Pleasant Home Rural Centers. Smaller scale home occupations and farm related commercial uses exist in limited numbers throughout the study area. Disturbances include site clearing, large building footprints, and large parking areas. The large impervious areas associated with these uses can result in increased stream temperatures and decreased water quality due to runoff from these areas flowing into local wetlands, riparian areas and streams. Storage of chemicals and other toxics related to commercial uses is also a concern. Common sources include gas tanks,

⁴ Brown, Gardener M. and Henry O. Pollakowski. (1977). "Economic valuation of Shoreline," *Review of Economics and Statistics*. v.59

motor oil, and other lubricants and solvents associated with commercial vehicles and maintenance and repair facilities. If uncontained, these products may find their way into local resource sites as stormwater carries them away.

Commercial activities are usually conditional uses under the County zoning code, and the County may place appropriate conditions of approval to limit their impact upon resource functions and values when the County zoning code provides for this.

Industrial

Limited industrial uses that are associated primarily with resource management are allowed as conditional uses in all zones in the plan area. Industrial use is generally considered the most intensive level of development. Industrial uses are generally the most intrusive on the landscape due to maximization of floor area ratios, large parking and loading areas, and well as potential sources of toxic run-off, effluent, are factors that are generally detrimental to significant natural resource sites.

Industrial uses often require complete site clearing and grading, with the retention of few if any natural resources on a site. They can have more severe environmental effects than commercial uses. Industrial uses often draw substantial amounts of water from wells and public water sources, which can draw down on the water table resulting in reduced stream flows.

Public Facilities

Public facilities are allowed conditionally and in limited cases outright in all of the zones in the plan area. Public facilities generally consist of a wide range of uses from building pump stations, roads, schools, parks, and other Community Service uses that are both privately and publicly operated. The impacts from these facilities are highly variable and specific to the individual developments.

Construction of roads associated with outright and conditional uses results in concentration of surface water, compaction of soils and the resulting loss of water absorption and higher runoff rates, alteration to groundwater recharge (alteration of area hydrology), erosion of side slopes, ditches, and the surface of unpaved roads.

Basic utilities are infrastructure services such as water and sewer pump stations, electrical substations, utility towers, radio towers and water towers that need to be located in or near the area where the service is provided. Although operation of existing facilities may have few adverse environmental effects, construction, maintenance, and upgrading of basic utilities can have a variety of adverse effects. These activities often create cleared corridors which increase wind and light penetration into forest and other habitats providing opportunities for the establishment of invasive, non-native plant species. Construction often fragments wildlife habitat areas, degrades wetlands and streams, increases stormwater runoff and erosion, and reduces forest cover. Basic utility construction generally has the same effects as those described for housing. Certain types of basic utilities, such as stormwater retention areas, sediment traps, and constructed wetland pollution treatment facilities can have beneficial environmental

effects if located without disruption to existing resources. However, replacement of existing resources areas with these facilities can have significant detrimental effects.

Due to the highly variable nature of the public facilities, it is difficult to assess the impact that *could* take place. Generally, any implementation of a natural resource program should include a mechanism for the review of the impact these developments may have to the natural resource functions and values, and the projects designed to maintain or replace any disturbed natural resource values.

5.3 Multnomah County Zoning Uses

Please note that these use descriptions are more general in nature than found in the zoning ordinance. Conflicts that are considered as part of this Goal 5 analysis are conflicts that *could* occur in reasonable scenarios.

EFU Exclusive Farm Use

Permitted Outright

Farm Use

Accessory Farm Buildings

Forestry

Exploration and Production Of Geothermal Resources

Exploration and Extraction Of Minerals

Road Building

Creation, Restoration, Enhancement of Wetlands

Replacement Dwelling

Expansion/Maintenance of Existing Schools

Expansion/Maintenance of Existing Churches And Cemeteries

Permitted Under Prescribed Conditions

Utility Facilities Necessary for Public Service

Radio Towers

Dwellings

Kennels

Farm Stands

On-Site Filming Activities

Winery

Structures Necessary for Public Safety

Conditional Uses

Commercial Activities in Conjunction With Farm Use

Geothermal and Aggregate Operations

Dwelling

Parks, Playgrounds, Hunting and Fishing Preserves, other Recreational

Home Occupations

Processing Forest Products

Hardship Dwelling
Transmission Towers
Kennels
Propagation, Cultivation, Maintenance of Aquatic Species
Road Building
Dwelling

Accessory Uses

Accessory Structures
Structures and Fencing for Poultry or Livestock
Signs
Off-Street Parking and Loading
Home Occupation

CFU Commercial Forest Use

Permitted Outright

Forest Uses
Forest Processing
Farm Use
Replacement Dwelling
Resource Conservation
Uninhabitable Structure in Association with Fish and Wildlife Enhancement
Caretaker Residence for Public Park or Fish Hatchery
Local Distribution Lines
Road Building
Lookout Tower for Forest Fire Protection
Water Intake Facility
Temporary Forest Camp
Exploration for Aggregate Resources
Exploration for Geothermal Resources
Solid Waste Disposal Site
Emergency Actions

Permitted Under Prescribed Conditions

Dwellings
Community Service Uses
Campground
Cemetery
Fire Station
Aid to Navigation and Aviation
Water Intake Facility
Reservoir
Distribution Lines
Forest Research and Experimentation Facility
Parks

Utility Facility
Transmission Towers
Dump/Landfill
Private Hunting and Fishing Facilities
Mining/Production of Geothermal Resources
Aggregate Mining
Forest Product Processing
Permanent Logging Equipment Storage And Repair
Log Scaling and Weigh Stations

Conditional Uses

Road Building
Aircraft Landing Areas in Conjunction with Forest Use
Home Occupation
Large Lot and Template Dwellings

Accessory Uses

Accessory Structures
Signs
Off-Street Parking and Loading
Home Occupation

Temporary Uses

Hardship Dwelling
Batch Plant for Road Building
Mobile Home

MUA-20 Multiple Use Agricultural

Permitted Outright

Farm Use
Forest Uses
Dwelling
Resource Conservation
Emergency Activities
Retail/Wholesale Farm Sales
Structures for Public Safety

Conditional Uses

Community Service Uses .7005-.741
Mining/Geothermal
Commercial uses in conjunction with farm use
Raising fowl
Feed lots
Raising swine
Raising fur bearing animals

Commercial dog kennels
Commercial uses in conjunction with forest use
Houseboats and houseboat moorages
Planned developments
Cottage industry
Rural commercial services
Tourist commercial uses
Home occupations
Large fills

Accessory Uses

Accessory Structures
Signs
Off-street parking and loading
Home occupation
Family day care

RC Rural Center

Primary Uses

Farm Use
Forest Use
Dwelling
Resource Conservation
Emergency Actions

Uses Permitted Under Prescribed Conditions

Dwelling
Farm Stands
Emergency Actions

Conditional Uses

Community Service Uses (.7005-.7001)
Rural service commercial
Tourist commercial
Light Manufacturing (.5120)
Commercial processing of agriculture and forest products grown in the vicinity
Planned Development
Light Industrial
Home occupations
Large fills

Accessory Uses

Accessory Structures
Signs
Off-street parking and loading

Home occupation
Family day care

RR Rural Residential

Primary Uses

Limited farm use
Forest use
Dwellings
Resource conservation
Emergency actions

Uses Permitted Under Prescribed Conditions

Dwelling
Farm Stands
Structures for Public Safety

Conditional Uses

Community Service Uses
Geothermal
Commercial uses in conjunction with farm uses
Raising/Processing fowl
Feed lots
Raising swine
Raising fur bearing animals
Kennels
Planned development
Cottage industry
Rural commercial services

Accessory Uses

Accessory Structures
Signs
Off-street parking and loading
Home occupation
Family day care

Tables 3,4, 5 and 6 on page 50 provide the specific quantities of each type of zoning that can be found in the study area (660-023-0030(4)(a). The table provides the quantity of each zone that can be found in the study area, in significant resource units by type, as well total acreage found in each drainage.

Table 3, 4 and 5: Zoning in the Study Area and in the significant natural resource units.
See Tables 6 and 7 for a more detailed analysis of the zoning of each resource unit.

Table 3: Total Zoning Acreages in the Study Area

<u>Zone</u>	<u>Description</u>	<u>Total Acres</u>
EFU	Exclusive Farm Use	3727
MUA20	Multiple Use Agriculture	3398
CFU	Commercial Forest Use	2075
RR	Rural Residential	647
RC	Rural Center	209
Total Acreage of Study Area		10,056

Table 4: Zoning And Acreage Of Isolated Upland Wildlife Habitat Resources By Resource Unit

<u>Unit</u>	<u>Zone</u>	<u>Acres</u>
U1	CFU	59.5
U2	EFU	20
U3	MUA-20	6.5
U4	MUA-20	8.7*
U5	MUA-20	8.5*
U6	MUA-20	12
U7	EFU	6.9*
U8	MUA-20	2.4*
U9	RR	9.7

*Mapped but not *significant* after evaluation

Table 5: Total Acreage Of Each Zone Found In Significant Wildlife Habitat Resources Unit, by Drainage

<u>Beaver Creek</u>		<u>Kelly Creek North</u>	
CFU	42	EFU	9
EFU	223	MUA-20	5
MUA20	167		
RR	141		
		<u>Kelly Creek South</u>	
		CFU	73
<u>Johnson Creek</u>		<u>Sandy River</u>	
EFU	53	CFU	1449
MUA20	286	EFU	230
RC	7	MUA20	12
		RR	214

Table 6: Acres Of Each Zone Found in the Goal 5 Resource Area and The Impact Area , Combined, by Drainage

<u>Beaver Creek</u>		<u>Kelly Creek North</u>	
CFU	52	EFU	32
EFU	463	MUA-20	23
MUA20	370		
RR	207		
		<u>Kelly Creek South</u>	
		CFU	178
<u>Johnson Creek</u>		<u>Sandy River</u>	
EFU	141	CFU	1580
MUA20	566	EFU	333
RC	26	MUA20	23
		RR	240

Source: Metro RLIS, 2001 and FES, 2001

Table 7: Summary of the Zoning and Total Acres in the Goal 5 Areas *													
Zone	Total		Percentage	Acreeage of Goal 5 Area, and Percent of Total Goal 5 Area in the Study Area, by Watershed									
	Acres in	Total Acres	of Study Area										
	Study	of Goal 5	in Goal 5										
	Area	Areas	Acres	Sandy	%	Johnson	%	Beaver	%	Kelly North	%	Kelly South	Total %
EFU	3727	983	26%	333	34%	141	14%	463	47%	32	3%		99%
CFU	2075	1808	87%	1580	87%	0	0%	52	3%			178	100%
MUA20	3398	992	29%	23	2%	566	57%	370	37%	23	2%		99%
RR	647	447	69%	240	54%			207	46%				100%
RC	209	26	12%			26	100%						100%
Totals	10056	4256	42%	2176	177%	733	171%	1092	134%	55	6%	178	498%

Total % of Study Area in Impact Areas: 42%

* "Goal 5 Areas" includes the Goal 5 resources and associated Impact Areas.

6 ESEE Analysis

6.1 Introduction

The ESEE analysis is composed of two distinct parts. The first part includes an analysis of common uses in the study area. These uses are grouped to allow for a more efficient analysis in broad topic areas. The second part of the ESEE analysis includes a more detailed look at the resource sites. The resource sites are not analyzed individually, but as allowed by Goal 5, have been grouped by drainage to allow for an efficient analysis. The five drainages include:

- Sandy River
- Johnson Creek
- Beaver Creek
- Kelly Creek North
- Kelly Creek South

6.2 ESEE Impacts Common Throughout The Study Area

There are five principal land uses in the West of Sandy study area.

- Agricultural Uses
- Forestry Uses
- Rural Residential
- Public Facilities
- Commercial and Industrial

It is important to note that the County does not have the authority to regulated farm and forest practices. These uses are regulated under state law and as a result the County does not have the ability to address conflicting uses that result from these practices.

The list of uses found in section 5.3 is a more comprehensive list of uses as they are listed in the zoning ordinance. These additional uses generally take place within the context of the broad categories listed above.

This section of the ESEE report discusses these broad categories of uses as they occur throughout the Study area. Other more specific uses are discussed in section 6.7.

Some generalizations can be made regarding the conflicts between development and natural resources. First, environmental protection often results in lost economic value when potential development is limited. On the other hand, development often degrades natural resources functions and values when in conflict. Social impacts of limiting conflicting uses are mixed. Often times the lack of development may result in the loss of jobs. Alternatively, communities often enjoy the presence of intact natural resources

as well as the benefits that they provide. Energy consequences are often felt when more roads are built or more industry developed.

The following section discusses common ESEE impacts that occur evenly throughout the study area. In the following section titled "Drainage Maps and Unique ESEE Discussions", ESEE consequences that are unique and specific to individual sites and zoning are discussed.

6.3 Economics Impacts Analysis

Economic Values of Riparian Corridors and Wildlife Habitat

Although the economics of riparian corridors are not subject to the traditional marketplace, the Endangered Species Act (ESA) has forced local governments to consider economics more closely with regard to natural resource protection programs.

A primary economic threat stemming from riparian corridors is a "Take" lawsuit under the ESA. If, through a lawsuit, a local jurisdiction is found to be responsible for the "take" of an individual or the habitat of an individual threatened or endangered species there may be direct economic penalties as well as an order to change the practice in question. This may be as expensive or more expensive than any punitive damages. It would be financially devastating to a local jurisdiction if, for example, they were ordered to restore large portions of developed riparian corridors to a properly functioning condition or install or upgrade a comprehensive stormwater management system due to the lack of a riparian corridor that provides a water filtration function.

"Harm in the definition of "take" in the Act means an act which actually kills or injures fish or wildlife. Such an act may include significant habitat modification or degradation which actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including, breeding, spawning, rearing, migrating, feeding or sheltering."

It is equally difficult to provide hard economic data for the economic activity generated from fishing, hunting, recreation and the associated business that relies upon intact riparian corridors and wildlife habitat areas to provide for healthy populations of fish, wildlife and other recreational opportunities. The Sandy River riparian corridor is one of the most important and heavily used recreational riparian corridors in the region drawing large numbers of people from inside and outside the study area for park use, boating, fishing, hiking and other outdoor activities.

The farm economy, particularly as it relates to nursery operations, is an important feature in the study area. Several characteristics of this area explain the relative strength of its nursery economy. First, proximity to the metropolitan area is key. It allows these firms access to transportation wholesalers, saving time and cost in the transport of nursery stock. The area is also close to PDX airport, allowing nursery

buyers better access to their market. In addition, this location allows nursery owners closer connections to suppliers and the urban labor force, an essential component of an industry dependent upon seasonal labor.

Within the study area alone, there are approximately 130 Oregon Department of Agriculture licenses for nursery-related operations, including: cash buyers, Christmas tree growers, greenhouse growers, nursery stock growers, nursery dealers and landscape contractors, and wholesale produce dealers. Nursery stock growers constitute the bulk of nursery-related businesses found in this study area. This area contains not just nursery and farming operations, but over 20 businesses (among others) that focus specifically on agricultural and farm services, nursery supplies, feed stores, landscaping, trucking and warehousing, food processing and farm production/raw materials.

The economic impacts of allowing conflicting uses in riparian corridors and wildlife habitat.

Agricultural Uses, Forestry Uses, Rural Residential, Public Facilities, and Commercial and Industrial Uses

Farming, farm related uses and residential uses have been established through a long history in the study area. Due to this development some riparian corridor areas are highly impacted and the lack of intact riparian vegetation contributes to the high temperatures and the 303(d) listings of Johnson Creek and the Sandy River. These are serious issues for fish habitat in these systems. If current practices are not improved in some areas, the conditions of riparian corridors are not likely to improve. If “take” lawsuits follow, property owners and the County may suffer economic consequences.

Continuing to allow agriculture and its supporting uses will likely lead to the continuation, and the possible expansion, of the nursery economy. In addition, environmental features have been shown to increase property values as they provide aesthetic and recreational pleasure and a more livable environment. As a result, properties next to or within these features often have higher property values and can produce greater tax revenues. Allowing additional commercial and industrial development in the area will generally maintain the property values of those lands where these activities are allowed and thus maintain the property taxes paid to the County for these properties.

The economic impacts of limiting conflicting uses in riparian corridors and wildlife habitat

Agricultural Uses, Forestry Uses, Rural Residential, Public Facilities, and Commercial and Industrial Uses

Limiting conflicting uses through the application of a protection program may increase the soft costs (e.g. planning and design) of a development. Limits may impose constraints on business owners that increase the cost of business and prevent small business owners from expanding their operations. However,

limiting conflicting uses can also lead to some economic gain for a property owner looking to develop a portion of their property, as lots that are adjacent to protected resources often have higher value. Limiting agricultural related uses may have some impact on the nursery economy in the study area, but because of much of the infrastructure for the farming is in place and has been occurring in the study areas for many years that impact is likely to be minimal.

The economics impacts of prohibiting conflicting uses in riparian corridors and wildlife habitat.

Agricultural Uses

If conflicting agricultural use were eliminated, as well as activities in conjunction with farm use, a decline in total acres of agricultural land may result. This may result in a direct loss of income to individual farmers and/or property owners.

Forestry Uses

If forest use and uses in conjunction with forest use are prohibited, individual property owners may lose a potential source of income from forest products on their land. If accessory uses, including large lot and template dwellings were prohibited, the potential increase value that is realized from having buildable lots may be lost.

Rural Residential

If rural residential uses are prohibited property owners may suffer a loss of property value if a building site cannot be located on the property. On the other hand, properties that already contain dwellings may realize an economic benefit from the prohibition of additional dwellings. If a prohibition leads to the preservation of open space and a rural character that the residents value as an amenity, then existing property owners may see an increase in property value. Although no conclusive studies exist for the West of Sandy study area, the County may lose an opportunity for an increase in the tax base if additional development is prohibited. But on the other hand again, if the prohibition of additional dwellings is valued by the residents of the area, this loss of a potential increase in the tax base may be offset by the increased value of existing dwellings. In some cases prohibiting conflicting residential uses may lead to the loss of all economic value to individual property owners, resulting in a lawsuit or the requirement that the County purchase their property.

Public Facilities

The existing transportation system is well established so there are few large economic impacts from prohibiting the construction or improvement of new roadways. However, prohibiting new driveways or private roads for all uses in the study areas is likely to cause significant economic hardship to some landowners, particularly those who have the ability to further subdivide their land for residential uses.

Commercial and Industrial

Prohibiting new commercial and industrial uses could cause property owners to suffer a loss of property value if a building cannot be located on the property. The loss of property value would eventually lead to a loss of property taxes collected by the County. Prohibiting new commercial or industrial services in the study area may also cause people to travel greater distances for those services expending some money in transportation costs and time.

Conclusion

Based on the above analysis, it is clear that from an economic impact standpoint, limiting conflicting uses is the most appropriate recommendation.

6.4 Environmental Impacts Analysis

To understand the environmental impacts that may result from conflicting uses, a discussion of the functions and values of riparian corridors and wildlife habitat follows. The intent is not to present a discussion that includes the full range of detail concerning riparian corridor and wildlife science. Rather, a brief discussion of the core functions and values has been included for the sites that have been rated in the data sheets found in appendix A and B.

Riparian Corridors

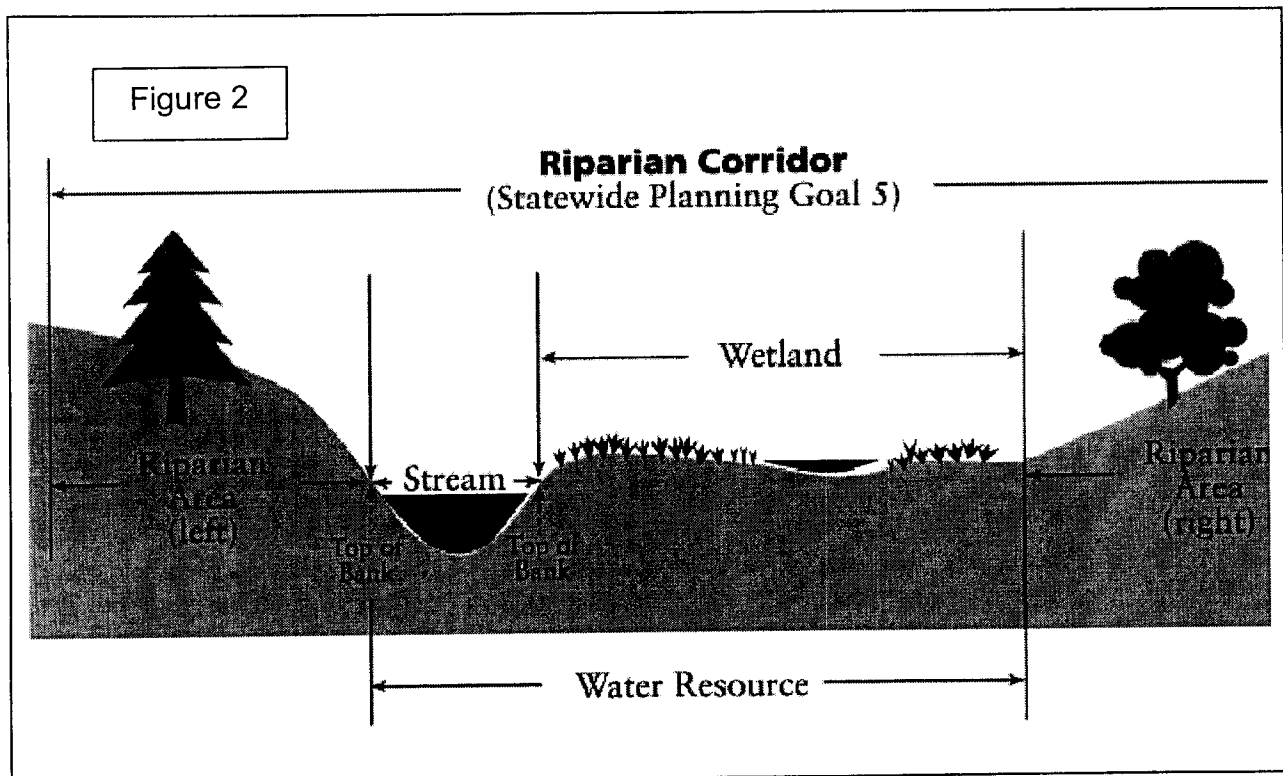
The Goal 5 riparian corridors provide essential habitat for many fish and wildlife species during critical life stages and development. They provide basic food and shelter and serve as travel corridors for the movement of fish and wildlife across the landscape. The corridors protect water quality as stormwater runoff is filtered before it flows into streams. A well-vegetated corridor can moderate stream temperatures.

The importance of riparian corridors includes:

- Habitat for terrestrial wildlife. Native vegetation provides food and shelter. It can also provide a corridor for the movement of wildlife and refuge during drought and wild fires.
- Food, shade, and shelter for aquatic organisms. Riparian vegetation provides detritus, or organic matter, which breaks down and provides food for aquatic invertebrates. Shade from riparian vegetation helps maintain cool water temperatures in pools. In addition, fallen branches, large woody debris and aquatic plants provide habitat for instream fauna such as native fish and other macroinvertebrates.
- Bank and bed stability. Native riparian vegetation is important in the prevention of streambank erosion. Vegetation binds soil and provides "roughness" that reduces flow rates, particularly during flood events. Vegetation at the "toe" of

riverbanks is especially important to riverbank stability, particularly on outside bends of meanders and on other banks where flow is deflected.

- Buffer to nutrients and sediment. Vegetated riparian zones maintain water quality by filtering sediment and nutrients, and reducing the amounts entering a watercourse. Any vegetation that provides a dense cover at ground level will be an effective buffer.
- Aesthetic benefit and intrinsic value. Riparian vegetation has an inherent aesthetic and intrinsic worth that is difficult to value in monetary terms. Different people value the aesthetic or intrinsic features of riparian areas differently. This often depends on their association with and understanding of these areas. For many landowners the aesthetic appeal of trees on farms is a primary motivation for wanting to manage river and creek systems.
- Stream channel morphology and habitat. Large wood recruited to small and medium streams from riparian forests can play a major role in forming and maintaining stream channel morphology. Large wood also provides in-stream structure that is an important aquatic habitat component.



There is an active discussion within the community of ecologists and regulating agencies regarding the appropriate width of a riparian corridor management area. The draft version of Metro's CPR includes a table of preferred "riparian area widths" for various fish and wildlife species. The table includes 29 separate widths that apply to

particular species and/or functions. The recommended widths vary from 15-656 feet⁵. Of these, Metro chose 175 feet plus an additional impact area that can increase the width to more than 200 feet. This “riparian management area” (RMA) is for the maintenance of riparian corridor functions and values and not wildlife habitat.

660-023-0090(1)
(d) "Riparian corridor boundary" is an **imaginary** line that is a certain distance upland from the top bank..."

These varied widths are sometimes based on the concept of “potential tree height” (PTH). PTH is the height of the trees that one could expect to see along a healthy and properly functioning riparian corridor. US Fish and Wildlife suggests that 200 feet is the appropriate PTH for Multnomah County based on soils and native trees (Metro, 1999).

In the West of Sandy study area, a minimum 200-foot combined resource and impact area was used in this ESEE analysis. Many locations have resource areas much greater in size due to the presence of adjacent wildlife habitat areas. This area is based on the actual observed conditions of the study area.

It is important to understand the distinction between the riparian corridor resource and the impact area or management area. The functioning riparian corridor has varying widths dependant upon the size of the adjacent water resource, the slope of the site, groundwater and surface hydrology characteristics, soil characteristics and vegetation. The 200-foot impact area for the West of Sandy Study Area is intended to serve as an indicator that a riparian corridor resource is present, but the location of the resource is not exactly known without detailed survey work.

The environmental impacts of allowing conflicting uses in riparian corridors

Agricultural Uses

Agricultural uses may contribute to the loss of vegetated riparian corridor areas along streams. This loss may result in a reduction in the ability of the riparian corridor to filter runoff as it drains farmed fields and the associated structures needed to support farm practices. Uses that support agriculture such as roads, storage areas and accessory farm buildings increase the impervious surfaces and areas of compacted soil within the study area, which can result in an increase in stormwater runoff and pollution into a riparian corridor. Once the unfiltered runoff ends up in creeks, streams, and rivers it may contribute to nutrient loading and/or the destruction of native plant and animal life. Stormwater runoff may carry the pesticides and fertilizers used in agricultural practices and the storage of such chemicals creates a risk of accidental spillage into the resource.

⁵ Development Of Measures To Conserve, Protect And Restore Riparian Corridors In The Metro Region “Streamside Cpr”, December 1999, Metro Growth Management Services

The other uses that are allowed in agricultural zones as discussed in Section 5.2 can also impact riparian corridors if allowed without limitation. The impacts to corridors are the result of clearing, soil compaction, impervious surfaces, human intrusion, domestic animals, and others.

Forestry

Forest practices include the cutting of timber, site clearing, sometimes burning the “slash” or “leftovers” and then the replanting of the site with a single tree species. Riparian corridors in forested areas provide critical water filtration functions as well as provide stability to forest soils. When the riparian corridor is impacted, erosion upon the slopes of the corridor may lead to sedimentation of the streambed. It also allows unfiltered runoff to enter the channel that may carry pesticides used to control the growth on non-commercial species. The crossing of riparian corridors by heavy equipment on inadequate or non-existent roads can destroy the streambed and introduce new passage barriers.

Rural Residential

The introduction of residential uses into riparian corridors may lead to severe and wide-ranging impacts to the resource. The typical lawns and landscaping that are present around houses may include the use of non-native and invasive plants, fertilizers and pesticides that find their way into the stream channel.

In the interest of fire safety homeowners often clear wide areas around a dwelling and associated structures to create a “fire break”. This is a direct impact to the riparian corridor vegetation that leads to the loss of the functions and values of the riparian corridor. In encouraging this practice in the name of fire safety, there is a direct impact upon riparian corridors.

Residential Development also results in additional impervious areas that carry stormwater into the stream channel. When the stormwater does not pass through a riparian corridor, it is not filtered and as a result increased levels of pollutants are released into the water channel. Impervious surfaces can also contribute to the raised temperature of streams by allowing the water to be warmed before it is released in the channel.

Domestic pets often associated with rural residential use can contribute to the pollution of stream corridors and disturbance or loss of native wildlife. Without healthy, intact, and properly functioning riparian corridors the waste from these animals can flow into the stream channel. This can cause nutrient loading and impact healthy habitats and also contribute pathogens including such as e-coli bacteria and others into the water supply. Without the filtration of the riparian corridor, these pollutants can cause direct harm to both native wildlife species and humans.

Public Facilities

The construction of public facilities, particularly roads, increases impervious surfaces resulting in greater stormwater runoff increased water temperatures and increased pollutant loads. Public facilities also can lead to obstruction of fish passages and construction activities directly impacting the function and value of the riparian corridor resources.

Environmental impacts of limiting conflicting uses in riparian corridors

Agriculture, Forestry, Rural Residential and Public Facilities

Limiting conflicting uses through a protection program can help prevent new environmental impacts to a resource site. The protection program works through the development review process by requiring certain findings of fact from property owners that environmental impacts to resource sites (see Appendices A and B) will be avoided and/or mitigated.

A protection program that limits conflicting uses is particularly valuable where it places greater limits on development in proximity to the most sensitive resources areas. Studies show that fully protected riparian buffers of approximately one site potential tree height (SPTH)⁶ are likely adequate to maintain 90%-100% of most key functions, including shading, LWD recruitment (excluding wood recruited from upslope and upchannel areas), small organic litter inputs, nutrient regulation, and sediment control (for surface erosion in the riparian zone only)⁷. The same research also indicates that on sites with limited slopes, bank stability is maintained at ½ SPTH, shade nutrients and organics are maintained at ¾ SPTH, and large woody debris recruitment is maintained at 1 SPTH.

Limiting conflicting uses through a protection program also can result in increased stewardship and restoration opportunities to mitigate development impacts.

Environmental impacts of prohibiting conflicting uses in riparian corridors

Agriculture

Although the County does not regulate most farm practices, it does have the ability to review a wide range of farm related development including a range of farm related dwellings, commercial uses associated with farm uses, utility

⁶ One site potential tree height in the study varies according to the individual site, but the Douglas Fir is considered the species with the highest SPTH at 120 feet

⁷ Spence, B. C., G. A. Lomnický, R. M. Hughes, and R. P. Novitzki. 1996. An ecosystem approach to salmonid conservation. TR-4501-96-6057. ManTech Environmental Research Services Corp., Corvallis, OR. (Available from the National Marine Fisheries Service, Portland, Oregon.) (<http://www.nwr.noaa.gov/1habcon/habweb/ManTech/front.htm>)

facilities and public facilities. Prohibition of these uses in riparian corridors would avoid impacts to the functions and therefore result in no further reduction.

Many of the resources require more action to restore functions and values that have been lost over time. To restore the functions and values of each of the riparian corridors in the study area, more action will be required that results in enhancement and restoration.

Forestry

The County does not regulate most forestry related uses. It does have the ability to review uses that are associated with forest use. In the riparian corridors of the study area, forestry has generally not been practiced on steep slopes and other areas where the economic restraints or the physical limitations of the site have made it an unattractive pursuit. For the most part, the prohibition of conflicting uses in riparian corridors does not require a change in current practice. The uses are already limited due to the historic economic and physical difficulties present.

Rural Residential

Rural residential use includes the installation of fencing, the introduction of domestic animals, the use of pesticides and fertilizers in landscaping, and the introduction of light, noise, and non-native landscaping plants. Each of these impacts may be avoided by the prohibition of conflicting uses in the significant resource area.

Public Facilities

Prohibiting the construction and improvement of public facilities would generally have a positive environmental impact. However, there are instances where prohibiting improvement of public facilities could lead to greater environmental impacts. For example, there are a number of road culverts that block fish passage in the study area. Improvement of this public facility would lead to an environmental benefit. The same could be said for reducing the risk of a sewage disposal accident at Sam Barlow High School by improving their waste disposal system.

Conclusion

Prohibiting conflicting uses would generally be most beneficial to riparian corridors from an environmental perspective. However, there appears to be significant benefit to limiting conflicting uses through a well-crafted protection program. Limiting uses may result in more proactive efforts to restore resource sites in addition to providing the necessary protections.

Wildlife Habitat

The Goal 5 “Wildlife Habitat” natural resource provides for the food and shelter requirements of wildlife in the area including small mammals, birds, and others found in the study area. In this study, riparian corridors and wildlife habitat share many functions and values and each are rated for the quality of wildlife habitat. Although fish are considered wildlife too, in this study fish habitat is considered as part of the riparian corridor discussion.

The Goal 5 impact area for wildlife habitat resource areas has been drawn at 25 feet beyond the edge of the resource. This width was chosen to protect the root zone around forested resource sites⁸.

Wildlife habitat resource sites in the study area have been evaluated for:

- Wildlife Habitat
- Water Quality Protection
- Ecological Integrity
- Connectivity
- Uniqueness

Environmental Impacts of allowing conflicting uses in wildlife habitat

Agriculture

Typical agricultural practices include clearing the land of trees and preparing the ground for the planting of agricultural crops. This eliminates the native habitat and associated native species of plants and wildlife.

This practice also leads to the fragmentation of forest habitat by creating small islands of forest habitat that are no longer connected to other wildlife habitats or riparian corridors. As a result, the diversity of species that would otherwise make use of the habitat are unable to find food, water, and shelter to sustain viable populations. As some species move across agricultural fields they may fall victim to predators while out in the open. This may benefit a small number of individual predators at the expense of the biologically diverse mix of species that benefit from intact wildlife corridors. Fragmented habitat also increases the amount of “edge” habitat, which attracts a variety of opportunistic and non-native species.

The isolated upland wildlife habitat units in the study area do suffer from fragmentation and those that have been determined to not be significant have rated low for connectivity.

⁸ Personal Communication, P.A. Fishman, Fishman Environmental Services LLC, 2001

Forestry

Forestry often involves the practice of selectively cutting or clear-cutting a site of timber. This practice removes one type of habitat and replaces it with another. The “edge effect” that results from clear cutting next to an established forest habitat changes the edge of the forest left standing to a varying degree based on the type of trees left standing. This edge creates a new type of habitat for a suite of species that differs from those that were present before the clearing.

Forest practices may also lead to the fragmentation of forest habitat. Fragmentation results in the inability of the normal range of species to use the forest habitat due to the isolation of the habitat from other appropriate habitat that aids in providing food, shelter, and cover.

Rural Residential

Rural residential use impacts habitat by placing dwellings, accessory structures, and other related uses in the wildlife habitat areas. In combination with edge effects that result from clearing forested areas for homes and other buildings, native species are often displaced by the human inhabitants. Pets and other domestic animals that are often associated with rural residential uses can also result in wildlife habitat impacts.

Public Facilities

Construction and improvement of public facilities, particularly roads, can have a significant impact on wildlife habitat. Roads can fragment wildlife habitat resulting in the edge effect described above and a decrease in connectivity between resource sites. Increase in auto use from new or improved roads can lead to more animal deaths from vehicle strikes.

Environmental impacts of limiting conflicting uses in wildlife habitat

Agriculture, Forestry, Rural Residential and Public Facilities

Limiting conflicting uses through a protection program can help prevent new environmental impacts to a resource site. The protection program works through the development review process by requiring certain findings of fact from property owners that environmental impacts to resource sites (see Appendices A and B) will be avoided and/or mitigated. Limiting conflicting uses can help decrease the likelihood of fragmentation of the resource. Thoughtful consideration to the location of a house can mitigate much of the impact described above. Limitations on fencing and bright lights can decrease the impacts caused by those activities related to rural residential development. If done correctly, native landscaping requirements can help further mitigate impacts of conflicting uses and prevent the continued spread of non-native species.

Environment impact of prohibiting conflicting uses on wildlife habitat

Agriculture

Although the County does not regulate most farm practices, it does have the ability to review a wide range of farm related development including a range of farm related dwellings, commercial uses associated with farm uses, utility facilities and public facilities. Prohibition of these uses in riparian corridors would avoid impacts to the functions and therefore result in no further reduction.

Many of the resources require more action to restore functions and values that have been lost over time. To restore the functions and values of each of the wildlife habitat in the study area, more action will be required that results in enhancement and restoration.

Forestry

The County does not regulate most forestry related uses. It does have the ability to review uses that are associated with forest use. In the wildlife habitat sites found in the study area, forestry has generally not been practiced on steep slopes and other areas where the economic restraints or the physical limitations of the site have made it an unattractive pursuit. For the most part, the prohibition of conflicting uses in riparian corridors does not require a change in current practice. The uses are already limited due to the historic, economic and physical difficulties present.

Rural Residential

Rural residential use of the study area is an extremely attractive and popular lifestyle choice for the residents. Rural residential uses often introduce conflicts such as light, noise, fencing, landscaping, and removal of habitat. These conflicts may be avoided through the prohibition of these conflicting uses.

Public Facilities

Prohibiting the construction and improvement of public facilities, particularly roads, would generally result in positive environmental impacts. Most notably, impacts resulting in loss of connectivity and from increased incidences of non-native species would be reduced.

Conclusion

Prohibiting conflicting uses would generally be most beneficial to wildlife habitat from an environmental perspective. However, there appears to be significant benefit to limiting conflicting uses through a well-crafted protection program.

6.5 Social Impacts Analysis

Riparian Corridors and Wildlife Habitat

There are a number of social values associated with riparian corridors and wildlife habitat. Those values include recreational and educational opportunities, improved residential environments, cultural values and screening and buffering benefits.

Recreational opportunities in the study area include wildlife viewing, hiking, fishing and some hunting. Kayak and float trips on the Sandy River are popular and benefit from a complete forest canopy and an intact riparian corridor. Educational opportunities for students and others in the study area are present at Oxbow Park and other areas of public access to stream corridors and wildlife habitat areas.

Residential living can be improved by the preservation of green spaces in the form of riparian corridors and wildlife habitat. Many residents appear to live in the study area due to the proximity to natural resources. Cultural values in the study area are primarily rooted in agriculture, but there also is an ethic of land stewardship, which includes preservation of green spaces and threatened and endangered species. Many residents also benefit from the screening and buffering that intact wildlife habitat and riparian corridors provide.

The social impacts of allowing conflicting uses in riparian corridors and wildlife habitat

Agriculture and Forestry

Conflicting agricultural and forestry uses and uses associated with farm and forestry use may erode the quantity and quality of the green space benefits riparian corridors and wildlife habitat provide. The conversion of land to agricultural fields or the clear cutting of existing forest may lead to a loss of these social values. In addition, allowing these conflicting uses may diminish recreational and educational opportunities and some of the benefits of rural residential living. In addition, there may be negative impacts to threatened and endangered species.

Rural Residential

One of the primary reasons for the popularity of rural residential development is the sense of closeness to the surrounding landscape and a "sense of space" that large lot development permits. But as more and more large lot development is permitted, that sense of space for existing residents may be impacted. The conversion of land to rural residential development may erode the sense of green space that existing residents of the study area enjoy. Ironically, as more and more seek to find these qualities, the further they are eroded. In addition, residential uses placed in sensitive portions of resources may lead to negative impacts to threatened and endangered species.

Public Facilities

Construction and improvement of public facilities, particularly roads, can lead to impacts to many of the social values described above. However, roads may provide some access for recreation and education opportunities in the study area.

Social impacts of limiting conflicting uses in riparian corridors and wildlife habitat

Agriculture, Forestry, Rural Residential and Public Facilities

Limiting conflicting uses through a protection program can help prevent new impacts to a resource site. The protection program works through the development review process by requiring certain findings of fact from property owners that impacts to resource sites (see Appendices A and B) will be avoided and/or mitigated. Limiting conflicting uses can help decrease the likelihood of reductions in the education and recreation benefits provided by resource sites. In addition, a protection program can include an educational component, in the form of brochures or other information available at the planning counter, that can further the educational and stewardship values described above. Limiting construction of public facilities can still allow for improved access to recreation areas while protecting the resources that provide the opportunity.

The social impact of prohibiting conflicting uses in riparian corridors and wildlife habitat

Agriculture and Forestry

Prohibiting farm, forest, and their associated uses may result in a social impact felt by a private property owner that they are not free to use their land in the fashion they choose. Some property owners feel that they are being punished for the poor stewardship of generations past.

Prohibiting conflicting agriculture and forestry uses could result in the maintenance of the social values described above. Green spaces and recreation opportunities would remain intact and existing property owners would continue to benefit from the proximity to riparian and wildlife resources.

Rural Residential

Existing residential uses may benefit from the exclusion of additional residential uses to the extent prohibiting these uses protects the social values described above. On the other hand, some residents may be prevented from building new homes for their children or other relatives, a social value that may outweigh other values described in this section. Task Force input revealed that prohibiting new residential or other uses was not an acceptable solution.

Public Facilities

Prohibiting construction or improvement of public facilities may have some negative impacts to the social values described above. If roads to Oxbow Park

are unable to be improved they may eventually not be passable, preventing many visitors from coming to the park. Public facility improvements can remove negative environmental impacts such as fish barriers, helping preserve a threatened and endangered species and help improve stewardship in the study area.

Conclusion

Prohibiting all conflicting uses minimizes many of the potential social impacts described above, but also creates its own set of social impacts. Given the analysis above and the input of the Task Force, it appears that limiting conflicting uses provides the most social benefit.

6.6 Energy Impacts Analysis

Riparian Corridors and Wildlife Habitat

Energy impacts are hard to quantify and sometimes speculative or elusive. Obvious energy impacts include the energy required to develop new uses. Heavy equipment that is used to develop land and new uses that are the result will consume energy. In some cases, forested areas create microclimates that regulate temperatures within the canopy. For existing residents of an area, this may provide for shelter from cold wind from the Columbia Gorge. It may also shade some of the direct sunshine during the warm days of summer. This may result in direct savings of energy for these users. If the energy consequences are examined at a large enough scale, one could argue that if threatened and endangered species in the study area are not recovered adequately that it may contribute to a decision to remove dams along the Columbia River. If this were to happen, the energy that is now generated from the dams would be lost.

If road building is required to circumvent a resource area and the resulting route is longer than otherwise possible, then more energy will be used by the vehicles that travel along the road.

The energy impacts of allowing conflicting uses in riparian corridors and wildlife habitat

Agriculture and Forestry

The heavy equipment used in farm and forest use requires energy. The fertilizers and pesticides used in these practices consume energy as well. Allowing conflicting uses may eliminate microclimates and lead to increased energy needs for heating and cooling of structures.

Rural Residential

Rural residential development requires energy. Rural residential uses also consume energy

Public Facilities

The construction and improvement of public facilities, particularly roads, consumes a substantial amount of energy. Construction of new road capacity often leads to increased travel and increased energy use.

Energy impacts of limiting conflicting uses in riparian corridors and wildlife habitat

Agriculture and Forestry

Limiting agriculture and forestry uses and their associated use may decrease some energy consumption in the study area. However, it may also have the unintended impact of increasing the overall amount of energy used as nursery owners are required to transport their goods to market from further and further away.

Rural Residential

Limiting rural residential uses through an appropriate protection program could somewhat limit the energy expended on residential construction by limiting the amount of site clearing and excavating. Protection of resources also can serve to protect the natural cooling associated with resource sites leading to decreased energy use.

Public Facilities

Limiting construction and improvement of public facilities may prevent some additional development in the study area, thus reducing the energy use for both construction of the public facility and new residential uses.

The energy impact of prohibiting conflicting uses in riparian corridors and wildlife habitat

Agriculture and Forestry

Prohibiting agriculture and forestry and their associated uses would likely reduce energy consumption in the study area. However, there may be a net gain in regional consumption as nursery wholesalers and growers are required to ship their goods to the Portland market and airport from further away than the study area.

Rural Residential

Prohibiting rural residential would reduce the energy required to build new residential uses. It may also reduce the energy required for cooling of certain homes in the study area if resource sites bordering these homes are preserved. There may be a slight increase in energy used for transportation as those people seeking a rural life style are required to look further away from the Portland metro area for a rural home.

Public Facilities

Prohibiting new public facilities is unlikely to have significant energy consequences. The transportation system is largely constructed and state law generally prohibits construction of urban facilities in the study area except to rectify health problems.

Conclusion

Based on the above analysis it appears that limiting conflicting uses provides a similar amount of energy benefit as prohibiting conflicting uses.

6.7 Drainage Maps and Unique ESEE Discussions

The previous sections contain ESEE discussions that apply evenly throughout the study area. In this section, significant Goal 5 natural resource units found in the study area have been grouped into five drainages for purposes of identifying unique conditions or situations. The drainage may include certain conflicting uses that are only permitted there or it may include a certain significant natural resource site with particularly unique characteristics not already discussed. Grouping resource sites by drainage allows for a broad ESEE analysis. The drainages include:

- Sandy River
- Johnson Creek
- Beaver Creek
- Kelly Creek North
- Kelly Creek South

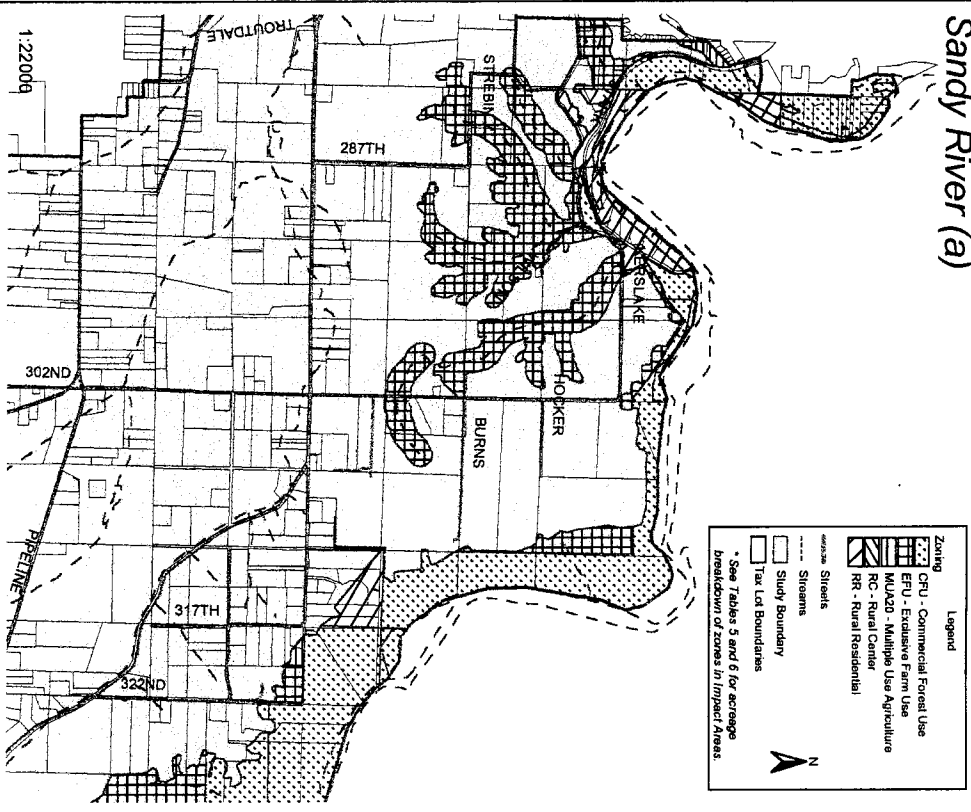
Of these five drainages, all but Kelly Creek South are designated by DSL as Essential Anadromous Salmonid Habitat. This designation remains of particular importance throughout the ESEE analysis due to the high level of importance placed upon habitat associated with listed threatened or endangered species under the Endangered Species Act (ESA).

West of Sandy River

Zoning Within Resource and Impact Areas

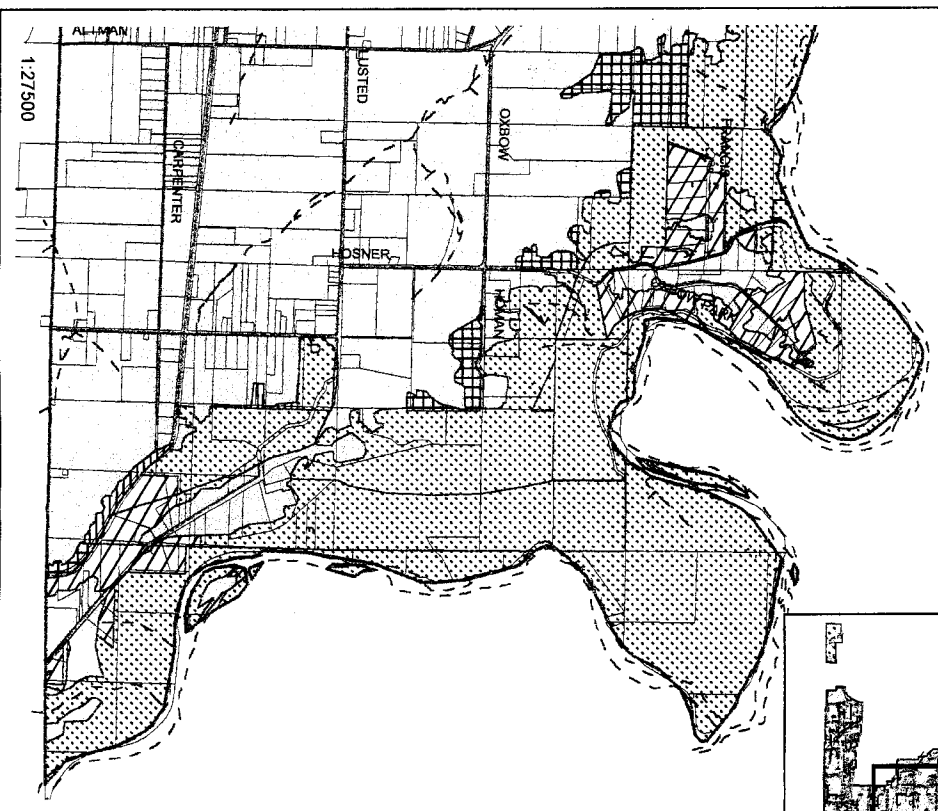
Map 3

Sandy River (a)

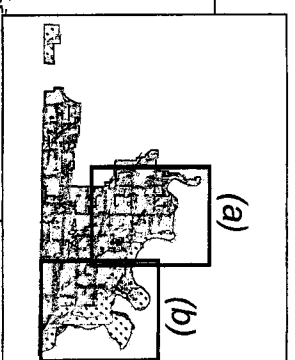


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Sandy River (b)



1:27500



Sandy River

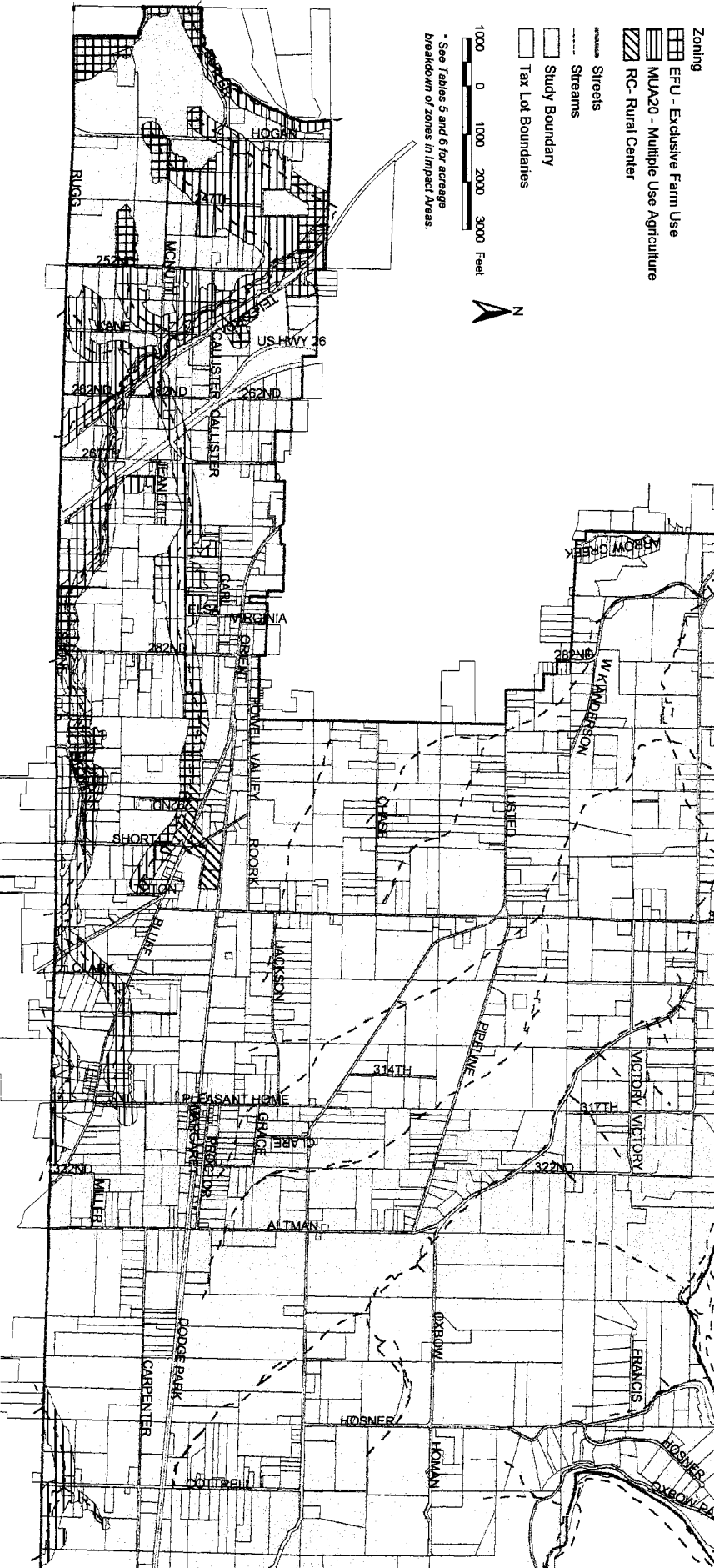
The Sandy River is one of the dominant natural features of the landscape in the study area. The river provides a high level of access to recreational uses in the region that includes fishing, hunting, hiking, camping, boating, swimming and many more. The wide river and the steeply sloped cliffs constitute an important visual resource that contributes to the character of the study area. The Sandy River also supports populations of numerous fish and wildlife species, including fish listed under the federal Endangered Species Act.

The riparian corridor of the Sandy River Goal 5 resources includes steep, forested slopes and wide floodplains. The Goal 5 wildlife habitat resource largely follows the steep slopes and natural topography of the landscape.

The Sandy River resource units and impact area contains close to 2200 acres of CFU, EFU, MUA-20, and RR zoning. The ESEE analysis of these units is discussed in section 6. It is evident from the analysis in the previous sections that the economic, social and environmental benefits of limiting conflicting uses in all riparian corridor and wildlife habitat resource units of the Sandy River outweigh the benefits of allowing conflicting uses. The analysis also shows that there are some benefits from prohibiting conflicting uses, particularly in the environmental analysis, but that limiting uses with a solid protection program provides the most overall benefits.

Map 4

Johnson Creek



Johnson Creek

Johnson Creek has an active Watershed Council that has been working on habitat restoration, flood control and other activities for many years. The presence of ESA listed fish has been documented in the system and there are direct efforts to support the recovery of these species. There has been a direct economic investment by a consortium of local jurisdictions and other groups in the Johnson Creek Watershed Council for watershed management, habitat enhancement and restoration, water quality control, flood control and others.

Rural Center Zoning in the Johnson Creek Drainages

A resource site that includes a tributary of Johnson Creek contains approximately 26 acres of property that is zoned Rural Center (RC). RC zoning permits high-density residential use as well as some commercial and light industrial use. This is the only part of the study area containing RC zoning. These types of uses, particularly commercial and industrial, often include a higher percentage of impervious surface.

The Goal 5 resources on the site include both riparian corridor and wildlife habitat resources. The riparian corridor leads directly to Johnson Creek that, downstream, has been designated as Essential Anadromous Salmonid Habitat by the Oregon Department of State Lands (DSL). It is important to maintain the riparian corridor functions and values along this riparian corridor. In it's current state the site is heavily impacted. The data sheet for resource unit JT7 describes the site in detail.

The team recommends protecting the riparian corridor of the site to the maximum extent possible due to listed salmon present downstream in Johnson Creek. The functions and values evaluated for this site in this inventory were degraded.

The following analysis focuses on the uses permitted in the RC zone and supplements the main analysis found in sections 6.1 through 6.6.

Impact of allowing conflicting uses upon goal 5 resources

Economic Impacts

The activities associated with light manufacturing and light industrial uses may impact the water quality of Johnson Creek. Toxic substances or other materials may be used in such activity. If these uses are considered a "take" under the ESA, the County, the property owners, and others may be liable for economic damages under the ESA.

Fully allowing commercial, light industrial and higher density residential provides economic benefit to individual property owners. In some instances property owners may construct building for uses that benefit the farm economy of the area, perhaps making farming and nursery operations more efficient. Allowing full

use of the RC zone may also provide slightly more tax revenue to Multnomah County.

Social Impacts

There are not any additional social impacts of allowing the conflicting uses other than those discussed in sections 6.1 through 6.6 of this report.

Environmental Impacts

The impact of high density residential, commercial and industrial uses may contribute additional environmental impacts to the riparian corridor resource. If any use of the property involves any toxic substances in the manufacturing or industrial use, they may cause a direct impact to the water quality of Johnson Creek if they are not properly contained. High density development also leads to greater amounts of impervious surfaces that may degrade water quality.

Energy Impacts

No significant additional energy consequences to the Goal 5 resource are present.

Impact of limiting conflicting uses in Goal 5 resources

Economic Impacts

Limiting conflicting uses through a well-crafted protection program may have the effect of reducing some liability the County may face from an ESA related lawsuit. Limiting uses may result in many of the same economic benefits of allowing uses given the relatively small area where conflicting RC uses are present.

Social Impacts

Limiting conflicting uses will not have additional social impacts upon the Goal 5 resource.

Environmental Impacts

Limiting commercial, industrial and higher density residential uses with a protection program can help preserve and even restore the functions and values of resource sites. Encouraging or requiring restoration efforts in areas where the resource is extremely impacted, such as this tributary to Johnson Creek, can help improve the resource and the water quality downstream.

Energy Impacts

Limiting conflicting uses will not have additional energy impacts upon the Goal 5 resource.

Impact of prohibiting conflicting uses

Economic Impacts

Prohibiting the conflicting uses in the RC zone may result in the loss of jobs that may otherwise be established in the zone. In addition, farm-related businesses that are regulated by the County may not be able to locate in this area, causing possible impacts to the farm economy in the study area.

Social Impacts

The social impacts of limiting conflicting RC uses are not significantly different than those impacts described in sections 6.1 through 6.6.

Environmental Impacts

Prohibiting conflicting RC uses will likely prevent additional direct negative impacts on the resource. Prohibiting conflicting uses also will prevent an increase in impervious surfaces in the area, lessening the chance for increased water quality impacts.

Energy Impacts

The energy impacts of limiting conflicting RC uses are not significantly different than those impacts described in sections 6.1 through 6.6.

Conclusion

Limiting conflicting RC uses through a protection program appears to provide the most benefit to this resource area. A protection program can be tailored to protect the most important resources and encourage or require restoration of degrading resources.

West of Sandy River

Map 5

Zoning Within Resource and Impact Areas
Beaver Creek

Zoning

CFU - Commercial Forest Use

EFU - Exclusive Farm Use

MUA20 - Multiple Use Agriculture

RR - Rural Residential

Streets

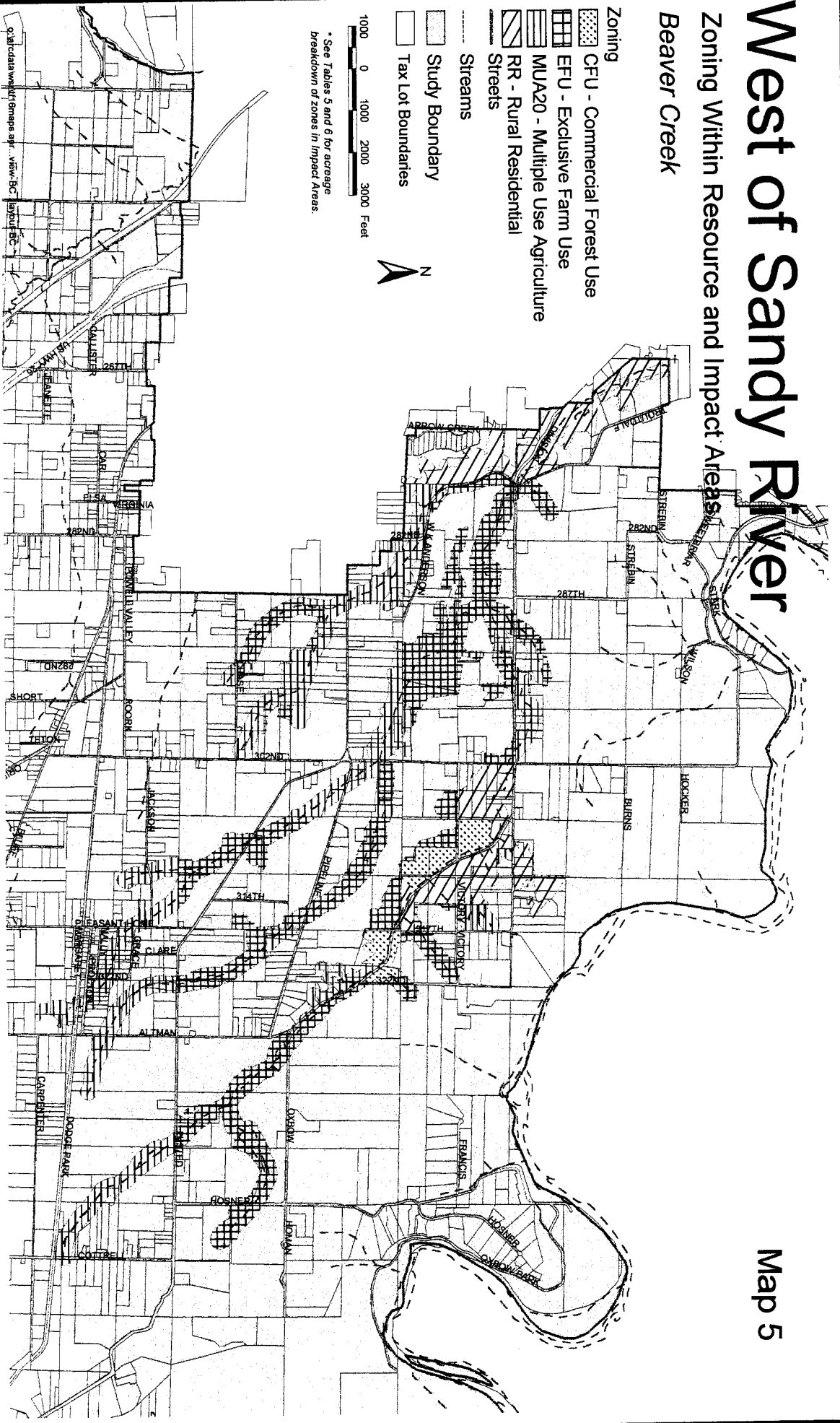
Streams

Study Boundary

Tax Lot Boundaries

1000 0 1000 2000 3000 Feet

* See Tables 5 and 6 for acreage
breakdown of zones in Impact Areas.



Beaver Creek

The Beaver Creek drainage dominates the northern and central portions of the study area. The impact and resource areas include almost 1100 acres. Downstream portions of Beaver Creek are listed as Essential Anadromous Salmonid Habitat. The headwaters of Beaver Creek lie entirely within the study area. As a result, the riparian corridors for Beaver Creek in our study are especially important to the overall health of the drainage. The zoning of the drainage includes CFU, EFU, MUA-20, and RR. The ESEE analysis for these zones can be found in sections 6.1 through 6.6.

West of Sandy River

Zoning Within Resource and Impact Areas

Kelly Creek North

Tributary of Beaver Creek and Sandy River

Map 6

Zoning

- EFU - Exclusive Farm Use
- MUA20 - Multiple Use Agriculture

Streets

Streams

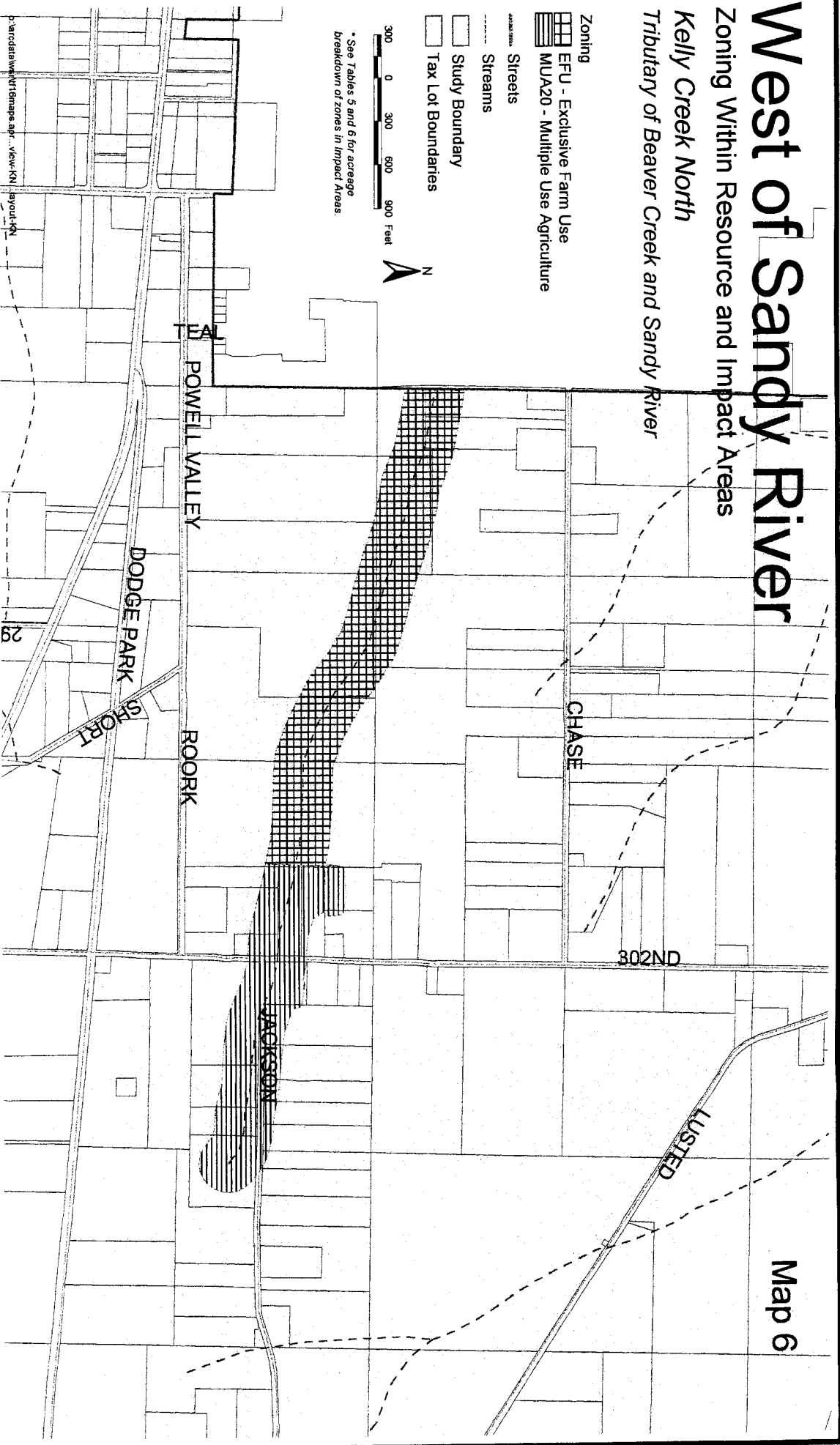
Study Boundary

Tax Lot Boundaries

300 0 300 600 900 Feet



* See Tables 5 and 6 for acreage breakdown of zones in Impact Areas.



Kelly Creek North

The total area in the Goal 5 resource and impact area is 54 acres. This total area is very small compared to the entire drainage for the creek, but the riparian corridor system in this headwater area does contribute to the overall health of the creek. Kelly Creek North is listed as Essential Anadromous Salmonid Habitat. Due to the presence of listed species in the system, it is important to maintain the functions and values of the riparian corridor. The zoning of the resource unit is MUA-20 and EFU. The ESEE analysis for Kelly Creek South can be found in sections 6.1 through 6.6.

West of Sandy River

Map 7

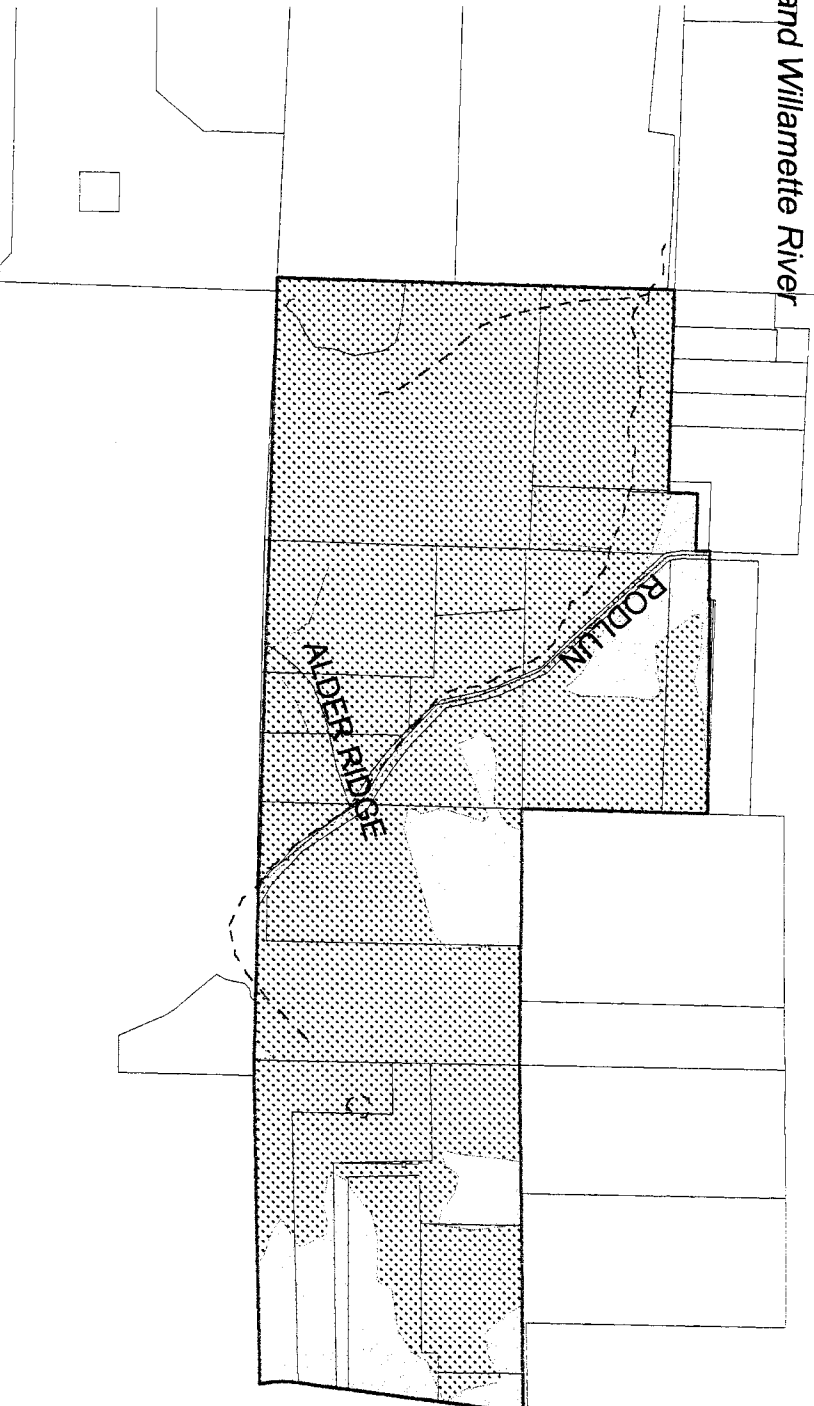
Zoning Within Resource and Impact Areas
Kelly Creek South
Tributary of Johnson Creek and Willamette River

- Zoning
- CFU - Commercial Forest Use
 - Streets
 - Streams
 - Study Boundary
 - Tax Lot Boundaries

200 0 200 400 600 800 Feet



* See Tables 5 and 6 for acreage breakdown of zones in Impact Areas.



Kelly Creek South

The total area in the Goal 5 resource and impact area is 178 acres. This total area is very small compared to the entire drainage for the creek, but the riparian corridor system remains largely intact. The zoning over the entire resource unit is Commercial Forest Use (CFU). The ESEE analysis for Kelly Creek South can be found in section 6.

6.8 Recommendations for Allowing, Limiting or Prohibiting Conflicting Uses

A draft recommendation for allowing, limiting, or prohibiting conflicting uses is made based upon the ESEE analysis above.

The project team recommends that the Goal 5 program for the West of Sandy study area include the development of a protection program that will apply to each significant Goal 5 resource site and its impact area. Conflicting uses proposed in riparian corridor impact areas should be limited in order to avoid environmental impacts. Development proposals should document how the applicant tried to avoid adverse environmental impacts, and what methods are being proposed to minimize such impacts and mitigate for those that cannot be avoided. There are a variety of options available to the County that may be included in the protection program. These include:

- Limited touch zones- limited conflicting uses may be allowed if it is shown that the use will not degrade any of the functions and values of the resource site.
- Trade enhancement for impact- if it can be shown that an enhancement opportunity exists on a site that would normally not be realized, the County may allow impacts to less valuable significant natural resources in return for resource enhancement.

Riparian Corridors

It is the project team's recommendation that conflicting uses be limited in riparian corridors due to the presence of ESA listed species in each of the drainages. This recommendation is based on the ESEE findings that riparian corridors provide essential functions and values that not only support ESA listed salmonid species, but also provide for an ecologically healthy system.

As noted previously the impact area for riparian corridors has been drawn to include a minimum of 200 feet from all streams that are mapped in the study area. Riparian corridors and their associated impact areas provide a number of functional values including:

- ❖ Food, water and cover for wildlife and fish;
- ❖ Travel routes for fish and wildlife movement;
- ❖ Large woody debris for channel morphology, organic debris storage and food supply;
- ❖ Shade and regulation of stream temperature;
- ❖ Stabilization of stream banks and reduction of sedimentation;
- ❖ Filtering and removal of sediments; and
- ❖ Reduction of excess nutrients, metal contaminants and fecal coliform.

Within the riparian corridor impact area, the project team recommends limiting conflicting uses to a higher degree in those areas that are closest to the stream. Graduating the degree of protection reflects the varying functions provided by the riparian and impact areas. Studies show that fully protected riparian buffers of

approximately one site potential tree height (SPTH)⁹ are likely adequate to maintain 90%-100% of most key functions, including shading, LWD recruitment (excluding wood recruited from upslope and upchannel areas), small organic litter inputs, nutrient regulation, and sediment control (for surface erosion in the riparian zone only)¹⁰. The same research also indicates that on sites with limited slopes, bank stability is maintained at ½ SPTH, shade nutrients and organics are maintained at ¾ SPTH, and large woody debris recruitment is maintained at 1 SPTH. Bank slope can affect the role of the riparian corridor and impact area in protecting water quality and bank stability. Larger riparian buffers may be required where there are steeper banks (in excess of 25% slope). At 2 SPTH, the functions protected include the microclimate and some wildlife (Spence et al).

Wildlife habitat

All conflicting uses should be limited and findings made that proposed uses do not impact or degrade the functions and values of the significant natural resource site. This recommendation is based on the ESEE findings that through careful review of development proposals, the impacts to the functions and values that have been evaluated as part of this report may be limited to a degree that permits the use and protects habitat.

The program to implement Goal 5 may include performance standards, enhancement incentives, or areas of zero impact. To mitigate for loss of development opportunities on a site, the program may include density transfers that would allow for minimized or increased economic consequences on a parcel that contains a significant natural resource.

⁹ One site potential tree height in the study varies according to the individual site, but the Douglas Fir is considered the species with the highest SPTH at 120 feet

¹⁰ Spence, B. C., G. A. Lomnický, R. M. Hughes, and R. P. Novitzki. 1996. An ecosystem approach to salmonid conservation. TR-4501-96-6057. ManTech Environmental Research Services Corp., Corvallis, OR. (Available from the National Marine Fisheries Service, Portland, Oregon.) (<http://www.nwr.noaa.gov/1habcon/habweb/ManTech/front.htm>)

7 ESEE Analysis and other Statewide Planning Goals

Goal 1 Citizen Involvement

The West of Sandy Planning Effort has included a citizen task force and multiple public workshops and open meetings.

Goal 2 Land Use Planning

The West of Sandy Plan is taking place according the process Oregon statewide planning program as set out in Goal 2.

Goal 3- Agricultural Land

Goal 3 applies to the EFU zone. The County does not regulate most farm practices and therefore does not have control over the potential impact to natural resources from farm practices. The EFU zone does maintain large lot sizes and discourages small lot residential development. In this capacity the EFU zone does allow for the maintenance of large parcel sizes that contributes to the maintenance of significant natural resources.

Goal 4- Forest Land

The County has highly limited ability to regulate forest practices. State law through the Forest Practices Act determines the nature of commercial forestry operations. The CFU zone does maintain large parcel sizes and has contributed to the maintenance of the associated natural resources.

Goal 5 Open Space, Scenic and Historic Areas, and Natural Areas

This West of Sandy Plan ESEE addresses the Goal 5 riparian corridor and wildlife habitat resources.

Goal 6 Air, Water and Land Resources

Compliance with the Clean Water Act and the adoption of a program to address Metro Title 3 Water Quality and Floodplain requirements will substantially address water quality. Water quality has a direct impact upon many Goal 5 resources.

Goal 7 Areas Subject to Natural Disasters and Hazards

Natural disaster and hazards may occur on the steep slopes and the floodplains found on the hillsides and in the streams in the study area. The identification of conflicting uses and the limitation of these uses contributes to the minimization of potential hazards by limiting development in the hazard zones.

Goal 8 Recreational Needs

This ESEE does not impact currently established recreational uses and does not limit new recreational uses.

Goal 9 Economic Development

89% of the study area consists of EFU, CFU, and MUA-20 zoning. These zones encourage and maintain the rural character of the area and promote the continued operation of agricultural and forest practices. There is additional property zoned as RC to provide for additional non-farm and non-forest uses. Other exception areas include the RR zone and provide for rural residential use. The balance of the land in the study area is in the UF zone and is maintained at current levels of development in order to provide for the orderly urbanization of the lands when and if they are included in an urban area.

Goal 10 Housing

Goal 10 provides for the full range of housing options within urban growth boundaries. It encourages increased densities within urban growth boundaries in order to maintain farm and forest lands. The study area is entirely outside of any UGB.

Goal 11 Public Facilities and Services

Goal 11 encourages the timely provision of services for new development in urban areas. It states that sewer and waterlines should not be extended to serve rural areas. The study area is entirely outside of any UGB.

Goal 12 Transportation

Although cited as an issue by the West of Sandy Task Force, the decision to prohibit, limit, or allow uses that conflict within significant natural resources units does not impact the transportation infrastructure in the study area.

Goal 13 Energy Conservation

The maintenance of tree canopy may result in an insulating effect on housing or other uses within resource areas. This may reduce the need for energy consumption by creating windbreaks and shading from the sun.

Goal 14 Urbanization

There are no current considerations for including the study area into the UGB as part of the West of Sandy ESEE report.

Goal 15 Willamette River Greenway

There is no Willamette River Greenway in the study area.

Goals 16-19 apply to coastal resources and do not apply

WEST OF SANDY ESEE APPENDICES

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B. RIPARIAN CORRIDOR DATA SHEETS	32 - 51
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APPENDIX A:

WILDLIFE HABITAT DATA SHEETS

WILDLIFE HABITAT SUMMARY SHEETS **TABLE OF CONTENTS**

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U3	Telford Road.....	23
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MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Beaver Creek, reach 1	Site Code: B1-R/U
Location: UGB to 322 nd Avenue	Map Sheet(s) #: 1, 4 & 5
Adjacent Land Use: agricultural, nurseries, rural residential	Field Date(s): 3/13/01, 3/20/01

T 1S, R 3E/4E Sections: 1, 12 / 7, 8, 16, 17, 21

General Description: A wide, diverse mixed deciduous/coniferous forest is present along most of the lower reach of Beaver Creek. The forest has a multilayered tree and shrub canopy and several large snags. The forest is undisturbed south of Oxbow Road, where Beaver Creek meanders through a broad, diverse western red cedar-dominated floodplain. A large forest with several small seasonal drainages feeding into Beaver Creek is present to the north of Oxbow Road. A portion of the historic riparian corridor has been cleared of trees and shrubs downstream of 302nd Avenue. Wildlife habitat is reduced where Himalayan blackberry and English ivy are present along the stream and where the stream is bordered by mowed grass.

Adjacent Stream Information: See riparian corridor summary sheet

Dominant Forest Vegetation: (* = major dominant)

<u>Trees</u>	<u>Shrubs</u>	<u>Herbs</u>
*red alder	*Indian plum	sword fern
Douglas fir	salmonberry	stinging nettle
western red cedar	red elderberry	Pacific waterleaf
black cottonwood	beaked hazelnut	wood sorrel
big-leaf maple	red osier dogwood	bleeding heart
ponderosa pine	willow	California false hellebore

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Wildlife Habitat	High	perennial stream, wide forest, diverse veg.,
Water Quality Protection	High	snags
Ecological Integrity	Medium	well vegetated corridor, runoff from ag fields
Connectivity	High	portions mowed, English ivy, Himalayan
Uniqueness	Medium	blackberry
		wildlife travel corridor to several tributaries
		higher quality forest within study area

Significant? Yes

Comments/Recommendations: Plant native trees and shrubs to enhance riparian corridor west of 302nd Avenue. Control Himalayan blackberry and English ivy adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Beaver Creek, reach 2	Site Code: B2-R/U
Location: 322 nd Avenue to headwaters	Map Sheet(s) #: 1, 4 & 5
Adjacent Land Use: agricultural, nurseries, rural residential	Field Date(s): 3/13/01, 3/20/01

T 1S, R 4E Sections: 18, 21, 22

General Description: A very narrow forested area is present along portions of this reach; however, riparian tree and shrub cover is generally sparse. Wildlife habitat is reduced where extensive patches of Himalayan blackberry and English ivy are present along the stream and where the stream is bordered by mowed grass.

Adjacent Stream Information: See riparian corridor summary sheet

Dominant Forest Vegetation: (* = major dominant)

Trees

*red alder
black cottonwood
Douglas fir
western red cedar

Shrubs

salmonberry

Herbs

sword fern

Functions

Wildlife Habitat
Water Quality Protection
Ecological Integrity
Connectivity
Uniqueness

Rating

Medium
Low
Low
Low
Low

Comments

perennial stream, narrow forest, ponds
narrow riparian corridor, runoff from nursery
fields
much of historic riparian corridor has been
cleared
fragmented wildlife travel corridor to
downstream
no unique features

Significant? No

Comments/Recommendations: Plant native trees and shrubs to enhance riparian corridor. Control Himalayan blackberry and English holly adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Beaver Creek Tributary 1	Site Code: BT1-R/U
Location: South of Troutdale Road, west of 302 nd Avenue	Map Sheet(s) #: 4
Adjacent Land Use: nurseries, agricultural, rural residential	Field Date(s): 3/13/01, 3/20/01

T 1S, R 3E/4E Section: 12 / 7, 18

General Description: A wide mostly deciduous forest is present along most of this forked tributary to Beaver Creek. A multilayered tree and shrub canopy is present, along with several large snags and large down logs across the stream. The forest is narrowest along the southern fork. Wildlife habitat is reduced in areas where Himalayan blackberry is present along the stream, English ivy has invaded the trees, and where the stream is bordered by mowed grass.

Adjacent Stream Information: See riparian corridor summary sheet

Dominant Forest Vegetation: (* = major dominant)

Trees

*red alder
*black cottonwood
western red cedar
Douglas fir
big-leaf maple

Shrubs

*Himalayan blackberry
*Indian plum
beaked hazelnut
red elderberry
willow

Herbs

English ivy
sword fern

Functions

Wildlife Habitat
Water Quality Protection
Ecological Integrity
Connectivity
Uniqueness

Rating

High
High
Medium
High
Low

Comments

perennial stream, wide forest, diverse veg.,
snags
well vegetated, runoff from ag and nursery
fields
Himalayan blackberry & English ivy
wildlife travel corridor to Beaver Creek
no unique features

Significant? Yes

Comments/Recommendations: Plant native trees and shrubs to enhance riparian corridor. Control Himalayan blackberry and English ivy adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Beaver Creek Tributary 2	Site Code: BT2-R/U
Location: East of 287 th Avenue, north & south of Division Street	Map Sheet(s) #: 1
Adjacent Land Use: agricultural, nurseries	Field Date(s): 3/20/01

T 1S, R 4E Section: 7

General Description: A mixed deciduous/coniferous forest is present along the upper portion of this tributary, north of Division. The herbaceous and shrub layers are sparse in the forest, probably due to past grazing. No riparian tree or shrub cover is present adjacent to the stream south of Division Street.

Adjacent Stream Information: See riparian corridor summary sheet

Dominant Forest Vegetation: (* = major dominant)

Trees

*red alder
*western red cedar
big leaf maple
black cottonwood
Douglas fir

Shrubs

Himalayan blackberry
willow

Herbs

stinging nettle
skunk cabbage
water parsley
pasture grasses

Functions

Wildlife Habitat
Water Quality Protection
Ecological Integrity
Connectivity
Uniqueness

Rating

High
High
Medium
Low
Low

Comments

perennial stream, wide forest in upper portion
well vegetated in upper portion, runoff from ag fields
riparian corridor cleared in lower portion, grazed
fragmented wildlife travel corridor to Beaver Creek
no unique features

Significant? Yes

Comments/Recommendations: Plant native trees and shrubs adjacent to stream to enhance riparian corridor. Control Himalayan blackberry adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Beaver Creek Tributary 3	Site Code: BT3-R/U
Location: East of Troutdale Road, north of Dodge Park Blvd	Map Sheet(s) #: 4
Adjacent Land Use: agricultural, nurseries, rural residential	Field Date(s): 3/13/01

T 1S, R 4E Sections: 7, 17, 18, 20, 21

General Description: A wide, multi-layered, mixed deciduous/coniferous forest is present along the lower portion of this forked tributary to Beaver Creek. Upstream of 302nd Avenue the forest narrows, and no riparian tree or shrub cover is present in several areas. Wildlife habitat is reduced where the stream is bordered by mowed grass and pastures. An Oregon ash wetland forest is present south of Dodge Park Boulevard at the headwaters of the southern fork.

Adjacent Stream Information: See riparian corridor summary sheet

Dominant Forest Vegetation: (* = major dominant)

<u>Trees</u>	<u>Shrubs</u>	<u>Herbs</u>
*red alder	Himalayan blackberry	sword fern
*western red cedar	Indian plum	reed canarygrass
black cottonwood	salmonberry	
Douglas fir	red elderberry	
Oregon ash	beaked hazelnut	
	willow	

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Wildlife Habitat	High	perennial stream, wide forest, diverse
Water Quality Protection	High	vegetation
Ecological Integrity	Medium	well vegetated, runoff from ag and nursery
Connectivity	High	fields
Uniqueness	Low	cleared in upper portion, grazed, blackberry
		wildlife travel corridor to Beaver Creek
		no unique features

Significant? Yes

Comments/Recommendations: Plant native trees and shrubs to enhance riparian corridor in mowed areas.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Beaver Creek Tributary 4	Site Code: BT4-R/U
Location: South of Oxbow Drive, east & west of Honser	Map Sheet(s) #: 5
Adjacent Land Use: nurseries	Field Date(s): 3/20/01

T 1S, R 4E Sections: 18, 19

General Description: A narrow, mostly deciduous forest is present along portions of this tributary. Wildlife habitat is degraded where large patches of Himalayan blackberry are present along the stream, English ivy has invaded the trees, and where the stream is bordered by mowed grass.

Adjacent Stream Information: See riparian corridor summary sheet

Dominant Forest Vegetation: (* = major dominant)

Trees

*red alder
big-leaf maple
Douglas fir
western red cedar

Shrubs

*Himalayan blackberry
Indian plum

Herbs

English ivy

Functions

Wildlife Habitat
Water Quality Protection
Ecological Integrity
Connectivity
Uniqueness

Rating

Medium
Low
Low
Low
Low

Comments

perennial stream, narrow forest, large pond
narrow riparian corridor, runoff from nursery
fields
much of historic riparian corridor has been
cleared
fragmented wildlife travel corridor to Beaver
Creek
no unique features

Significant? No

Comments/Recommendations: Plant native trees and shrubs to enhance riparian corridor. Control Himalayan blackberry and English ivy adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Johnson Creek, reach 1	Site Code: J1-R/U
Location: UGB to Telford Road	Map Sheet(s) #: 3 & 4
Adjacent Land Use: agricultural, rural residential	Field Date(s): 3/13/01

T 1S, R 3E Section: 23

General Description: A multi-layered, mixed deciduous/coniferous forest with mature trees and large diameter cottonwood snags is present along the lower reach of Johnson Creek. Oregon ash, red alder, western red cedar, willow, red-osier dogwood, and reed canarygrass dominate the floodplain. Himalayan blackberry is dominant in disturbed areas along the road and in forest edges. The riparian corridor widens where four tributaries join Johnson Creek from the southwest, enhancing connectivity.

Adjacent Stream Information: See riparian corridor summary sheet

Dominant Forest Vegetation: (* = major dominant)

Trees

*Oregon ash
*red alder
*western red cedar
black cottonwood
big leaf maple
Douglas fir

Shrubs

*Himalayan blackberry
Indian plum
rose
red elderberry
vine maple
willow
red-osier dogwood

Herbs

*reed canarygrass
water parsley

Functions

Wildlife Habitat
Water Quality Protection
Ecological Integrity
Connectivity
Uniqueness

Rating

High
High
Medium
High
High

Comments

perennial stream, wide forest, diverse veg,
snags
well vegetated corridor, runoff from ag fields
Himalayan blackberry
wildlife travel corridor to 4 tributaries
potential red-legged frog habitat

Significant? Yes

Comments/Recommendations: Control Himalayan blackberry along stream. Red-legged frog observed downstream of study area in 1995 by Fishman Environmental Services.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Johnson Creek, reach 2	Site Code: J2-R/U
Location: East of Telford Road and west of Highway 26	Map Sheet(s) #: 3 & 4
Adjacent Land Use: agricultural, rural residential	Field Date(s): 3/13/01

T 1S, R 3E Section: 24

General Description: Wildlife habitat along this reach of Johnson Creek is limited since most of the trees and shrubs which were historically present adjacent to this reach have been cleared due to adjacent agricultural land use, and only very narrow and sparse riparian tree and shrub cover remains.

Adjacent Stream Information: See riparian corridor summary sheet

Dominant Forest Vegetation: (* = major dominant)

Trees

*red alder
Oregon ash
Douglas fir
birch
ponderosa pine

Shrubs

Himalayan blackberry
Douglas spirea
Indian plum
willow

Herbs

*reed canarygrass
pasture grasses

Functions

Wildlife Habitat
Water Quality Protection
Ecological Integrity
Connectivity
Uniqueness

Rating

Low
Low
Low
Low
Low

Comments

perennial stream, narrow & sparse tree/shrub cover
narrow riparian corridor, runoff from pasture w/cattle
most of riparian corridor has been cleared, grazed
no wildlife travel corridor to up- or downstream
no unique features

Significant? No

Comments/Recommendations: Plant native trees and shrubs adjacent to stream to enhance riparian corridor to provide connectivity to upstream and downstream reaches of Johnson Creek.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Johnson Creek, reach 3	Site Code: J3-R/U
Location: Between Highway 26 & Orient Dr. & adjacent to Revenue Rd.	Map Sheets #: 4 & 5
Adjacent Land Use: agricultural, nurseries, rural residential	Field Date(s): 3/13/01
T 1S, R 3E/4E Sections: 24 / 19, 20	

General Description: A mixed deciduous/coniferous forest is present in along portions of this reach. No riparian tree or shrub cover is present in some areas where pastures are present up to the edge of the stream. This unit includes several wetland pastures with slough sedge and soft rush and a wetland forest dominated by Oregon ash, black cottonwood, willow, and red-osier dogwood.

Adjacent Stream Information: See riparian corridor summary sheet

Dominant Forest Vegetation: (* = major dominant)

<u>Trees</u>	<u>Shrubs</u>	<u>Herbs</u>
*Oregon ash	willow	bittersweet nightshade
*red alder	red-osier dogwood	reed canarygrass
*western red cedar	beaked hazelnut	slough sedge
black cottonwood	Himalayan blackberry	soft rush
Douglas fir	Indian plum	stinging nettle
big leaf maple	red elderberry	English ivy
	snowberry	sword fern

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Wildlife Habitat	High	perennial stream, diverse vegetation,
Water Quality Protection	Medium	wetlands
Ecological Integrity	Medium	portion of riparian corridor cleared, pasture
Connectivity	Medium	runoff
Uniqueness	Medium	portion of riparian corridor cleared, grazed wildlife travel to Johnson Creek reduced by Hwy 26 large wetlands in floodplain

Significant? Yes

Comments/Recommendations: Plant native trees and shrubs to enhance riparian corridor. Control Himalayan blackberry and English ivy adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Johnson Creek, reach 4	Site Code: J4-R/U
Location: East and west of Cottrell Road	Map Sheet(s) #: 5
Adjacent Land Use: agricultural, nurseries, rural residential	Field Date(s): 3/13/01

T 1S, R 4E Section: 22

General Description: A mostly deciduous forest is present along the headwater area of Johnson Creek. The forest is broader upstream of Cottrell Road and is very narrow downstream of Cottrell.

Adjacent Stream Information: See riparian corridor summary sheet

Dominant Forest Vegetation: (* = major dominant)

<u>Trees</u>	<u>Shrubs</u>	<u>Herbs</u>
*red alder	Indian plum	reed canarygrass
western red cedar	ocean spray	skunk cabbage
Douglas fir	English holly	slough sedge
black cottonwood		sword fern

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Wildlife Habitat	High	perennial stream, wide forest in upper, diverse
Water Quality Protection	Medium	veg.
Ecological Integrity	Medium	narrow riparian corridor, nursery & ag field
Connectivity	Medium	runoff
Uniqueness	Low	portions of riparian corridor have been cleared
		narrow wildlife travel corridor
		no unique features

Significant? Yes

Comments/Recommendations: Plant native trees and shrubs to enhance riparian corridor. Control English holly adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Johnson Creek Tributary 1	Site Code: JT1-R/U
Location: North of Butler Road	Map Sheet(s) #: 3
Adjacent Land Use: residential, agricultural, golf course	Field Date(s): 3/13/01

T 1S, R 3E Section: 22

General Description: A mostly deciduous forest is present adjacent to this tributary north of Butler Road. The herbaceous layer is sparse due to the dense tree canopy and red alder regeneration in the shrub layer. No riparian tree or shrub cover is present adjacent to the stream on the golf course.

Adjacent Stream Information: See riparian corridor summary sheet

Dominant Forest Vegetation: (* = major dominant)

Trees

*red alder
western red cedar
Douglas fir
big-leaf maple

Shrubs

*red alder
willow
Himalayan blackberry

Herbs

sword fern
Pacific blackberry
broad-leaf cattail
sedge
soft rush

Functions

Wildlife Habitat
Water Quality Protection
Ecological Integrity
Connectivity
Uniqueness

Rating

High
High
Medium
High
Low

Comments

perennial stream, wide forest, diverse
vegetation
well vegetated corridor, runoff from golf
course
Himalayan blackberry
wildlife travel corridor along most of tributary
no unique features

Significant? Yes

Comments/Recommendations: Control Himalayan blackberry adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Johnson Creek Tributary 2	Site Code: JT2-R/U
Location: West of 252 nd Avenue	Map Sheet(s) #: 3
Adjacent Land Use: agricultural, rural residential, golf course	Field Date(s): 3/13/01

T 1S, R 3E Section: 22, 23

General Description: This unit consists of a steeply sloped deciduous forest surrounding two Johnson Creek tributaries. A portion of the interior of the forest was cleared in the past and appears to be currently used as a plant nursery field. Wildlife habitat is reduced where Himalayan blackberry is present along both tributaries.

Adjacent Stream Information: See riparian corridor summary sheet

Dominant Forest Vegetation: (* = major dominant)

Trees

*red alder
*big-leaf maple
Douglas fir
western red cedar

Shrubs

*salmonberry
*Himalayan blackberry
red elderberry
Indian plum
willow
English holly

Herbs

*sword fern
piggy-back plant?
licorice fern

Functions

Wildlife Habitat
Water Quality Protection
Ecological Integrity
Connectivity
Uniqueness

Rating

High
High
Medium
High
Low

Comments

perennial stream, wide forest, diverse
vegetation
well vegetated, runoff from ag fields and golf
course
Himalayan blackberry
wildlife travel corridor to Johnson Creek
no unique features

Significant? Yes

Comments/Recommendations: Control Himalayan blackberry and English holly adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Johnson Creek Tributary 3	Site Code: JT3-R/U
Location: East of Telford Road, north of Callister Road	Map Sheet(s) #: 3
Adjacent Land Use: agricultural, rural residential	Field Date(s): 3/13/01

T 1S, R 3E Section: 23

General Description: Wildlife habitat along this tributary is limited since shrub cover is very sparse and narrow and consists predominantly of Himalayan blackberry and a few scattered shrubs.

Adjacent Stream Information: See riparian corridor summary sheet

Dominant Forest Vegetation: (* = major dominant)

Trees

Shrubs

Herbs

*Himalayan blackberry
few unidentified shrubs

pasture grasses

Functions

Rating

Comments

Wildlife Habitat	Low	seasonal stream, very sparse riparian
Water Quality Protection	Low	tree/shrub cover
Ecological Integrity	Low	sparse riparian corridor, runoff from pasture
Connectivity	Low	w/horses
Uniqueness	Low	historic riparian corridor has been cleared, grazed no wildlife travel corridor to Johnson Creek no unique features

Significant? No

Comments/Recommendations: Plant native trees and shrubs to enhance the riparian corridor. Control Himalayan blackberry adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Johnson Creek Tributary 4	Site Code: JT4-R/U
Location: South of McNutt Road	Map Sheet(s) #: 3
Adjacent Land Use: agricultural, nurseries, rural residential	Field Date(s): 3/13/01

T 1S, R 3E Section: 33

General Description: A narrow forest dominated by red alder and Himalayan blackberry is present along this tributary immediately south of McNutt Road. The forest widens considerably upstream. Several pastures are present adjacent to this unit. One wet field with soft rush was noted adjacent to this unit, south of McNutt Road.

Adjacent Stream Information: See riparian corridor summary sheet

Dominant Forest Vegetation: (* = major dominant)

Trees

*red alder
black cottonwood
Douglas fir

Shrubs

*Himalayan blackberry
willow

Herbs

small-fruited bulrush

Functions

Wildlife Habitat
Water Quality Protection
Ecological Integrity
Connectivity
Uniqueness

Rating

High
High
Medium
Medium
Low

Comments

perennial stream, wide forest in upper portion
portion well vegetated, runoff from pastures
w/horses
Himalayan blackberry, grazed
narrow wildlife travel corridor to Johnson
Creek
no unique features

Significant? Yes

Comments/Recommendations: Plant native trees and shrubs south of McNutt Road to enhance the riparian corridor and provide a wildlife travel corridor from Johnson Creek to upstream portions of the tributary. Control Himalayan blackberry adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Johnson Creek Tributary 5	Site Code: JT5-R/U
Location: East of Telford Road, south of Orient Drive	Map Sheet(s) #: 3, 4
Adjacent Land Use: agricultural, nurseries, rural residential, school	Field Date(s): 3/13/01

T 1S, R 3E/4E Sections: 23, 24 / 19

General Description: A mixed deciduous/coniferous forest is present along much of this tributary. The forest is narrow and somewhat sparse in the lower portion but widens considerably upstream of Highway 26. Wildlife habitat is reduced where Himalayan blackberry is dominant along the stream and where the stream is bordered by mowed grass. A transitional wet forest is present at the headwaters of this tributary, just north of the West Orient School.

Adjacent Stream Information: See riparian corridor summary sheet

Dominant Forest Vegetation: (* = major dominant)

Trees

*red alder
*Douglas fir
black cottonwood
big-leaf maple
western red cedar

Shrubs

Himalayan blackberry
Indian plum
beaked hazelnut
red-osier dogwood
Pacific ninebark
willow
English holly

Herbs

sword fern
Pacific blackberry
English ivy
reed canarygrass
slough sedge

Functions

Wildlife Habitat
Water Quality Protection
Ecological Integrity
Connectivity
Uniqueness

Rating

High
High
Medium
Medium
Low

Comments

perennial stream, mostly wide forest
well vegetated, runoff from ag and nursery fields
Himalayan blackberry, English holly, English ivy
wildlife travel to Johnson Creek reduced by Hwy 26
no unique features

Significant? Yes

Comments/Recommendations: Plant native trees and shrubs to enhance riparian corridor in areas where stream is currently bordered by mowed grass. Control Himalayan blackberry and English holly adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Johnson Creek Tributary 6	Site Code: JT6-R/U
Location: East and west of Kane Road, north of Rugg Road	Map Sheet(s) #: 3
Adjacent Land Use: agricultural, rural residential	Field Date(s): 3/13/01

T 1S, R 3E Section: 23

General Description: A mostly deciduous forest is present along this tributary. The shrub layer is sparse in some areas, likely due to past grazing. Wildlife habitat is reduced near the road where Himalayan blackberry is dominant. One wet field with soft rush was noted adjacent to this unit.

Adjacent Stream Information: See riparian corridor summary sheet

Dominant Forest Vegetation: (* = major dominant)

Trees

*red alder
western red cedar
Douglas fir

Shrubs

*Himalayan blackberry
salmonberry
Indian plum

Herbs

grasses
sword fern

Functions

Wildlife Habitat
Water Quality Protection
Ecological Integrity
Connectivity
Uniqueness

Rating

High
High
Medium
High
Low

Comments

perennial stream, wide forest
wide corridor, runoff from adjacent pastures
w/horses
Himalayan blackberry, grazed
wildlife travel corridor to Johnson Creek
no unique features

Significant? Yes

Comments/Recommendations: Control Himalayan blackberry adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Johnson Creek Tributary 7	Site Code: JT7-R/U
Location: East of Orient Drive, north & south of Bluff Road	Map Sheet(s) #: 4
Adjacent Land Use: agricultural, rural residential	Field Date(s): 3/13/01

T 1S, R 4E Section: 20

General Description: One forested area is present along this tributary near its headwaters, west of Pleasant Home Road. Downstream of this forested area, no riparian tree or shrub cover is present adjacent to the tributary, and the stream channel is disturbed and is dominated by Himalayan blackberry.

Adjacent Stream Information: See riparian corridor summary sheet

Dominant Forest Vegetation: (* = major dominant)

Trees

Oregon ash
western red cedar
Douglas fir

Shrubs

*Himalayan blackberry
English holly

Herbs

English ivy
reed canarygrass
soft rush

Functions

Wildlife Habitat
Water Quality Protection
Ecological Integrity
Connectivity
Uniqueness

Rating

Medium
Medium
Low
Low
Low

Comments

perennial stream, forested only in upper portion
most of riparian corridor cleared, ag & nursery runoff
most of riparian corridor cleared, invasive species
no wildlife travel corridor to Johnson Creek
no unique features

Significant? No

Comments/Recommendations: Plant native trees and shrubs to enhance riparian corridor and provide a wildlife travel corridor from the upstream forest to Johnson Creek. Control Himalayan blackberry, English holly, and English ivy adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Kelly Creek North	Site Code: KN-R/U
Location: North of Dodge Park road, east and west of 302 nd Avenue	Map Sheet(s) #: 4
Adjacent Land Use: agricultural, nurseries	Field Date(s): 3/13/01

T 1S, R 4E Section: 18, 19, 20

General Description: A narrow mostly deciduous forest is present along most of this stream, except at the headwaters. The riparian corridor downstream of 302nd Avenue has a very sparse shrub and herbaceous layer. Wildlife habitat is reduced where Himalayan blackberry and English ivy are present along the stream and where the stream is bordered by mowed grass.

Adjacent Stream Information: See riparian corridor summary sheet

Dominant Forest Vegetation: (* = major dominant)

Trees

*red alder
*Pacific willow
big-leaf maple
Douglas fir
western red cedar
black cottonwood

Shrubs

Indian plum
Himalayan blackberry

Herbs

sword fern
English ivy

Functions

Wildlife Habitat
Water Quality Protection
Ecological Integrity
Connectivity
Uniqueness

Rating

Medium
High
Medium
Medium
Low

Comments

perennial stream, narrow forest, diverse vegetation
well vegetated, runoff from nursery fields
narrow riparian with invasive species and ornamentals
narrow wildlife travel corridor to Johnson Creek
no unique features

Significant? Yes

Comments/Recommendations: Plant native trees and shrubs to enhance riparian corridor in mowed areas. Control Himalayan blackberry and English ivy adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Kelly Creek South	Site Code: KS-R/U
Location: South of Rodlun Road	Map Sheet(s) #: 3
Adjacent Land Use: scattered residential, tree farm	Field Date(s): 3/13/01

T 1S, R 3E Sections: 20, 21

General Description: A mature mostly deciduous forest with steep slopes is present along this stream. Several large old stumps are present. Some human disturbance is present as indicated by the presence of non-native species (Himalayan blackberry, English ivy, periwinkle) and a tire and scattered trash adjacent to the road. Wildlife habitat is reduced where Himalayan blackberry increases in the riparian corridor in areas where the stream closely parallels the road. Rodlun Road separates this unit from an upland forest (Unit U1) to the north.

Adjacent Stream Information: See riparian corridor summary sheet

Dominant Forest Vegetation: (* = major dominant)

Trees

*red alder
big-leaf maple
Douglas fir
western red cedar

Shrubs

*salmonberry
*Indian plum
Himalayan blackberry

Herbs

*sword fern
*Pacific waterleaf
English ivy
periwinkle (Vinca sp.)

Functions

Wildlife Habitat
Water Quality Protection
Ecological Integrity
Connectivity
Uniqueness

Rating

High
High
Medium
High
Low

Comments

perennial stream, wide forest, diverse
vegetation
well vegetated slopes adjacent to stream
some invasive species, human disturbance
wildlife travel corridor along entire reach
no unique features

Significant? Yes

Comments/Recommendations: Control Himalayan blackberry and English ivy adjacent to stream.

**MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET**

SITE: Sandy River	Site Code: S-R/U
Location: North and east study area boundary	Map Sheet(s) #: 1, 2
Adjacent Land Use: agricultural, nurseries	Field Date(s): 3/20/01

T 1N, R 3E, S 36; T 1N, R4E, S 31; T 1S, R3E, S 1; T 1S, R4E, S 5-11, 14-16, 22, 23:

General Description: The Sandy River Unit is the largest resource in the project area. It includes the Sandy River floodplain, relict slough channels, hillslopes and adjacent forests. Vegetation is dominated by a mixed coniferous / deciduous forest with pockets of old growth. The multi-layered canopy provides diverse habitat for a variety of wildlife species. Sensitive salmon species spawn in the river and a variety of sensitive plant, bird, herptile and mammal species potentially occur in the unit. The large size of this unit with its variety of resources and its connectivity to the Columbia River further increase its resource values. It also includes a large amount of public and protected land (Nature Conservancy). Portions of the riparian corridor east and west of Lusted Road have been cleared for agricultural and nursery field use. This unit is bordered by agricultural fields on the west and an intact riparian corridor east of the Sandy River.

Adjacent Stream Information: See riparian corridor summary sheet

Dominant Forest Vegetation: (* = major dominant)

<u>Trees</u>	<u>Shrubs</u>	<u>Herbs</u>
big-leaf maple	beaked hazelnut	sword fern
black cottonwood	Indian plum	candy flower
Douglas fir	red elderberry	Dewey's sedge
red alder	salmonberry	fairy lanterns
vine maple	snowberry	insideout flower
western red cedar	thimbleberry	wild ginger
	willow	English ivy

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Wildlife Habitat	High	perennial water, large forest with diverse
Water Quality Protection	High	vegetation
Ecological Integrity	High	wide riparian corridor with well vegetated
Connectivity	High	slopes
Uniqueness	High	patches of invasive species but mostly native
		wide wildlife travel corridor
		old growth forest, sensitive species

Significant? Yes

Comments/Recommendations: Avoid fragmentation of this unit due to further clearing for use as agricultural or nursery fields which reduces connectivity.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Regner Road	Site Code: U1
Location: North of Rodlun Road, west of Regner Road	Map Sheet(s) #: 3
Adjacent Land Use: agricultural, rural residential	Field Date(s): 3/13/01

T 1S, R 3E Sections: 21

General Description: The west portion of this unit consists of a mature, high quality undisturbed mostly coniferous forest on a steep slope above Rodlun Road. Many large Douglas fir trees (>24 inch diameter) and several large old stumps are present. This unit was likely larger in the past, as portions of the forest appear to have been cleared for scattered residential development and pastures. This unit is part of a very large upland forest located north of the study area. The east portion of this unit consists of a young deciduous forest with smaller diameter trees (<12 inch diameter). The understory is open in the deciduous forest edge, probably due to grazing. A few animals were observed grazing adjacent to the forest, west of Regner Road.

Species Information: This site is suitable habitat for the special-status wildlife species that have been documented in the project area including red-legged frog, Oregon slender salamander, bald eagle, pileated woodpecker, little willow flycatcher, and olive-sided flycatcher.

Adjacent Stream Information: This unit is separated from the Kelly Creek South riparian corridor to the south by Rodlun Road.

Dominant Forest Vegetation: (* = major dominant)

<u>Trees</u>	<u>Shrubs</u>	<u>Herbs</u>
*Douglas fir	Indian plum	*sword fern
*big-leaf maple	Himalayan blackberry	dull Oregon grape
red alder		

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Wildlife Habitat	High	large mostly undisturbed forest, near perennial water
Water Quality Protection	Low	no adjacent tributary/runoff source
Ecological Integrity	Medium	limited human disturbance, some grazing
Connectivity	High	connected to large upland forest & tributary to north
Uniqueness	Medium	high quality upland forest in west portion

Significant? Yes

Comments/Recommendations: Install fence to prevent grazing access in east portion of unit

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Butler Road South	Site Code: U2
Location: SW corner of Area 3	Map Sheet(s) #: 3
Adjacent Land Use: golf course	Field Date(s): 3/13/01

T 1S, R 3E Section: 22

General Description: This unit is located on a hill south of the Persimmon Country Club golf course and consists of a mature, high quality undisturbed mostly deciduous forest with a coniferous component at the higher elevations. This unit is part of a large upland forest located west of the study area. This unit was viewed from a distance using binoculars, and no shrub or groundcover species could be determined.

Species Information: This site is suitable habitat for the special-status wildlife species that have been documented in the project area including bald eagle, pileated woodpecker, little willow flycatcher, and olive-sided flycatcher.

Adjacent Stream Information: None

Dominant Forest Vegetation: (* = major dominant)

Trees

Shrubs

Herbs

*red alder

big-leaf maple

Douglas fir

western red cedar

Functions

Rating

Comments

Wildlife Habitat

High

large undisturbed forest, near perennial water

Water Quality Protection

Low

no adjacent tributary/runoff source

Ecological Integrity

High

no human disturbance

Connectivity

High

connected to large upland forest & tributary to west

Uniqueness

Medium

high quality undisturbed upland forest

Significant? Yes

Comments/Recommendations:

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Telford Road	Site Code: U3
Location: North of Telford Road, east and west of Palmblad Road	Map Sheet(s) #: 3
Adjacent Land Use: agricultural, rural residential	Field Date(s): 3/20/01

T 1S, R 3E Section: 23

General Description: This unit consists of a mostly deciduous forest with a few conifers and good shrub cover. The forest is mostly even-aged with a few large black cottonwood trees and snags also present. The unit receives seasonal road runoff, and wetland trees, shrubs and groundcovers are present along the south and east edges of the forest. This unit is part of a large red alder-dominated upland forest located north of the study area.

Species Information: This site is suitable habitat for the special-status wildlife species that have been documented in the project area including red-legged frog, Oregon slender salamander, bald eagle, pileated woodpecker, little willow flycatcher, and olive-sided flycatcher.

Adjacent Stream Information: This unit is separated from the Johnson Creek riparian corridor to the west by Telford Road.

Dominant Forest Vegetation: (* = major dominant)

<u>Trees</u>	<u>Shrubs</u>	<u>Herbs</u>
*black cottonwood	snowberry	sword fern
red alder	Indian plum	Pacific blackberry
Oregon ash	willow	slough sedge
Douglas fir	red-osier dogwood	reed canarygrass
	Douglas spirea	
	English holly	

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Wildlife Habitat	High	part of large forest, seasonal water
Water Quality Protection	Medium	may provide some treatment for runoff
Ecological Integrity	Medium	English holly
Connectivity	Medium	separated from Johnson Creek by Telford
Uniqueness	Medium	Road
		mixed wet/upland forest

Significant? Yes

Comments/Recommendations:

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: 262 nd Avenue	Site Code: U4
Location: East of Highway 26 and 262 nd Avenue, south of Hilyard	Map Sheet(s) #: 4
Adjacent Land Use: agricultural, rural residential	Field Date(s): 3/20/01

T 1S, R 3E Section: 24

General Description: This isolated unit consists of a red alder-dominated forest. The understory is open in the forest edge, probably due to grazing. A few sheep were observed grazing adjacent to the forest, west of 267th Avenue. This unit was viewed from a distance using binoculars, and no shrub or groundcover species could be determined.

Species Information: The habitat on this site rates low. Use by special status species is doubtful.

Adjacent Stream Information: None

Dominant Forest Vegetation: (* = major dominant)

Trees

Shrubs

Herbs

*red alder

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Wildlife Habitat	Low	low vegetation diversity, no adjacent water
Water Quality Protection	Low	no adjacent tributary/runoff source
Ecological Integrity	Low	small size & edge effect, grazing disturbance
Connectivity	Low	isolated from Johnson Creek & JT- 5 by ag
Uniqueness	Low	fields
		no unique features

Significant? No

Comments/Recommendations: Install fence to prevent grazing access

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Highway 26	Site Code: U5
Location: West of Highway 26, north of Stone Road	Map Sheet(s) #: 4
Adjacent Land Use: agricultural	Field Date(s): 3/13/01

T 1S, R 3E Section: 24

General Description: This isolated unit consists of a mixed deciduous/coniferous forest less than 50 years old. Black cottonwood, big-leaf maple, red alder, western red cedar, and Douglas fir trees are equally represented. Black cottonwood and Douglas fir are the tallest trees in the canopy and have diameters # 16 inches. Himalayan blackberry is dominant along the forest edges.

Species Information: The habitat on this site rates low. Use by special status species is doubtful.

Adjacent Stream Information: None

Dominant Forest Vegetation: (* = major dominant)

<u>Trees</u>	<u>Shrubs</u>	<u>Herbs</u>
black cottonwood	*Himalayan blackberry	sword fern
big-leaf maple	Indian plum	
red alder		
western red cedar		
Douglas fir		

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Wildlife Habitat	Medium	diverse veg., no adjacent water, highway
Water Quality Protection	Low	disturbance
Ecological Integrity	Low	no adjacent tributary/runoff source
Connectivity	Low	small size & edge effect, highway disturbance
Uniqueness	Low	isolated from other units by Hwy 26 & Telford Road
		no unique features

Significant? No

Comments/Recommendations:

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Stone Road	Site Code: U6
Location: South of Stone Road, east of 282 nd Avenue	Map Sheet(s) #: 4
Adjacent Land Use: agricultural, rural residential	Field Date(s): 3/13/01

T 1S, R 3E Section: 24

General Description: This unit consists of a mixed deciduous/coniferous forest on a hill above Stone Road. This unit is part of a large upland forest located south of the study area.

Species Information: This site is suitable habitat for the special-status wildlife species that have been documented in the project area including bald eagle, pileated woodpecker, little willow flycatcher, and olive-sided flycatcher.

Adjacent Stream Information: This unit is separated from the Johnson Creek riparian corridor to the north by Stone Road and agricultural fields.

Dominant Forest Vegetation: (* = major dominant)

<u>Trees</u>	<u>Shrubs</u>	<u>Herbs</u>
*red alder	Indian plum	sword fern
*Douglas fir	Himalayan blackberry	
<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Wildlife Habitat	High	part of large forest, near perennial water
Water Quality Protection	Low	no adjacent tributary/runoff source
Ecological Integrity	Medium	Himalayan blackberry
Connectivity	Medium	separated from Johnson Creek by Stone
Uniqueness	Low	Road
		no unique features

Significant? Yes

Comments/Recommendations:

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Orient Drive	Site Code: U7
Location: South of Orient Drive, east of 282 nd Avenue	Map Sheet(s) #: 4
Adjacent Land Use: nurseries, agricultural	Field Date(s): 3/20/01

T 1S, R 4E Section: 19

General Description: This isolated unit consists of a Douglas fir-dominated forest surrounded by predominantly nursery fields. This unit was viewed from a distance using binoculars, and no shrub or groundcover species could be determined.

Species Information: The habitat on this site rates low. Use by special status species is doubtful.

Adjacent Stream Information: None

Dominant Forest Vegetation: (* = major dominant)

Trees

Shrubs

Herbs

*Douglas fir

Functions

Rating

Comments

Wildlife Habitat

Low

small size, no adjacent water

Water Quality Protection

Low

no adjacent tributary/runoff source

Ecological Integrity

Low

small size & edge effect, disturbance from

Connectivity

Low

nurseries

Uniqueness

Low

isolated from other units by nursery & ag.
fields

no unique features

Significant? No

Comments/Recommendations:

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Bluff Road	Site Code: U8
Location: North of Bluff Road, east of Pleasant Home	Map Sheet(s) #: 4
Adjacent Land Use: nurseries, agricultural	Field Date(s): 3/20/01

T 1S, R 4E Section: 20, 21

General Description: This isolated unit consists of a mixed deciduous/coniferous forest. English ivy has invaded the trees. An even-aged, dense Douglas fir plantation, likely an old Christmas tree farm, is connected to the northeast corner of this unit; however, the plantation is too dense to provide wildlife habitat. This unit was viewed from a distance using binoculars, and no shrub or groundcover species could be determined.

Species Information: The habitat on this site rates low. Use by special status species is doubtful.

Adjacent Stream Information: None

Dominant Forest Vegetation: (* = major dominant)

Trees

Douglas fir
red alder
big-leaf maple

Shrubs

Herbs

English ivy

Functions

Wildlife Habitat
Water Quality Protection
Ecological Integrity
Connectivity
Uniqueness

Rating

Low
Low
Low
Low
Low

Comments

small size, no adjacent water
no adjacent tributary/runoff source
small size & edge effect, English ivy
isolated from other units by nursery & ag.
fields
no unique features

Significant? No

Comments/Recommendations:

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
WILDLIFE HABITAT SUMMARY SHEET

SITE: Division/Troutdale Road	Site Code: U9
Location: South of Division, west of Troutdale Road	Map Sheet(s) #: 1
Adjacent Land Use: agricultural, rural residential	Field Date(s): 3/20/01

T 1S, R 3E Section: 12

General Description: This unit consists of a mixed deciduous/coniferous forest on a tall, steep hill above Division Street. Groundcover is sparse in several areas, and the steep slopes are prone to erosion. English ivy has invaded the trees.

Species Information: This site is suitable habitat for the special-status wildlife species that have been documented in the project area including bald eagle, pileated woodpecker, little willow flycatcher, and olive-sided flycatcher.

Adjacent Stream Information: This unit is separated from the Beaver Creek riparian corridor to the north by Division.

Dominant Forest Vegetation: (* = major dominant)

Trees

*red alder
big-leaf maple
western red cedar
Douglas fir

Shrubs

Indian plum
beaked hazelnut
snowberry
Himalayan blackberry

Herbs

sword fern
grasses
English ivy

Functions

Wildlife Habitat
Water Quality Protection
Ecological Integrity
Connectivity
Uniqueness

Rating

High
Low
Medium
Medium
Low

Comments

large forest, near perennial water
no adjacent tributary/runoff source
Himalayan blackberry, English ivy
separated from Beaver Creek by Division
no unique features

Significant? Yes

Comments/Recommendations:

APPENDIX B:

RIPARIAN CORRIDOR DATA SHEETS

RIPARIAN CORRIDOR SUMMARY SHEETS

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MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
RIPARIAN CORRIDOR SUMMARY SHEET

SITE: Beaver Creek, reach 1	Site Code: B-1
Location: UGB to 322 nd Avenue	Map Sheet(s) #: 1, 4 & 5
Drainage Basin: Sandy River	Field Date(s): 3/13/01, 3/20/01
Adjacent Land Use: agricultural, nurseries, rural residential	

T 1S, R 3E/4E Sections: 1, 12 / 7, 8, 16, 17, 21

General Description: Beaver Creek is a perennial stream, and the lower reach ranges from 8 to 15 feet wide with channel meanders and cobbles. A wide, diverse mixed deciduous/coniferous forest is present along most of the lower reach of Beaver Creek. The forest has a multilayered tree and shrub canopy and several large snags. The riparian corridor is in excellent condition south of Oxbow Road, where Beaver Creek meanders through a broad, diverse western red cedar-dominated floodplain. A large forest with several small seasonal drainages feeding into Beaver Creek is present to the north of Oxbow Road. A portion of the historic riparian corridor has been cleared of trees and shrubs downstream of 302nd Avenue. Mowed lawns are present in several areas up to the edge of the stream, and Himalayan blackberry and English ivy are present in disturbed areas. Division separates this unit from an upland forest (Unit 10) to the south. Beaver Creek continues outside the study area into Troutdale before it flows into the Sandy River.

Dominant Vegetation Type: Predominantly forested, several pastures and a few ornamental nurseries and mowed grass areas. Refer to wildlife habitat summary sheet for forest information.

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Fish Habitat	High	ESA listed salmonid species present in
Wildlife Habitat	High	drainage basin
Water Quality Protection	High	see wildlife habitat summary sheets
Ecological Integrity	Medium	well vegetated corridor, runoff from ag fields
Connectivity	High/Low	portions mowed, English ivy, Himalayan blackberry
		large forest along most of reach

Significant? Yes

Comments/Recommendations: Plant native trees and shrubs to enhance riparian corridor west of 302nd Avenue. Control Himalayan blackberry and English ivy adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
RIPARIAN CORRIDOR SUMMARY SHEET

SITE: Beaver Creek, reach 2	Site Code: B-2
Location: 322 nd Avenue to headwaters	Map Sheet(s) #: 1, 4 & 5
Drainage Basin: Sandy River	Field Date(s): 3/13/01, 3/20/01
Adjacent Land Use: agricultural, nurseries, rural residential	

T 1S, R 4E Sections: 18, 21, 22

General Description: The headwaters of Beaver Creek originate in an agricultural field as an approximately 2 feet wide channelized stream. A very narrow forested area is present along portions of this reach; however, riparian tree and shrub cover is generally sparse. Mowed grass is present up to the edge of stream in other areas. The uppermost portion of this reach (east of 322nd Avenue) is degraded where the stream is bordered by extensive patches of Himalayan blackberry and English ivy. Adjacent land use along this reach is predominantly nursery fields. Nursery fields are often planted very close to the stream with planted rows being oriented perpendicular to the stream with bare soil between plant rows which contributes to runoff and erosion entering the stream. Several large ponds, probably used to irrigate adjacent fields, are mapped along Beaver Creek on the National Wetlands Inventory map

Dominant Vegetation Type: Narrow forested areas, and several ornamental nurseries and pastures. Refer to wildlife habitat summary sheet for forest information.

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Fish Habitat	High	ESA listed salmonid species present in
Wildlife Habitat	Medium	drainage basin
Water Quality Protection	Low	see wildlife habitat summary sheets
Ecological Integrity	Low	narrow riparian corridor, runoff from nursery
Connectivity	Low/U	fields
		much of historic riparian corridor has been
		cleared
		narrow fragmented forest along reach

Significant? Yes

Comments/Recommendations: Plant native trees and shrubs to enhance riparian corridor. Improve use of soil conservation measures in nursery fields. Control Himalayan blackberry and English holly adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
RIPARIAN CORRIDOR SUMMARY SHEET

SITE: Beaver Creek Tributary 1	Site Code: BT-1
Location: South of Troutdale Road, west of 302 nd Avenue	Map Sheet(s) #: 4
Drainage Basin: Sandy River	Field Date(s): 3/13/01, 3/20/01
Adjacent Land Use: nurseries, agricultural, rural residential	

T 1S, R 3E/4E Section: 12 / 7, 18

General Description: This unit consists of a forked perennial tributary to Beaver Creek. The tributary is channelized to 1 foot wide at the headwaters and widens downstream of Lusted Road to 5 to 10 feet wide with channel meanders and cobbles present. A wide mostly deciduous forest is present along most of this tributary. A multilayered tree and shrub canopy is present, along with several large snags and large down logs across the stream. The forest is narrowest along the southern fork. Mowed lawns and cattle grazing occur up to the top of streambank in the upper portions of this unit. Large Himalayan blackberry patches are present throughout the corridor, and English ivy has invaded trees in areas. Adjacent land use in the upstream portion of this unit (south of Lusted Road) is nursery fields. Nursery fields are often planted very close to the stream with planted rows being oriented perpendicular to the stream with bare soil between plant rows which contributes to runoff and erosion entering the stream.

Dominant Vegetation Type: Predominantly forested, with ornamental nurseries and pastures in the upstream portion. Refer to wildlife habitat summary sheet for forest information.

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Fish Habitat	High	ESA listed salmonid species present in
Wildlife Habitat	High	drainage basin
Water Quality Protection	High	see wildlife habitat summary sheets
Ecological Integrity	Medium	well vegetated, runoff from ag and nursery
Connectivity	High/Low	fields Himalayan blackberry & English ivy large forest along most of tributary

Significant? Yes

Comments/Recommendations: Plant native trees and shrubs to enhance riparian corridor. Improve use of soil conservation measures in nursery fields. Control Himalayan blackberry and English ivy adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
RIPARIAN CORRIDOR SUMMARY SHEET

SITE: Beaver Creek Tributary 2	Site Code: BT-2
Location: East of 287 th Avenue, north & south of Division Street	Map Sheet(s) #: 1
Drainage Basin: Sandy River	Field Date(s): 3/20/01
Adjacent Land Use: agricultural, nurseries	

T 1S, R 4E Section: 7

General Description: This perennial tributary is a deeply incised 2 feet wide channel in the pasture south of Division and widens to approximately 5 feet upstream. A mixed deciduous/coniferous forest is present along the upper portion of this stream, north of Division. The herbaceous and shrub layers are sparse in the forest, probably due to past grazing. No riparian trees and shrubs are present adjacent to the stream south of Division Street, and the slopes adjacent to the stream are heavily grazed by cattle and eroding on both sides of the stream.

Dominant Vegetation Type: Forested in the upstream portion and pastures and ornamental nurseries in the downstream portion. Refer to wildlife habitat summary sheet for forest information.

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Fish Habitat	High	ESA listed salmonid species present in
Wildlife Habitat	High	drainage basin
Water Quality Protection	High	see wildlife habitat summary sheets
Ecological Integrity	Medium	well vegetated in upper portion, runoff from ag
Connectivity	Low/U	fields
		riparian corridor cleared in lower portion,
		grazed
		forested only along upper portion of reach

Significant? Yes

Comments/Recommendations: Install fence adjacent to riparian corridor to prevent cattle access to stream. Plant native trees and shrubs adjacent to stream to enhance riparian corridor. Control Himalayan blackberry adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
RIPARIAN CORRIDOR SUMMARY SHEET

SITE: Beaver Creek Tributary 3	Site Code: BT-3
Location: East of Troutdale Road, north of Dodge Park Blvd	Map Sheet(s) #: 4
Drainage Basin: Sandy River	Field Date(s): 3/13/01
Adjacent Land Use: agricultural, nurseries, rural residential	

T 1S, R 4E Sections: 7, 17, 18, 20, 21

General Description: This unit consists of a forked perennial tributary to Beaver Creek. The stream is channelized to 1 foot wide at the headwaters, where the stream is confined within retaining walls along the stream banks. The stream widens to 10 feet downstream of 302nd Avenue, with channel meanders and cobbles present. A wide, multi-layered, mixed deciduous/coniferous forest is present in the lower portion of this tributary. Upstream of 302nd Avenue, the forest narrows, and no riparian tree and shrub cover is present in several areas. Several mowed lawns and pastures with horses are present up to the edge of the stream in several areas. An Oregon ash wetland forest is present south of Dodge Park Boulevard at the headwaters of the southern fork. Adjacent land use in the upstream portion of this unit is nursery fields. Nursery fields are often planted very close to the stream with planted rows being oriented perpendicular to the stream with bare soil between plant rows which contributes to runoff and erosion entering the stream.

Dominant Vegetation Type: Predominantly forested in the downstream area, and many ornamental nurseries and pastures in the upstream portion. Refer to wildlife habitat summary sheet for forest information.

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Fish Habitat	High	ESA listed salmonid species present in
Wildlife Habitat	High	drainage basin
Water Quality Protection	High	see wildlife habitat summary sheets
Ecological Integrity	Medium	well vegetated, runoff from ag and nursery
Connectivity	High/Low	fields cleared in upper portion, grazed, blackberry large forest along upper portion of reach

Significant? Yes

Comments/Recommendations: Plant native trees and shrubs to enhance riparian corridor in mowed areas. Improve use of soil conservation measures in nursery fields.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
RIPARIAN CORRIDOR SUMMARY SHEET

SITE: Beaver Creek Tributary 4	Site Code: BT-4
Location: South of Oxbow Drive, east & west of Honser	Map Sheet(s) #: 5
Drainage Basin: Sandy River	Field Date(s): 3/20/01
Adjacent Land Use: nurseries	

T 1S, R 4E Sections: 18, 19

General Description: This perennial tributary is channelized to 2 to 3 feet wide. A narrow, mostly deciduous forest is present along portions of the stream. The riparian corridor is degraded where large patches of Himalayan blackberry are present and English ivy has invaded the trees. No riparian tree or shrub cover is present in some areas which have mowed grass present up to the edge of stream. Adjacent land use is predominantly nursery fields. Nursery fields are often planted very close to the stream with planted rows being oriented perpendicular to the stream with bare soil between plant rows which contributes to runoff and erosion entering the stream. A large pond, probably used to irrigate adjacent fields, is mapped on the tributary on the National Wetlands Inventory map.

Dominant Vegetation Type: Narrow forested areas and ornamental nurseries. Refer to wildlife habitat summary sheet for forest information.

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Fish Habitat	High	ESA listed salmonid species present in
Wildlife Habitat	Medium	drainage basin
Water Quality Protection	Low	see wildlife habitat summary sheets
Ecological Integrity	Low	narrow riparian corridor, runoff from nursery
Connectivity	Low/U	fields
		much of historic riparian corridor has been
		cleared
		narrow fragmented forest along reach

Significant? Yes

Comments/Recommendations: Plant native trees and shrubs to enhance riparian corridor. Improve use of soil conservation measures in nursery fields. Control Himalayan blackberry and English ivy adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
RIPARIAN CORRIDOR SUMMARY SHEET

SITE: Johnson Creek, reach 1	Site Code: J-1
Location: UGB to Telford Road	Map Sheet(s) #: 3 & 4
Drainage Basin: Willamette River	Field Date(s): 3/13/01
Adjacent Land Use: agricultural, rural residential	

T 1S, R 3E Section: 23

General Description: Johnson Creek is a perennial stream ranging from 15 to 20 feet wide with channel meanders in the lower reach. The streambed substrate generally consists of large rocks and smaller cobbles. A multi-layered, mixed deciduous/coniferous forest with mature trees and large diameter cottonwood snags is present along this reach. Oregon ash, red alder, western red cedar, willow, red-osier dogwood, and reed canarygrass dominate the floodplain. Himalayan blackberry is dominant in disturbed areas, especially near roads. The riparian corridor widens where four tributaries join Johnson Creek from the southwest, enhancing connectivity. Telford Road separates this unit from an upland forest (Unit U4) to the east. The Springwater Corridor trail parallels the site providing recreational opportunities. Johnson Creek continues outside the study area into Gresham before flowing into the Willamette River.

Dominant Vegetation Type: Forested along the entire reach. Refer to wildlife habitat summary sheet for forest information.

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Fish Habitat	High	ESA listed salmonid species present in
Wildlife Habitat	High	drainage basin
Water Quality Protection	High	see wildlife habitat summary sheets
Ecological Integrity	Medium	well vegetated corridor, runoff from ag fields
Connectivity	High/U	Himalayan blackberry forested along entire reach

Significant? Yes

Comments/Recommendations: Control Himalayan blackberry along stream. Red-legged frog observed downstream of study area in 1995 by Fishman Environmental Services.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
RIPARIAN CORRIDOR SUMMARY SHEET

SITE: Johnson Creek, reach 2	Site Code: J-2
Location: East of Telford Road and west of Highway 26	Map Sheet(s) #: 3 & 4
Drainage Basin: Willamette River	Field Date(s): 3/13/01
Adjacent Land Use: agricultural, rural residential	

T 1S, R 3E Section: 24

General Description: This perennial reach of Johnson Creek ranges from 5 to 15 feet wide. The stream has channel meanders downstream of 267th Avenue and is channelized upstream. This reach has been cleared of most of the riparian trees and shrubs which were historically present adjacent to the stream due to adjacent agricultural land use, and only very narrow and sparse riparian tree and shrub cover remains. Cows were noted grazing up to the edge of the stream west of 267th Avenue. This unit receives roadside runoff.

Dominant Vegetation Type: Narrow forest and pastures. Refer to wildlife habitat summary sheet for forest information.

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Fish Habitat	High	ESA listed salmonid species present in
Wildlife Habitat	Low	drainage basin
Water Quality Protection	Low	see wildlife habitat summary sheets
Ecological Integrity	Low	narrow riparian corridor, runoff from pasture
Connectivity	Low/U	w/cattle
		most of riparian corridor has been cleared,
		grazed
		no forest along reach

Significant? Yes

Comments/Recommendations: Install fence adjacent to riparian corridor to prevent cattle access to stream. Plant native trees and shrubs adjacent to stream to enhance riparian corridor to provide connectivity to upstream and downstream reaches of Johnson Creek.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
RIPARIAN CORRIDOR SUMMARY SHEET

SITE: Johnson Creek, reach 3 Location: Between Highway 26 & Orient Dr. & adjacent to Revenue Rd. Drainage Basin: Willamette River Adjacent Land Use: agricultural, nurseries, rural residential	Site Code: J-3 Map Sheets #: 4 & 5 Field Date(s): 3/13/01
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T 1S, R 3E/4E Sections: 24 / 19, 20

General Description: This perennial reach of Johnson Creek ranges from 5 to 8 feet wide with channel meanders. A mixed deciduous/coniferous forest is present in along portions of this reach. No riparian tree or shrub cover is present in some areas where pastures are present up to the edge of the stream. This unit includes several wetland pastures with slough sedge and soft rush and a wetland forest dominated by Oregon ash, black cottonwood, willow, and red-osier dogwood. Stone Road separates this unit from an upland forest (Unit U7) to the south. Three tributaries join this reach of Johnson Creek to the south of the study area, enhancing connectivity. This unit receives roadside runoff.

Dominant Vegetation Type: Predominantly forested, with several pastures and ornamental nurseries also present. Refer to wildlife habitat summary sheet for forest information.

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Fish Habitat	High	ESA listed salmonid species present in
Wildlife Habitat	High	drainage basin
Water Quality Protection	Medium	see wildlife habitat summary sheets
Ecological Integrity	Medium	portion of riparian corridor cleared, pasture
Connectivity	Medium/Lo	runoff
	w	portion of riparian corridor cleared, grazed
		narrow fragmented forest along reach

Significant? Yes

Comments/Recommendations: Plant native trees and shrubs to enhance riparian corridor. Control Himalayan blackberry and English ivy adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
RIPARIAN CORRIDOR SUMMARY SHEET

SITE: Johnson Creek, reach 4	Site Code: J-4
Location: East and west of Cottrell Road	Map Sheet(s) #: 5
Drainage Basin: Willamette River	Field Date(s): 3/13/01
Adjacent Land Use: agricultural, nurseries, rural residential	

T 1S, R 4E Section: 22

General Description: This perennial reach consists of the headwater area of Johnson Creek and ranges from approximately 3 to 4 feet wide with channel meanders. The headwaters originate just upstream of the study area. The mostly deciduous forest is broader upstream of Cottrell Road and is very narrow downstream of Cottrell. A large pond is mapped above Cottrell on the National Wetlands Inventory map that is probably used for irrigation. Adjacent land use is predominantly nursery fields. Nursery fields are often planted very close to the stream with planted rows being oriented perpendicular to the stream with bare soil between plant rows which contributes to runoff and erosion entering the stream.

Dominant Vegetation Type: Narrow forested areas, with several ornamental nurseries and pastures also present. Refer to wildlife habitat summary sheet for forest information.

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Fish Habitat	High	ESA listed salmonid species present in
Wildlife Habitat	High	drainage basin
Water Quality Protection	Medium	see wildlife habitat summary sheets
Ecological Integrity	Medium	narrow riparian corridor, nursery & ag field
Connectivity	Medium/U	runoff
		portions of riparian corridor have been cleared
		narrow forest along reach

Significant? Yes

Comments/Recommendations: Plant native trees and shrubs to enhance riparian corridor. Improve use of soil conservation measures in nursery fields. Control English holly adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
RIPARIAN CORRIDOR SUMMARY SHEET

SITE: Johnson Creek Tributary 1	Site Code: JT-1
Location: North of Butler Road	Map Sheet(s) #: 3
Drainage Basin: Willamette River	Field Date(s): 3/13/01
Adjacent Land Use: residential, agricultural, golf course	

T 1S, R 3E Section: 22

General Description: This perennial tributary is approximately 3 feet wide at the Butler Road culvert. A mostly deciduous forest is present adjacent to this tributary north of Butler Road. The herbaceous layer is sparse due to the dense tree canopy and red alder regeneration in the shrub layer. Upstream of Butler Road, the tributary flows through the Persimmon Country Club golf course. No riparian tree or shrub cover is present adjacent to the stream on the golf course. A man-made pond is present on the tributary immediately south of Butler Road. The pond is surrounded by cattail, willow and red alder shrubs and is used by mallards. Downstream of the study area, most of the riparian trees and shrubs which were historically present adjacent to the stream were cleared in the past for residential subdivision.

Dominant Vegetation Type: Predominantly forested, with a few pastures also present. Refer to wildlife habitat summary sheet for forest information.

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Fish Habitat	High	ESA listed salmonid species present in drainage basin see wildlife habitat summary sheets well vegetated corridor, runoff from golf course Himalayan blackberry forested along most of reach
Wildlife Habitat	High	
Water Quality Protection	High	
Ecological Integrity	Medium	
Connectivity	High/U	

Significant? Yes

Comments/Recommendations: Control Himalayan blackberry adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
RIPARIAN CORRIDOR SUMMARY SHEET

SITE: Johnson Creek Tributary 2	Site Code: JT-2
Location: West of 252 nd Avenue	Map Sheet(s) #: 3
Drainage Basin: Willamette River	Field Date(s): 3/13/01
Adjacent Land Use: agricultural, rural residential, golf course	

T 1S, R 3E Section: 22, 23

General Description: This unit consists of two perennial tributaries to Johnson Creek which are approximately 3 to 5 feet wide near their headwaters. A steeply sloped deciduous forest surrounds the two tributaries. A portion of the interior of this unit was cleared in the past and appears to be currently used as a nursery field. The headwaters of the both tributaries originate in the golf course at the Persimmon Country Club. The riparian corridor adjacent to the northern tributary is disturbed near the road where Himalayan blackberry is dominant. Some recent clearing of trees has occurred east of 242nd Avenue along the northern tributary. The headwaters of the southern tributary are disturbed and are dominated by Himalayan blackberry and English holly is also present.

Dominant Vegetation Type: Predominantly forested, except where one ornamental nursery is present and the headwater area at the Persimmon Country Club. Refer to wildlife habitat summary sheet for forest information.

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Fish Habitat	High	ESA listed salmonid species present in
Wildlife Habitat	High	drainage basin
Water Quality Protection	High	see wildlife habitat summary sheets
Ecological Integrity	Medium	well vegetated, runoff from ag fields and golf
Connectivity	High/U	course
		Himalayan blackberry
		large forest along both tributaries

Significant? Yes

Comments/Recommendations: Control Himalayan blackberry and English holly adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
RIPARIAN CORRIDOR SUMMARY SHEET

SITE: Johnson Creek Tributary 3	Site Code: JT-3
Location: East of Telford Road, north of Callister Road	Map Sheet(s) #: 3
Drainage Basin: Willamette River	Field Date(s): 3/13/01
Adjacent Land Use: agricultural, rural residential	

T 1S, R 3E Section: 23

General Description: This very short tributary originates in a pasture with horses and has been channelized to 1 foot wide. This tributary is probably seasonal. No riparian tree cover is present, and shrub cover is very sparse and narrow and consists predominantly of Himalayan blackberry. The tributary is channelized in a roadside ditch before being culverted under Telford Road and the Springwater Trail to Johnson Creek.

Dominant Vegetation Type: Pasture

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Fish Habitat	High	ESA listed salmonid species present in
Wildlife Habitat	Low	drainage basin
Water Quality Protection	Low	see wildlife habitat summary sheets
Ecological Integrity	Low	sparse riparian corridor, runoff from pasture
Connectivity	Low/U	w/horses
		historic riparian corridor has been cleared,
		grazed
		no forest along tributary

Significant? Yes

Comments/Recommendations: Plant native trees and shrubs to enhance the riparian corridor. Control Himalayan blackberry adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
RIPARIAN CORRIDOR SUMMARY SHEET

SITE: Johnson Creek Tributary 4	Site Code: JT-4
Location: South of McNutt Road	Map Sheet(s) #: 3
Drainage Basin: Willamette River	Field Date(s): 3/13/01
Adjacent Land Use: agricultural, nurseries, rural residential	

T 1S, R 3E Section: 33

General Description: This perennial tributary is approximately 3 to 5 feet wide. A narrow forested area is present along the stream immediately south of McNutt Road, and the forest widens considerably upstream. The tributary is culverted under McNutt Road to Johnson Creek, not under Kane Road as mapped by Metro in RLIS. Several pastures with horses are present adjacent to this unit. One wet field with soft rush was noted adjacent to this unit, south of McNutt Road.

Dominant Vegetation Type: Predominantly forested and one pasture. Refer to wildlife habitat summary sheet for forest information.

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Fish Habitat	High	ESA listed salmonid species present in
Wildlife Habitat	High	drainage basin
Water Quality Protection	High	see wildlife habitat summary sheets
Ecological Integrity	Medium	portion well vegetated, runoff from pastures
Connectivity	Medium/U	w/horses
		Himalayan blackberry, grazed
		narrow forest along portion of tributary

Significant? Yes

Comments/Recommendations: Plant native trees and shrubs south of McNutt Road to enhance the riparian corridor and provide a wildlife travel corridor from Johnson Creek to upstream portions of the tributary. Control Himalayan blackberry adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
RIPARIAN CORRIDOR SUMMARY SHEET

SITE: Johnson Creek Tributary 5	Site Code: JT-5
Location: East of Telford Road, south of Orient Drive	Map Sheet(s) #: 3, 4
Drainage Basin: Willamette River	Field Date(s): 3/13/01
Adjacent Land Use: agricultural, nurseries, rural residential, school	

T 1S, R 3E/4E Sections: 23, 24 / 19

General Description: This perennial tributary varies in width from 2 to 6 feet wide and is channelized in portions. A mixed deciduous/coniferous forest is present along much of the tributary. The forest is narrow and somewhat sparse in the lower portion but widens considerably upstream of Highway 26. Below 262nd Avenue, the riparian corridor is disturbed in areas where Himalayan blackberry is dominant. Above 262nd Avenue, riparian tree and shrub cover is absent in a few areas where mowed grass is present up to the edge of the stream. Several nursery fields are present adjacent to the upstream portion of this unit. The stream originates in a transitional wet forest just north of the West Orient School. This unit receives roadside runoff.

Dominant Vegetation Type: Predominantly forested in the downstream portion, with several pastures and ornamental nurseries present in the upstream portion. Refer to wildlife habitat summary sheet for forest information.

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Fish Habitat	High	ESA listed salmonid species present in drainage basin
Wildlife Habitat	High	
Water Quality Protection	High	see wildlife habitat summary sheets
Ecological Integrity	Medium	well vegetated, runoff from ag and nursery fields
Connectivity	Medium/Low	Himalayan blackberry, English holly, English ivy
		narrow fragmented forest along portion of tributary

Significant? Yes

Comments/Recommendations: Plant native trees and shrubs to enhance riparian corridor in areas where stream is currently bordered by mowed grass. Control Himalayan blackberry and English holly adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
RIPARIAN CORRIDOR SUMMARY SHEET

SITE: Johnson Creek Tributary 6	Site Code: JT-6
Location: East and west of Kane Road, north of Rugg Road	Map Sheet(s) #: 3
Drainage Basin: Willamette River	Field Date(s): 3/13/01
Adjacent Land Use: agricultural, rural residential	

T 1S, R 3E Section: 23

General Description: This perennial tributary is approximately 10 feet wide with channel meanders and cobbles present. A mostly deciduous forest is present along this tributary. The shrub layer is sparse in some areas, likely due to past grazing. Portions of the riparian corridor are disturbed near the road where Himalayan blackberry is dominant. Several pastures with horses are present adjacent to this unit. One wet field with soft rush was noted adjacent to this unit.

Dominant Vegetation Type: Predominantly forested, with a few pastures also present. Refer to wildlife habitat summary sheet for forest information.

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Fish Habitat	High	ESA listed salmonid species present in
Wildlife Habitat	High	drainage basin
Water Quality Protection	High	see wildlife habitat summary sheets
Ecological Integrity	Medium	wide corridor, runoff from adjacent pastures
Connectivity	High/U	w/horses
		Himalayan blackberry, grazed
		forested along entire tributary

Significant? Yes

Comments/Recommendations: Control Himalayan blackberry adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
RIPARIAN CORRIDOR SUMMARY SHEET

SITE: Johnson Creek Tributary 7	Site Code: JT-7
Location: East of Orient Drive, north & south of Bluff Road	Map Sheet(s) #: 4
Drainage Basin: Willamette River	Field Date(s): 3/13/01
Adjacent Land Use: agricultural, rural residential	

T 1S, R 4E Section: 20

General Description: The headwaters of this perennial tributary originate in an agricultural field, and the stream is channelized to 1 to 2 feet wide. A forest is present near the headwaters, west of Pleasant Home Road. Downstream of this forested area, no riparian tree or shrub cover is present adjacent to the tributary, and the riparian corridor is disturbed and is dominated by Himalayan blackberry. A large National Wetland Inventory pond is mapped on this tributary, south of Bluff Road.

Dominant Vegetation Type: Predominantly pastures and ornamental nurseries, with one forested area also present. Refer to wildlife habitat summary sheet for forest information.

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Fish Habitat	High	ESA listed salmonid species present in
Wildlife Habitat	Medium	drainage basin
Water Quality Protection	Medium	see wildlife habitat summary sheets
Ecological Integrity	Low	most of riparian corridor cleared, ag & nursery
Connectivity	Low/U	runoff
		most of riparian corridor cleared, invasive
		species
		forested only along upper portion of tributary

Significant? Yes

Comments/Recommendations: Plant native trees and shrubs to enhance riparian corridor and provide a wildlife travel corridor from the upstream forest to Johnson Creek. Control Himalayan blackberry, English holly, and English ivy adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
RIPARIAN CORRIDOR SUMMARY SHEET

SITE: Kelly Creek North	Site Code: KN
Location: North of Dodge Park road, east and west of 302 nd Avenue	Map Sheet(s) #: 4
Drainage Basin: Sandy River	Field Date(s): 3/13/01
Adjacent Land Use: agricultural, nurseries	

T 1S, R 4E Section: 18, 19, 20

General Description: Kelly Creek North is a perennial stream which is channelized to 2 to 3 feet wide near its headwaters at 302nd Avenue. The stream widens downstream, and a few channel meanders are present. A narrow mostly deciduous forest is present along most of this stream, except at the headwaters. The riparian corridor downstream of 302nd Avenue has a very sparse shrub and herbaceous layer, and several trees have been recently cleared adjacent to the stream. English ivy is present on several remaining trees. Upstream of 302nd Avenue, the stream channel flows through a backyard where a mowed lawn is present up to the edge of the stream and many footbridges and ornamental species (i.e. deodar cedar, pampas grass) are present. The headwaters of this tributary originate as a roadside ditch adjacent to a nursery field south of Jackson Road. Adjacent land use is predominantly nursery fields. However, in most areas, an at least 25 feet wide riparian corridor/buffer is present between the stream and the nursery fields, unlike the majority of the nursery fields in the study area which were planted up to the edge of the stream.

Dominant Vegetation Type: Narrow forest, with a few ornamental nurseries present at the headwaters. Refer to wildlife habitat summary sheet for forest information.

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Fish Habitat	High	ESA listed salmonid species present in
Wildlife Habitat	Medium	drainage basin
Water Quality Protection	High	see wildlife habitat summary sheets
Ecological Integrity	Medium	well vegetated, runoff from nursery fields
Connectivity	Medium/Low	narrow riparian with invasive species and
		ornamentals
		narrow forest along most of reach

Significant? Yes

Comments/Recommendations: Plant native trees and shrubs to enhance riparian corridor in mowed areas. Control Himalayan blackberry and English ivy adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
RIPARIAN CORRIDOR SUMMARY SHEET

SITE: Kelly Creek South	Site Code: KS
Location: South of Rodlun Road	Map Sheet(s) #: 3
Drainage Basin: Willamette River	Field Date(s): 3/13/01
Adjacent Land Use: scattered residential, tree farm	

T 1S, R 3E Sections: 20, 21

General Description: Kelly Creek South is a perennial stream ranging in width from 3 to 10 feet. The stream is a natural meandering channel with nice cobbles. A portion of the stream channel is braided. A small tributary to Kelly Creek is present in the west portion of this unit. A mature, mostly deciduous forest with steep slopes is present along the stream. Several large old stumps are present and large woody debris is present over the stream. Some human disturbance is present as indicated by the presence of non-native species (Himalayan blackberry, English ivy, periwinkle) and a tire and scattered trash adjacent to the road. Himalayan blackberry increases in the riparian corridor in areas where the stream closely parallels the road. Rodlun Road separates this unit from an upland forest (Unit U1) to the north.

Dominant Vegetation Type: Predominantly forested, and one tree farm is present in the downstream portion. Refer to wildlife habitat summary sheet for forest information.

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Fish Habitat	High	ESA listed salmonid species present in
Wildlife Habitat	High	drainage basin
Water Quality Protection	High	see wildlife habitat summary sheets
Ecological Integrity	Medium	well vegetated slopes adjacent to stream
Connectivity	High/Low	some invasive species, human disturbance large forest along entire reach

Significant? Yes

Comments/Recommendations: Control Himalayan blackberry and English ivy adjacent to stream.

MULTNOMAH COUNTY WEST OF SANDY RIVER
NATURAL RESOURCE INVENTORY AND ASSESSMENT
RIPARIAN CORRIDOR SUMMARY SHEET

SITE: Sandy River	Site Code: S
Location: North and east study area boundary	Map Sheet(s) #: 1, 2
Drainage Basin: Sandy River	Field Date(s): 3/20/01
Adjacent Land Use: agricultural, nurseries	

T 1N, R 3E, S 36; T 1N, R4E, S 31; T 1S, R3E, S 1; T 1S, R4E, S 5-11, 14-16, 22, 23:
General Description: The Sandy River unit is the largest resource in the project area. It includes the Sandy River floodplain, relict slough channels, hillslopes and adjacent forests. Vegetation is dominated by a mixed coniferous / deciduous forest with pockets of old growth. The multi-layered canopy provides diverse habitat for a variety of wildlife species. Sensitive salmon species spawn in the river and a variety of sensitive plant, bird, herptile and mammal species potentially occur in the unit. The large size of this unit with its variety of resources and its connectivity to the Columbia River further increase its resource values. It also includes a large amount of public and protected land (Nature Conservancy). Portions of the riparian corridor east and west of Lusted Road have been cleared for agricultural and nursery field use.

Dominant Vegetation Type: Forested. Refer to wildlife habitat summary sheet for forest information.

<u>Functions</u>	<u>Rating</u>	<u>Comments</u>
Fish Habitat	High	ESA listed salmonid species present in
Wildlife Habitat	High	drainage basin
Water Quality Protection	High	see wildlife habitat summary sheets
Ecological Integrity	High	wide riparian corridor with well vegetated
Connectivity	High/High	slopes patches of invasive species but mostly native large forest along entire reach

Significant? Yes

Comments/Recommendations: Avoid fragmentation of this unit due to further clearing for use as agricultural or nursery fields which reduces connectivity.

APPENDIX C:

GOAL 5

Oregon's Statewide Planning Goals & Guidelines

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

OAR 660-015-0000(5)

(Please Note: Amendments Effective 08/30/96)

To protect natural resources and conserve scenic and historic areas and open spaces.

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

The following resources shall be inventoried:

- a. Riparian corridors, including water and riparian areas and fish habitat;
- b. Wetlands;
- c. Wildlife Habitat;
- d. Federal Wild and Scenic Rivers;
- e. State Scenic Waterways;
- f. Groundwater Resources;
- g. Approved Oregon Recreation Trails;
- h. Natural Areas;
- i. Wilderness Areas;
- j. Mineral and Aggregate Resources;
- k. Energy sources;
- l. Cultural areas.

Local governments and state agencies are encouraged to maintain current inventories of the following resources:

- a. Historic Resources;
- b. Open Space;
- c. Scenic Views and Sites.

Following procedures, standards, and definitions contained in commission rules, local governments shall determine significant sites for inventoried resources and develop programs to achieve the goal.

GUIDELINES FOR GOAL 5

A. PLANNING

1. The need for open space in the planning area should be determined, and standards developed for the amount, distribution, and type of open space.
2. Criteria should be developed and utilized to determine what uses are consistent with open space values and to evaluate the effect of converting open space

lands to inconsistent uses. The maintenance and development of open space in urban areas should be encouraged.

3. Natural resources and required sites for the generation of energy (i.e. natural gas, oil, coal, hydro, geothermal, uranium, solar and others) should be conserved and protected; reservoir sites should be identified and protected against irreversible loss.

4. Plans providing for open space, scenic and historic areas and natural resources should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

5. The National Register of Historic Places and the recommendations of the State Advisory Committee on Historic Preservation should be utilized in designating historic sites.

6. In conjunction with the inventory of mineral and aggregate resources, sites for removal and processing of such resources should be identified and protected.

7. As a general rule, plans should prohibit outdoor advertising signs except in commercial or industrial zones. Plans should not provide for the reclassification of land for the purpose of accommodating an outdoor advertising sign. The term "outdoor advertising sign" has the meaning set forth in ORS 377.710(23).

B. IMPLEMENTATION

1. Development should be planned and directed so as to conserve the needed amount of open space.

2. The conservation of both renewable and non-renewable natural resources and physical limitations of the land should be used as the basis for determining the quantity, quality, location, rate and type of growth in the planning area.

3. The efficient consumption of energy should be considered when utilizing natural resources.

4. Fish and wildlife areas and habitats should be protected and managed in accordance with the Oregon Wildlife Commission's fish and wildlife management plans.

5. Stream flow and water levels should be protected and managed at a level adequate for fish, wildlife, pollution abatement, recreation, aesthetics and agriculture.

6. Significant natural areas that are historically, ecologically or scientifically unique, outstanding or important, including those identified by the State Natural Area Preserves

Advisory Committee, should be inventoried and evaluated. Plans should provide for the preservation of natural areas consistent with an inventory of scientific, educational, ecological, and recreational needs for significant natural areas.

7. Local, regional and state governments should be encouraged to investigate and utilize fee acquisition, easements, cluster developments, preferential assessment, development rights acquisition and similar techniques to implement this goal.

8. State and federal agencies should develop statewide natural resource, open space, scenic and historic area plans and provide technical assistance to local and regional agencies. State and federal plans should be reviewed and coordinated with local and regional plans.

9. Areas identified as having non-renewable mineral and aggregate resources should be planned for interim, transitional and "second use" utilizations well as for the primary use.

APPENDIX D:

GOAL 5 ADMINISTRATIVE RULE OAR 660-023

Note: This copy of OAR 660-023 has been print from the Department of Land Conservation and Development website on April 10, 2001.

The Oregon Administrative Rules contain OAR's filed through March 15, 2001

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

DIVISION 23

PROCEDURES AND REQUIREMENTS FOR

COMPLYING WITH GOAL 5

660-023-0000

Purpose and Intent

This division establishes procedures and criteria for inventorying and evaluating Goal 5 resources and for developing land use programs to conserve and protect significant Goal 5 resources. This division explains how local governments apply Goal 5 when conducting periodic review and when amending acknowledged comprehensive plans and land use regulations.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0010

Definitions

As used in this division, unless the context requires otherwise:

(1) "Conflicting use" is a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource (except as provided in OAR 660-023-0180(1)(b)). Local governments are not required to regard agricultural practices as conflicting uses.

(2) "ESEE consequences" are the positive and negative economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use.

(3) "Impact area" is a geographic area within which conflicting uses could adversely affect a significant Goal 5 resource.

(4) "Inventory" is a survey, map, or description of one or more resource sites that is prepared by a local government, state or federal agency, private citizen, or other organization and that includes information about the resource values and features associated with such sites. As a verb, "inventory" means to collect, prepare, compile, or refine information about one or more resource sites. (See resource list.)

(5) "PAPA" is a "post-acknowledgment plan amendment." The term encompasses actions taken in accordance with ORS 197.610 through 197.625, including amendments to an acknowledged comprehensive plan or land use regulation and the adoption of any new plan or land use regulation. The term does not include periodic review actions taken in accordance with ORS 197.628 through 197.650.

(6) "Program" or "program to achieve the goal" is a plan or course of proceedings and action either to prohibit, limit, or allow uses that conflict with significant Goal 5 resources, adopted as part of the comprehensive plan and land use regulations (e.g., zoning standards, easements, cluster developments, preferential assessments, or acquisition of land or development rights).

(7) "Protect," when applied to an individual resource site, means to limit or prohibit uses that conflict with a significant resource site (except as provided in OAR 660-023-0140, 660-023-0180, and 660-023-0190). When applied to a resource category, "protect" means to develop a program consistent with this division.

(8) "Resource category" is any one of the cultural or natural resource groups listed in Goal 5.

(9) "Resource list" includes the description, maps, and other information about significant Goal 5 resource sites within a jurisdiction, adopted by a local government as a part of the comprehensive plan or as a land use regulation. A "plan inventory" adopted under OAR 660-016-0000(5)(c) shall be considered to be a resource list.

(10) "Resource site" or "site" is a particular area where resources are located. A site may consist of a parcel or lot or portion thereof or may include an area consisting of two or more contiguous lots or parcels.

(11) "Safe harbor" has the meaning given to it in OAR 660-023-0020(2).

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & 197.225 - 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0020

Standard and Specific Rules and Safe Harbors

(1) The standard Goal 5 process, OAR 660-023-0030 through 660-023-0050, consists of procedures and requirements to guide local planning for all Goal 5 resource categories. This division also provides specific rules for each of the fifteen Goal 5 resource categories (see OAR 660-023-0090 through 660-023-0230). In some cases this division indicates that both the standard and the specific rules apply to Goal 5 decisions. In other cases, this division indicates that the specific rules supersede parts or all of the standard process rules (i.e., local governments must follow the specific rules rather than the standard Goal 5 process). In case of conflict, the resource-specific rules set forth in OAR 660-023-0090 through 660-023-0230 shall supersede the standard provisions in OAR 660-023-0030 through 660-023-0050.

(2) A "safe harbor" consists of an optional course of action that satisfies certain requirements under the standard process. Local governments may follow safe harbor requirements rather than addressing certain requirements in the standard Goal 5 process. For example, a jurisdiction may choose to identify "significant" riparian corridors using the safe harbor criteria under OAR 660-023-0090(5) rather than follow the general requirements for determining "significance" in the standard Goal 5 process under OAR 660-023-0030(4). Similarly, a jurisdiction may adopt a wetlands ordinance that meets the requirements of OAR 660-023-0100(4)(b) in lieu of following the ESEE decision process in OAR 660-023-0040.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0030

Inventory Process

(1) Inventories provide the information necessary to locate and evaluate resources and develop programs to protect such resources. The purpose of the inventory process is to compile or update a list of significant Goal 5 resources in a jurisdiction. This rule divides the inventory process into four steps. However, all four steps are not necessarily applicable, depending on the type of Goal 5 resource and the scope of a particular PAPA or periodic review work task. For example, when proceeding under a quasi-judicial PAPA for a particular site, the initial inventory step in section (2) of this rule is not applicable in that a local government may rely on information submitted by applicants and other participants in the local process. The inventory process may be

followed for a single site, for sites in a particular geographical area, or for the entire jurisdiction or urban growth boundary (UGB), and a single inventory process may be followed for multiple resource categories that are being considered simultaneously. The standard Goal 5 inventory process consists of the following steps, which are set out in detail in sections (2) through (5) of this rule and further explained in sections (6) and (7) of this rule:

- (a) Collect information about Goal 5 resource sites;
- (b) Determine the adequacy of the information;
- (c) Determine the significance of resource sites; and
- (d) Adopt a list of significant resource sites.

(2) Collect information about Goal 5 resource sites: The inventory process begins with the collection of existing and available information, including inventories, surveys, and other applicable data about potential Goal 5 resource sites. If a PAPA or periodic review work task pertains to certain specified sites, the local government is not required to collect information regarding other resource sites in the jurisdiction. When collecting information about potential Goal 5 sites, local governments shall, at a minimum:

- (a) Notify state and federal resource management agencies and request current resource information; and
- (b) Consider other information submitted in the local process.

(3) Determine the adequacy of the information: In order to conduct the Goal 5 process, information about each potential site must be adequate. A local government may determine that the information about a site is inadequate to complete the Goal 5 process based on the criteria in this section. This determination shall be clearly indicated in the record of proceedings. The issue of adequacy may be raised by the department or objectors, but final determination is made by the commission or the Land Use Board of Appeals, as provided by law. When local governments determine that information about a site is inadequate, they shall not proceed with the Goal 5 process for such sites unless adequate information is obtained, and they shall not regulate land uses in order to protect such sites. The information about a particular Goal 5 resource site shall be deemed adequate if it provides the location, quality and quantity of the resource, as follows:

- (a) Information about location shall include a description or map of the resource area for each site. The information must be sufficient to determine whether a resource exists on a particular site. However, a precise location of the resource for a particular site, such as would be required for building permits, is not necessary at this stage in the process.

(b) Information on quality shall indicate a resource site's value relative to other known examples of the same resource. While a regional comparison is recommended, a comparison with resource sites within the jurisdiction itself is sufficient unless there are no other local examples of the resource. Local governments shall consider any determinations about resource quality provided in available state or federal inventories.

(c) Information on quantity shall include an estimate of the relative abundance or scarcity of the resource.

(4) Determine the significance of resource sites: For sites where information is adequate, local governments shall determine whether the site is significant. This determination shall be adequate if based on the criteria in subsections (a) through (c) of this section, unless challenged by the department, objectors, or the commission based upon contradictory information. The determination of significance shall be based on:

(a) The quality, quantity, and location information;

(b) Supplemental or superseding significance criteria set out in OAR 660-023-0090 through 660-023-0230; and

(c) Any additional criteria adopted by the local government, provided these criteria do not conflict with the requirements of OAR 660-023-0090 through 660-023-0230.

(5) Adopt a list of significant resource sites: When a local government determines that a particular resource site is significant, the local government shall include the site on a list of significant Goal 5 resources adopted as a part of the comprehensive plan or as a land use regulation. Local governments shall complete the Goal 5 process for all sites included on the resource list except as provided in OAR 660-023-0200(7) for historic resources, and OAR 660-023-0220(3) for open space acquisition areas.

(6) Local governments may determine that a particular resource site is not significant, provided they maintain a record of that determination. Local governments shall not proceed with the Goal 5 process for such sites and shall not regulate land uses in order to protect such sites under Goal 5.

(7) Local governments may adopt limited interim protection measures for those sites that are determined to be significant, provided:

(a) The measures are determined to be necessary because existing development regulations are inadequate to prevent irrevocable harm to the resources on the site during the time necessary to complete the ESEE process and adopt a permanent program to achieve Goal 5; and

(b) The measures shall remain effective only for 120 days from the date they are adopted, or until adoption of a program to achieve Goal 5, whichever occurs first.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0040

ESEE Decision Process

(1) Local governments shall develop a program to achieve Goal 5 for all significant resource sites based on an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use. This rule describes four steps to be followed in conducting an ESEE analysis, as set out in detail in sections (2) through (5) of this rule. Local governments are not required to follow these steps sequentially, and some steps anticipate a return to a previous step. However, findings shall demonstrate that requirements under each of the steps have been met, regardless of the sequence followed by the local government. The ESEE analysis need not be lengthy or complex, but should enable reviewers to gain a clear understanding of the conflicts and the consequences to be expected. The steps in the standard ESEE process are as follows:

- (a) Identify conflicting uses;
- (b) Determine the impact area;
- (c) Analyze the ESEE consequences; and
- (d) Develop a program to achieve Goal 5.

(2) Identify conflicting uses. Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site. The following shall also apply in the identification of conflicting uses:

- (a) If no uses conflict with a significant resource site, acknowledged policies and land use regulations may be considered sufficient to protect the resource site. The determination that there are no conflicting uses must be based on the applicable zoning rather than ownership of the site. (Therefore, public ownership of a site does not by itself support a conclusion that there are no conflicting uses.)
- (b) A local government may determine that one or more significant Goal 5 resource sites are conflicting uses with another significant resource site. The local government

shall determine the level of protection for each significant site using the ESEE process and/or the requirements in OAR 660-023-0090 through 660-023-0230 (see OAR 660-023-0020(1)).

(3) Determine the impact area. Local governments shall determine an impact area for each significant resource site. The impact area shall be drawn to include only the area in which allowed uses could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified significant resource site.

(4) Analyze the ESEE consequences. Local governments shall analyze the ESEE consequences that could result from decisions to allow, limit, or prohibit a conflicting use. The analysis may address each of the identified conflicting uses, or it may address a group of similar conflicting uses. A local government may conduct a single analysis for two or more resource sites that are within the same area or that are similarly situated and subject to the same zoning. The local government may establish a matrix of commonly occurring conflicting uses and apply the matrix to particular resource sites in order to facilitate the analysis. A local government may conduct a single analysis for a site containing more than one significant Goal 5 resource. The ESEE analysis must consider any applicable statewide goal or acknowledged plan requirements, including the requirements of Goal 5. The analyses of the ESEE consequences shall be adopted either as part of the plan or as a land use regulation.

(5) Develop a program to achieve Goal 5. Local governments shall determine whether to allow, limit, or prohibit identified conflicting uses for significant resource sites. This decision shall be based upon and supported by the ESEE analysis. A decision to prohibit or limit conflicting uses protects a resource site. A decision to allow some or all conflicting uses for a particular site may also be consistent with Goal 5, provided it is supported by the ESEE analysis. One of the following determinations shall be reached with regard to conflicting uses for a significant resource site:

(a) A local government may decide that a significant resource site is of such importance compared to the conflicting uses, and the ESEE consequences of allowing the conflicting uses are so detrimental to the resource, that the conflicting uses should be prohibited.

(b) A local government may decide that both the resource site and the conflicting uses are important compared to each other, and, based on the ESEE analysis, the conflicting uses should be allowed in a limited way that protects the resource site to a desired extent.

(c) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0050

Programs to Achieve Goal 5

(1) For each resource site, local governments shall adopt comprehensive plan provisions and land use regulations to implement the decisions made pursuant to OAR 660-023-0040(5). The plan shall describe the degree of protection intended for each significant resource site. The plan and implementing ordinances shall clearly identify those conflicting uses that are allowed and the specific standards or limitations that apply to the allowed uses. A program to achieve Goal 5 may include zoning measures that partially or fully allow conflicting uses (see OAR 660-023-0040(5)(b) and (c)).

(2) When a local government has decided to protect a resource site under OAR 660-023-0040(5)(b), implementing measures applied to conflicting uses on the resource site and within its impact area shall contain clear and objective standards. For purposes of this division, a standard shall be considered clear and objective if it meets any one of the following criteria:

(a) It is a fixed numerical standard, such as a height limitation of 35 feet or a setback of 50 feet;

(b) It is a nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or

(c) It is a performance standard that describes the outcome to be achieved by the design, siting, construction, or operation of the conflicting use, and specifies the objective criteria to be used in evaluating outcome or performance. Different performance standards may be needed for different resource sites. If performance standards are adopted, the local government shall at the same time adopt a process for their application (such as a conditional use, or design review ordinance provision).

(3) In addition to the clear and objective regulations required by section (2) of this rule, except for aggregate resources, local governments may adopt an alternative approval process that includes land use regulations that are not clear and objective (such as a planned unit development ordinance with discretionary performance standards), provided such regulations:

(a) Specify that landowners have the choice of proceeding under either the clear and objective approval process or the alternative regulations; and

(b) Require a level of protection for the resource that meets or exceeds the intended level determined under OAR 660-023-0040(5) and 660-023-0050(1).

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0060

Notice and Land Owner Involvement

Local governments shall provide timely notice to landowners and opportunities for citizen involvement during the inventory and ESEE process. Notification and involvement of landowners, citizens, and public agencies should occur at the earliest possible opportunity whenever a Goal 5 task is undertaken in the periodic review or plan amendment process. A local government shall comply with its acknowledged citizen involvement program, with statewide goal requirements for citizen involvement and coordination, and with other applicable procedures in statutes, rules, or local ordinances.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0070

Buildable Lands Affected by Goal 5 Measures

(1) If measures to protect significant resource sites inside urban growth boundaries affect the inventory of buildable lands in acknowledged plans required by Goals 9, 10 and 14, a local government outside of the Metro UGB, and Metro inside the Metro UGB, prior to or at the next periodic review, shall:

(a) Amend its urban growth boundary to provide additional buildable lands sufficient to compensate for the loss of buildable lands caused by the application of Goal 5;

(b) Redesignate other land to replace identified land needs under Goals 9, 10, and 14 provided such action does not take the plan out of compliance with other statewide goals; or

(c) Adopt a combination of the actions described in subsections (a) and (b) of this section.

(2) If a local government redesignates land for higher density under subsections (1)(b) or (c) of this rule in order to meet identified housing needs, the local government shall ensure that the redesignated land is in locations appropriate for the housing types, and is zoned at density ranges that are likely to be achieved by the housing market.

(3) Where applicable, the requirements of ORS 197.296 shall supersede the requirements of sections (1) and (2) of this rule.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0080

Metro Regional Resources

(1) For purposes of this rule, the following definitions apply:

(a) "Metro" is the Metropolitan Service District organized under ORS Chapter 268, and operating under the 1992 Metro Charter, for 24 cities and certain urban portions of Multnomah, Clackamas, and Washington counties.

(b) "Regional resource" is a site containing a significant Goal 5 resource, including but not limited to a riparian corridor, wetland, or open space area, which is identified as a regional resource on a map adopted by Metro ordinance.

(2) Local governments shall complete the Goal 5 process in this division for all regional resources prior to or during the first periodic review following Metro's adoption of a regional resources map, unless Metro adopts a regional functional plan by ordinance to establish a uniform time for all local governments to complete the Goal 5 process for particular regional resource sites.

(3) Metro may adopt one or more regional functional plans to address all applicable requirements of Goal 5 and this division for one or more resource categories and to provide time limits for local governments to implement the plan. Such functional plans shall be submitted for acknowledgment under the provisions of ORS 197.251 and 197.274. Upon acknowledgment of Metro's regional resource functional plan, local governments within Metro's jurisdiction shall apply the requirements of the functional plan for regional resources rather than the requirements of this division.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0090

Riparian Corridors

(1) For the purposes of this rule, the following definitions apply:

(a) "Fish habitat" means those areas upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration.

(b) "Riparian area" is the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

(c) "Riparian corridor" is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.

(d) "Riparian corridor boundary" is an imaginary line that is a certain distance upland from the top bank, for example, as specified in section (5) of this rule.

(e) "Stream" is a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

(f) "Structure" is a building or other major improvement that is built, constructed, or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components, that are not customarily regulated through zoning ordinances.

(g) "Top of bank" shall have the same meaning as "bankfull stage" defined in OAR 141-085-0010(2).

(h) "Water area" is the area between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream, excluding man-made farm ponds.

(2) Local governments shall amend acknowledged plans in order to inventory riparian corridors and provide programs to achieve Goal 5 prior to or at the first periodic review following the effective date of this rule, except as provided in OAR 660-023-0250(5).

(3) Local governments shall inventory and determine significant riparian corridors by following either the safe harbor methodology described in section (5) of this rule or the standard inventory process described in OAR 660-023-0030 as modified by the requirements in section (4) of this rule. The local government may divide the riparian

corridor into a series of stream sections (or reaches) and regard these as individual resource sites.

(4) When following the standard inventory process in OAR 660-023-0030, local governments shall collect information regarding all water areas, fish habitat, riparian areas, and wetlands within riparian corridors. Local governments may postpone determination of the precise location of the riparian area on lands designated for farm or forest use until receipt of applications for local permits for uses that would conflict with these resources. Local governments are encouraged, but not required, to conduct field investigations to verify the location, quality, and quantity of resources within the riparian corridor. At a minimum, local governments shall consult the following sources, where available, in order to inventory riparian corridors along rivers, lakes, and streams within the jurisdiction:

- (a) Oregon Department of Forestry stream classification maps;
- (b) United States Geological Service (USGS) 7.5 minute quadrangle maps;
- (c) National Wetlands Inventory maps;
- (d) Oregon Department of Fish and Wildlife (ODFW) maps indicating fish habitat;
- (e) Federal Emergency Management Agency (FEMA) flood maps; and
- (f) Aerial photographs.

(5) As a safe harbor in order to address the requirements under OAR 660-023-0030, a local government may determine the boundaries of significant riparian corridors within its jurisdiction using a standard setback distance from all fish-bearing lakes and streams shown on the documents listed in subsections (a) through (f) of section (4) of this rule, as follows:

- (a) Along all streams with average annual stream flow greater than 1,000 cubic feet per second (cfs) the riparian corridor boundary shall be 75 feet upland from the top of each bank.
- (b) Along all lakes, and fish-bearing streams with average annual stream flow less than 1,000 cfs, the riparian corridor boundary shall be 50 feet from the top of bank.
- (c) Where the riparian corridor includes all or portions of a significant wetland as set out in OAR 660-023-0100, the standard distance to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland.
- (d) In areas where the top of each bank is not clearly defined, or where the predominant terrain consists of steep cliffs, local governments shall apply OAR 660-023-0030 rather than apply the safe harbor provisions of this section.

(6) Local governments shall develop a program to achieve Goal 5 using either the safe harbor described in section (8) of this rule or the standard Goal 5 ESEE process in OAR 660-023-0040 and 660-023-0050 as modified by section (7) of this rule.

(7) When following the standard ESEE process in OAR 660-023-0040 and 660-023-0050, a local government shall comply with Goal 5 if it identifies at least the following activities as conflicting uses in riparian corridors:

(a) The permanent alteration of the riparian corridor by placement of structures or impervious surfaces, except for:

(A) Water-dependent or water-related uses; and

(B) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area; and

(b) Removal of vegetation in the riparian area, except:

(A) As necessary for restoration activities, such as replacement of vegetation with native riparian species;

(B) As necessary for the development of water-related or water-dependent uses; and

(C) On lands designated for agricultural or forest use outside UGBs.

(8) As a safe harbor in lieu of following the ESEE process requirements of OAR 660-023-0040 and 660-023-0050, a local government may adopt an ordinance to protect a significant riparian corridor as follows:

(a) The ordinance shall prevent permanent alteration of the riparian area by grading or by the placement of structures or impervious surfaces, except for the following uses, provided they are designed and constructed to minimize intrusion into the riparian area:

(A) Streets, roads, and paths;

(B) Drainage facilities, utilities, and irrigation pumps;

(C) Water-related and water-dependent uses; and

(D) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.

(b) The ordinance shall contain provisions to control the removal of riparian vegetation, except that the ordinance shall allow:

(A) Removal of non-native vegetation and replacement with native plant species; and

(B) Removal of vegetation necessary for the development of water-related or water-dependent uses;

(c) Notwithstanding subsection (b) of this section, the ordinance need not regulate the removal of vegetation in areas zoned for farm or forest uses pursuant to statewide Goals 3 or 4;

(d) The ordinance shall include a procedure to consider hardship variances, claims of map error, and reduction or removal of the restrictions under subsections (a) and (b) of this section for any existing lot or parcel demonstrated to have been rendered not buildable by application of the ordinance; and

(e) The ordinance may authorize the permanent alteration of the riparian area by placement of structures or impervious surfaces within the riparian corridor boundary established under subsection (5)(a) of this rule upon a demonstration that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures. In no case shall such alterations occupy more than 50 percent of the width of the riparian area measured from the upland edge of the corridor.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0100

Wetlands

(1) For purposes of this rule, a "wetland" is an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

(2) Local governments shall amend acknowledged plans and land use regulations prior to or at periodic review to address the requirements of this division, as set out in OAR 660-023-0250(5) through (7). The standard inventory process requirements in OAR 660-023-0030 do not apply to wetlands. Instead, local governments shall follow the requirements of section (3) of this rule in order to inventory and determine significant wetlands.

(3) For areas inside urban growth boundaries (UGBs) and urban unincorporated communities (UUCs), local governments shall:

(a) Conduct a local wetlands inventory (LWI) using the standards and procedures of OAR 141-086-0110 through 141-086-0240 and adopt the LWI as part of the comprehensive plan or as a land use regulation; and

(b) Determine which wetlands on the LWI are "significant wetlands" using the criteria adopted by the Division of State Lands (DSL) pursuant to ORS 197.279(3)(b) and adopt the list of significant wetlands as part of the comprehensive plan or as a land use regulation.

(4) For significant wetlands inside UGBs and UUCs, a local government shall:

(a) Complete the Goal 5 process and adopt a program to achieve the goal following the requirements of OAR 660-023-0040 and 660-023-0050; or

(b) Adopt a safe harbor ordinance to protect significant wetlands consistent with this subsection, as follows:

(A) The protection ordinance shall place restrictions on grading, excavation, placement of fill, and vegetation removal other than perimeter mowing and other cutting necessary for hazard prevention; and

(B) The ordinance shall include a variance procedure to consider hardship variances, claims of map error verified by DSL, and reduction or removal of the restrictions under paragraph (A) of this subsection for any lands demonstrated to have been rendered not buildable by application of the ordinance.

(5) For areas outside UGBs and UUCs, local governments shall either adopt the statewide wetland inventory (SWI; see ORS 196.674) as part of the local comprehensive plan or as a land use regulation, or shall use a current version for the purpose of section (7) of this rule.

(6) For areas outside UGBs and UUCs, local governments are not required to amend acknowledged plans and land use regulations in order to determine significant wetlands and complete the Goal 5 process. Local governments that choose to amend acknowledged plans for areas outside UGBs and UUCs in order to inventory and protect significant wetlands shall follow the requirements of sections (3) and (4) of this rule.

(7) All local governments shall adopt land use regulations that require notification of DSL concerning applications for development permits or other land use decisions affecting wetlands on the inventory, as per ORS 227.350 and 215.418, or on the SWI as provided in section (5) of this rule.

(8) All jurisdictions may inventory and protect wetlands under the procedures and requirements for wetland conservation plans adopted pursuant to ORS 196.668 et seq.

A wetlands conservation plan approved by the director of DSL shall be deemed to comply with Goal 5 (ORS 197.279(1)).

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0110

Wildlife Habitat

(1) For purposes of this rule, the following definitions apply:

(a) "Documented" means that an area is shown on a map published or issued by a state or federal agency or by a professional with demonstrated expertise in habitat identification.

(b) "Wildlife habitat" is an area upon which wildlife depend in order to meet their requirements for food, water, shelter, and reproduction. Examples include wildlife migration corridors, big game winter range, and nesting and roosting sites.

(2) Local governments shall conduct the inventory process and determine significant wildlife habitat as set forth in OAR 660-023-0250(5) by following either the safe harbor methodology described in section (4) of this rule or the standard inventory process described in OAR 660-023-0030.

(3) When gathering information regarding wildlife habitat under the standard inventory process in OAR 660-023-0030(2), local governments shall obtain current habitat inventory information from the Oregon Department of Fish and Wildlife (ODFW), and other state and federal agencies. These inventories shall include at least the following:

(a) Threatened, endangered, and sensitive wildlife species habitat information;

(b) Sensitive bird site inventories; and

(c) Wildlife species of concern and/or habitats of concern identified and mapped by ODFW (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs).

(4) Local governments may determine wildlife habitat significance under OAR 660-023-0040 or apply the safe harbor criteria in this section. Under the safe harbor, local governments may determine that "wildlife" does not include fish, and that significant wildlife habitat is only those sites where one or more of the following conditions exist:

(a) The habitat has been documented to perform a life support function for a wildlife species listed by the federal government as a threatened or endangered species or by the state of Oregon as a threatened, endangered, or sensitive species;

(b) The habitat has documented occurrences of more than incidental use by a species described in subsection (a) of this section;

(c) The habitat has been documented as a sensitive bird nesting, roosting, or watering resource site for osprey or great blue herons pursuant to ORS 527.710 (Oregon Forest Practices Act) and OAR 629-024-0700 (Forest Practices Rules);

(d) The habitat has been documented to be essential to achieving policies or population objectives specified in a wildlife species management plan adopted by the Oregon Fish and Wildlife Commission pursuant to ORS Chapter 496; or

(e) The area is identified and mapped by ODFW as habitat for a wildlife species of concern and/or as a habitat of concern (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, or pigeon springs).

(5) For certain threatened or endangered species sites, publication of location information may increase the threat of habitat or species loss. Pursuant to ORS 192.501(13), local governments may limit publication, display, and availability of location information for such sites. Local governments may adopt inventory maps of these areas, with procedures to allow limited availability to property owners or other specified parties.

(6) As set out in OAR 660-023-0250(5), local governments shall develop programs to protect wildlife habitat following the standard procedures and requirements of OAR 660-023-0040 and 660-023-0050. Local governments shall coordinate with appropriate state and federal agencies when adopting programs intended to protect threatened, endangered, or sensitive species habitat areas.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 297.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0120

Federal Wild and Scenic Rivers

(1) At each periodic review, local governments shall amend acknowledged plans and land use regulations to address any federal Wild and Scenic River (WSR) and associated corridor established by the federal government that is not addressed by the

acknowledged plan. The standards and procedures of OAR 660-023-0030 through 660-023-0050 apply to WSRs, except as provided in this rule.

(2) Local governments shall not inventory WSRs using the standard process under OAR 660-023-0030, except that local governments shall follow the requirements of OAR 660-023-0030(5) by designating all WSRs as significant Goal 5 resources.

(3) A local government may delay completion of OAR 660-023-0040 and 660-023-0050 for a WSR until the federal government adopts a management plan for the WSR. Prior to the federal government adoption of a management plan, the local government shall notify the federal government of proposed development and changes of land use within the interim WSR corridor.

(4) Prior to or at the first periodic review following adoption of a management plan by the federal government for an established WSR, the local government shall adopt a program to protect the WSR and associated corridor by following the ESEE standards and procedures of OAR 660-023-0040 and 660-023-0050. The impact area determined under OAR 660-023-0040(3) shall be the WSR corridor that is established by the federal government. Notwithstanding the provisions of OAR 660-023-0040(5), the local program shall be consistent with the federal management plan.

(5) For any lands in a designated WSR corridor that are also within the impact area of a designated Oregon Scenic Waterway, the local government may apply the requirements of OAR 660-023-0130 rather than the applicable requirements of this rule in order to develop a program to achieve Goal 5.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0130

Oregon Scenic Waterways

(1) At each periodic review, local governments shall amend acknowledged plans and land use regulations to address any Oregon Scenic Waterway (OSW) and associated corridor that is not addressed by the acknowledged plan. The standards and procedures of OAR 660-023-0030 through 660-023-0050 apply to OSWs, except as provided in this rule.

(2) Local governments shall not inventory OSWs following all the steps of the standard inventory process under OAR 660-023-0030. Instead, local governments shall follow only the requirements of OAR 660-023-0030(5) by designating OSWs as significant Goal 5 resources.

(3) A local government may delay completion of the Goal 5 process (OAR 660-023-0040 and 660-023-0050) for an OSW until the Oregon Parks and Recreation Commission (OPRC) adopts a management plan for the OSW. Prior to the OPRC adoption of a management plan for the OSW, the local government shall:

(a) Notify the Oregon Parks and Recreation Department (OPRD) of proposed developments and changes of land use on land within the interim OSW corridor; and

(b) Inform landowners who apply to the local government for development approval or changes of land use within the OSW corridor of their notice obligations under ORS 390.845.

(4) Prior to or at the first periodic review following adoption of a management plan by the OPRC for an established OSW, the local government shall adopt a Goal 5 program for the OSW and associated corridor by following either the ESEE standards and procedures of OAR 660-023-0040 and 660-023-0050 or the safe harbor provisions in section (5) of this rule. The impact area determined under OAR 660-023-0040(3) shall be the scenic waterway and adjacent lands as set forth in ORS 390.805(2) and (3). Notwithstanding the provisions of OAR 660-023-0040(5), the local program for the OSW shall be consistent with the management plan adopted by OPRC.

(5) As a safe harbor, a local government may adopt only those plan and implementing ordinance provisions necessary to carry out the management plan adopted by OPRC rather than follow the ESEE standards and procedures of OAR 660-023-0040 and 660-023-0050.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0140

Groundwater Resources

(1) For purposes of this rule, the following definitions apply:

(a) "Delineation" is a determination that has been certified by the Oregon Health Division pursuant to OAR 333-061-0057, regarding the extent, orientation, and boundary of a wellhead protection area, considering such factors as geology, aquifer characteristics, well pumping rates, and time of travel.

(b) "Groundwater" is any water, except capillary moisture, beneath the land surface or beneath the bed of any stream, lake, reservoir, or other body of surface water.

(c) "Protect significant groundwater resources" means to adopt land use programs to help ensure that reliable groundwater is available to areas planned for development and to provide a reasonable level of certainty that the carrying capacity of groundwater resources will not be exceeded.

(d) "Public water system" is a system supplying water for human consumption that has four or more service connections, or a system supplying water to a public or commercial establishment that operates a total of at least 60 days per year and that is used by 10 or more individuals per day.

(e) "Wellhead protection area" is the surface and subsurface area surrounding a water well, spring, or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach that water well, spring, or wellfield.

(2) Local governments shall amend acknowledged plans prior to or at each periodic review in order to inventory and protect significant groundwater resources under Goal 5 only as provided in sections (3) through (5) of this rule. Goal 5 does not apply to other groundwater areas, although other statewide Goals, especially Goals 2, 6, and 11, apply to land use decisions concerning such groundwater areas. Significant groundwater resources are limited to:

(a) Critical groundwater areas and ground-water-limited areas designated by the Oregon Water Resources Commission (OWRC), subject to the requirements in section (3) of this rule applied in conjunction with the requirements of OAR 660-023-0030 through 660-023-0050; and

(b) Wellhead protection areas, subject to the requirements in sections (4) and (5) of this rule instead of the requirements in OAR 660-023-0030 through 660-023-0050.

(3) Critical groundwater areas and groundwater-limited areas designated by order of the OWRC pursuant to ORS 537.505 et seq. are significant groundwater resources. Following designation by OWRC, and in coordination with the Oregon Water Resources Department (WRD), local plans shall declare such areas as significant groundwater resources as per OAR 660-022-0030(5). Following the requirements of OAR 660-023-0040 and 660-023-0050 and this rule, local governments shall develop programs to protect these significant groundwater resources.

(4) A local government or water provider may delineate a wellhead protection area for wells or wellfields that serve lands within its jurisdiction. For the delineation of wellhead protection areas, the standards and procedures in OAR Chapter 333, Division 61 (Oregon Health Division rules) shall apply rather than the standards and procedures of OAR 660-023-0030.

(5) A wellhead protection area is a significant groundwater resource only if the area has been so delineated and either:

(a) The public water system served by the wellhead area has a service population greater than 10,000 or has more than 3,000 service connections and relies on groundwater from the wellhead area as the primary or secondary source of drinking water; or

(b) The wellhead protection area is determined to be significant under criteria established by a local government, for the portion of the wellhead protection area within the jurisdiction of the local government.

(6) Local governments shall develop programs to resolve conflicts with wellhead protection areas described under section (5) of this rule. In order to resolve conflicts with wellhead protection areas, local governments shall adopt comprehensive plan provisions and land use regulations, consistent with all applicable statewide goals, that:

(a) Reduce the risk of contamination of groundwater, following the standards and requirements of OAR Chapter 340, Division 40; and

(b) Implement wellhead protection plans certified by the Oregon Department of Environmental Quality (DEQ) under OAR 340-040-0180.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0150

Approved Oregon Recreation Trails

(1) For purposes of this rule, "recreation trail" means an Oregon Recreation Trail designated by rule adopted by the Oregon Parks and Recreation Commission (OPRC).

(2) Recreation trails are designated by OPRC in cooperation with local governments and private land owners. Local governments are not required to inventory recreation trails under OAR 660-023-0030. Instead, local governments shall designate all recreation trails designated by OPRC as significant Goal 5 resources. At each periodic review, local governments shall amend acknowledged plans to recognize any recreation trail designated by OPRC subsequent to acknowledgment or a previous periodic review.

(3) Local governments are not required to amend acknowledged plans or land use regulations in order to supplement OPRC protection of recreation trails. If a local

government chooses to supplement OPRC protection, it shall follow the requirements of OAR 660-023-0040 and 660-023-0050.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0160

Natural Areas

(1) For purposes of this rule, "natural areas" are areas listed in the Oregon State Register of Natural Heritage Resources.

(2) At periodic review, local governments shall consider information about natural areas not addressed at acknowledgment or in previous periodic reviews. Local governments shall inventory such areas as significant and develop a program to achieve the goal following the standard Goal 5 process in OAR 660-023-0040 and 660-023-0050.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0170

Wilderness Areas

(1) For purposes of this rule, "wilderness areas" are those areas designated as wilderness by the federal government.

(2) Local governments are not required to inventory wilderness areas using the procedures of OAR 660-023-0030, except that local governments shall list all federally designated wilderness areas as significant Goal 5 resources as provided under OAR 660-023-0030(5).

(3) At periodic review, local governments shall amend acknowledged plans to recognize any wilderness areas designated after the last periodic review or acknowledgment.

(4) A local government need not complete the Goal 5 process in OAR 660-023-0040 and 660-023-0050 for wilderness areas unless it chooses to provide additional

protection for the wilderness area, such as the regulation of conflicting uses in an impact area adjacent to the wilderness area.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0180

Mineral and Aggregate Resources

(1) For purposes of this rule, the following definitions apply:

(a) "Aggregate resources" are naturally occurring concentrations of stone, rock, sand and gravel, decomposed granite, lime, pumice, cinders, and other naturally occurring solid materials used in road building.

(b) "Conflicting use" is a use or activity that is subject to land use regulations and that would interfere with, or be adversely affected by, mining or processing activities at a significant mineral or aggregate resource site (as specified in sections 4(b) and (5) of this rule).

(c) "Existing site" is a significant aggregate site that is lawfully operating, or is included on an inventory in an acknowledged plan, on the applicable date of this rule.

(d) "Expansion area" is an aggregate mining area contiguous to an existing site.

(e) "Mining" is the extraction and processing of mineral or aggregate resources, in the manner provided under ORS 215.298(3).

(f) "Minimize a conflict" means to reduce an identified conflict to a level that is no longer significant. For those types of conflicts addressed by local, state, or federal standards (such as the Department of Environmental Quality standards for noise and dust levels) to "minimize a conflict" means to ensure conformance to the applicable standard.

(g) "Mining area" is the area of a site within which mining is permitted or proposed, excluding undisturbed buffer areas or areas on a parcel where mining is not authorized.

(h) "Processing" means the activities described in ORS 517.750(11).

(i) "Protect" means to adopt land use regulations for a significant mineral or aggregate site in order to authorize mining of the site and to limit or prohibit new conflicting uses within the impact area of the site.

(j) "Width of aggregate layer" means the depth of the water-lain deposit of sand, stones, and pebbles of sand-sized fraction or larger, minus the depth of the topsoil and nonaggregate overburden.

(k) "Willamette Valley" means Benton, Clackamas, Columbia, Linn, Marion, Multnomah, Polk, Washington, and Yamhill counties and the portion of Lane County east of the summit of the Coast Range.

(2) Local governments are not required to amend acknowledged inventories or plans with regard to mineral and aggregate resources except in response to an application for a PAPA, or at periodic review as specified in OAR 660-023-0180(7). The requirements of this rule either modify, supplement, or supersede the requirements of the standard Goal 5 process in OAR 660-023-0030 through 660-023-0050, as follows:

(a) A local government may inventory mineral and aggregate resources throughout its jurisdiction, or in a portion of its jurisdiction. When a local government conducts an inventory of mineral and aggregate sites in all or a portion of its jurisdiction, it shall follow the requirements of OAR 660-023-0030 as modified by subsection (b) of this section. When a local government is following the inventory process for a mineral or aggregate resource site filed under a PAPA, it shall follow only the applicable requirements of OAR 660-023-0030, except as provided in sections (3) and (6) of this rule;

(b) Local governments shall apply the criteria in section (3) of this rule rather than OAR 660-023-0030(4) in determining whether an aggregate resource site is significant;

(c) Local governments shall follow the requirements of section (4) of this rule in deciding whether to authorize the mining of a significant mineral or aggregate resource site; and

(d) For significant mineral and aggregate sites where mining is allowed, local governments shall decide on a program to protect the site from new off-site conflicting uses by following the standard ESEE process in OAR 660-023-0040 and 660-023-0050 with regard to such uses.

(3) An aggregate resource site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource demonstrates that the site meets any one of the criteria in subsections (a) through (c) of this section, except as provided in subsection (d) of this section:

(a) A representative set of samples of aggregate material in the deposit on the site meets Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and sodium sulfate soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or 100,000 tons outside the Willamette Valley;

(b) The material meets local government standards establishing a lower threshold for significance than subsection (a) of this section; or

(c) The aggregate site is on an inventory of significant aggregate sites in an acknowledged plan on the applicable date of this rule.

(d) Notwithstanding subsections (a) through (c) of this section, except for an expansion area of an existing site if the operator of the existing site on March 1, 1996 had an enforceable property interest in the expansion area on that date, an aggregate site is not significant if the criteria in either paragraphs (A) or (B) of this subsection apply:

(A) More than 35 percent of the proposed mining area consists of soil classified as Class I on Natural Resource and Conservation Service (NRCS) maps on the date of this rule; or

(B) More than 35 percent of the proposed mining area consists of soil classified as Class II, or of a combination of Class II and Class I or Unique soil on NRCS maps available on the date of this rule, unless the average width of the aggregate layer within the mining area exceeds:

(i) 60 feet in Washington, Multnomah, Marion, Columbia, and Lane counties;

(ii) 25 feet in Polk, Yamhill, and Clackamas counties; or

(iii) 17 feet in Linn and Benton counties.

(4) For significant mineral and aggregate sites, local governments shall decide whether mining is permitted. For a PAPA application involving a significant aggregate site, the process for this decision is set out in subsections (a) through (g) of this section. For a PAPA involving a significant aggregate site, a local government must complete the process within 180 days after receipt of a complete application that is consistent with section (6) of this rule, or by the earliest date after 180 days allowed by local charter. The process for reaching decisions about aggregate mining is as follows:

(a) The local government shall determine an impact area for the purpose of identifying conflicts with proposed mining and processing activities. The impact area shall be large enough to include uses listed in subsection (b) of this section and shall be limited to 1,500 feet from the boundaries of the mining area, except where factual information indicates significant potential conflicts beyond this distance. For a proposed expansion of an existing aggregate site, the impact area shall be measured from the perimeter of the proposed expansion area rather than the boundaries of the existing aggregate site and shall not include the existing aggregate site.

(b) The local government shall determine existing or approved land uses within the impact area that will be adversely affected by proposed mining operations and shall specify the predicted conflicts. For purposes of this section, "approved land uses" are

dwelling allowed by a residential zone on existing platted lots and other uses for which conditional or final approvals have been granted by the local government. For determination of conflicts from proposed mining of a significant aggregate site, the local government shall limit its consideration to the following:

(A) Conflicts due to noise, dust, or other discharges with regard to those existing and approved uses and associated activities (e.g., houses and schools) that are sensitive to such discharges;

(B) Potential conflicts to local roads used for access and egress to the mining site within one mile of the entrance to the mining site unless a greater distance is necessary in order to include the intersection with the nearest arterial identified in the local transportation plan. Conflicts shall be determined based on clear and objective standards regarding sight distances, road capacity, cross section elements, horizontal and vertical alignment, and similar items in the transportation plan and implementing ordinances. Such standards for trucks associated with the mining operation shall be equivalent to standards for other trucks of equivalent size, weight, and capacity that haul other materials;

(C) Safety conflicts with existing public airports due to bird attractants, i.e., open water impoundments. This paragraph shall not apply after the effective date of commission rules adopted pursuant to Chapter 285, Oregon Laws 1995;

(D) Conflicts with other Goal 5 resource sites within the impact area that are shown on an acknowledged list of significant resources and for which the requirements of Goal 5 have been completed at the time the PAPA is initiated;

(E) Conflicts with agricultural practices; and

(F) Other conflicts for which consideration is necessary in order to carry out ordinances that supersede Oregon Department of Geology and Mineral Industries (DOGAMI) regulations pursuant to ORS 517.780;

(c) The local government shall determine reasonable and practicable measures that would minimize the conflicts identified under subsection (b) of this section. To determine whether proposed measures would minimize conflicts to agricultural practices, the requirements of ORS 215.296 shall be followed rather than the requirements of this section. If reasonable and practicable measures are identified to minimize all identified conflicts, mining shall be allowed at the site and subsection (d) of this section is not applicable. If identified conflicts cannot be minimized, subsection (d) of this section applies.

(d) The local government shall determine any significant conflicts identified under the requirements of subsection (c) of this section that cannot be minimized. Based on these conflicts only, local government shall determine the ESEE consequences of either

allowing, limiting, or not allowing mining at the site. Local governments shall reach this decision by weighing these ESEE consequences, with consideration of the following:

- (A) The degree of adverse effect on existing land uses within the impact area;
- (B) Reasonable and practicable measures that could be taken to reduce the identified adverse effects; and
- (C) The probable duration of the mining operation and the proposed post-mining use of the site.

(e) Where mining is allowed, the plan and implementing ordinances shall be amended to allow such mining. Any required measures to minimize conflicts, including special conditions and procedures regulating mining, shall be clear and objective. Additional land use review (e.g., site plan review), if required by the local government, shall not exceed the minimum review necessary to assure compliance with these requirements and shall not provide opportunities to deny mining for reasons unrelated to these requirements, or to attach additional approval requirements, except with regard to mining or processing activities:

(A) For which the PAPA application does not provide information sufficient to determine clear and objective measures to resolve identified conflicts;

(B) Not requested in the PAPA application; or

(C) For which a significant change to the type, location, or duration of the activity shown on the PAPA application is proposed by the operator.

(f) Where mining is allowed, the local government shall determine the post-mining use and provide for this use in the comprehensive plan and land use regulations. For significant aggregate sites on Class I, II and Unique farmland, local governments shall adopt plan and land use regulations to limit post-mining use to farm uses under ORS 215.203, uses listed under ORS 215.213(1) or 215.283(1), and fish and wildlife habitat uses, including wetland mitigation banking. Local governments shall coordinate with DOGAMI regarding the regulation and reclamation of mineral and aggregate sites, except where exempt under ORS 517.780.

(g) Local governments shall allow a currently approved aggregate processing operation at an existing site to process material from a new or expansion site without requiring a reauthorization of the existing processing operation unless limits on such processing were established at the time it was approved by the local government.

(5) Local governments shall follow the standard ESEE process in OAR 660-023-0040 and 660-023-0050 to determine whether to allow, limit, or prevent new conflicting uses within the impact area of a significant mineral and aggregate site. (This requirement

does not apply if, under section (4) of this rule, the local government decides that mining will not be authorized at the site.)

(6) In order to determine whether information in a PAPA submittal concerning an aggregate site is adequate, local government shall follow the requirements of this section rather than OAR 660-023-0030(3). An application for a PAPA concerning a significant aggregate site shall be adequate if it includes:

(a) Information regarding quantity, quality, and location sufficient to determine whether the standards and conditions in section (3) of this rule are satisfied;

(b) A conceptual site reclamation plan;

(NOTE: Final approval of reclamation plans resides with DOGAMI rather than local governments, except as provided in ORS 517.780)

(c) A traffic impact assessment within one mile of the entrance to the mining area pursuant to section (4)(b)(B) of this rule;

(d) Proposals to minimize any conflicts with existing uses preliminarily identified by the applicant within a 1,500 foot impact area; and

(e) A site plan indicating the location, hours of operation, and other pertinent information for all proposed mining and associated uses.

(7) Local governments shall amend the comprehensive plan and land use regulations to include procedures and requirements consistent with this rule for the consideration of PAPAs concerning aggregate resources. Until such local regulations are adopted, the procedures and requirements of this rule shall be directly applied to local government consideration of a PAPA concerning mining authorization, unless the local plan contains specific criteria regarding the consideration of a PAPA proposing to add a site to the list of significant aggregate sites, provided:

(a) Such regulations were acknowledged subsequent to 1989; and

(b) Such regulations shall be amended to conform to the requirements of this rule at the next scheduled periodic review, except as provided under OAR 660-023-0250(7).

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225- ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0190

Energy Sources

(1) For purposes of this rule,

(a) "Energy source" includes naturally occurring locations, accumulations, or deposits of one or more of the following resources used for the generation of energy: natural gas, surface water (i.e., dam sites), geothermal, solar, and wind areas. Energy sources applied for or approved through the Oregon Energy Facility Siting Council (EFSC) or the Federal Energy Regulatory Commission (FERC) shall be deemed significant energy sources for purposes of Goal 5.

(b) "Protect," for energy sources, means to adopt plan and land use regulations for a significant energy source that limit new conflicting uses within the impact area of the site and authorize the present or future development or use of the energy source at the site.

(2) In accordance with OAR 660-023-0250(5), local governments shall amend their acknowledged comprehensive plans to address energy sources using the standards and procedures in OAR 660-023-0030 through 660-023-0050. Where EFSC or FERC regulate a local site or an energy facility that relies on a site specific energy source, that source shall be considered a significant energy source under OAR 660-023-0030. Alternatively, local governments may adopt a program to evaluate conflicts and develop a protection program on a case-by-case basis, i.e., upon application to develop an individual energy source, as follows:

(a) For proposals involving energy sources under the jurisdiction of EFSC or FERC, the local government shall comply with Goal 5 by amending its comprehensive plan and land use regulations to implement the EFSC or FERC decision on the proposal as per ORS 469.503; and

(b) For proposals involving energy sources not under the jurisdiction of EFSC or FERC, the local government shall follow the standards and procedures of OAR 660-023-0030 through 660-023-0050.

(3) Local governments shall coordinate planning activities for energy sources with the Oregon Department of Energy.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0200

Historic Resources

(1) For purposes of this rule, the following definitions apply:

(a) "Designation" is a decision by a local government declaring that a historic resource is "significant" and including the resource on the list of significant historic resources.

(b) "Historic areas" are lands with buildings, structures, objects, sites, or districts that have local, regional, statewide, or national historic significance.

(c) "Historic resources" are those buildings, structures, objects, sites, or districts that have a relationship to events or conditions of the human past.

(d) "Historic resources of statewide significance" are buildings, structures, objects, sites, or districts listed in the National Register of Historic Places, and within approved national register historic districts pursuant to the National Historic Preservation Act of 1966 (PL 89-665; 16 U.S.C. 470).

(e) "Protect" means to require local government review of applications for demolition, removal, or major exterior alteration of a historic resource.

(2) Local governments are not required to amend acknowledged plans or land use regulations in order to provide new or amended inventories or programs regarding historic resources, except as specified in this rule. The requirements of the standard Goal 5 process (see OAR 660-023-0030 through 660-023-0050) in conjunction with the requirements of this rule apply when local governments choose to amend acknowledged historic preservation plans and regulations. However, the sequence of steps in the standard process is not recommended, as per section (3) of this rule. The provisions in section (3) of this rule are advisory only. Sections (4) through (9) of this rule are mandatory for all local governments, except where the rule provides recommended or optional criteria.

(3) Local comprehensive plans should foster and encourage the preservation, management, and enhancement of structures, resources, and objects of historic significance within the jurisdiction in a manner conforming with, but not limited by, the provisions of ORS 358.605. In developing local historic preservation programs, local governments should follow the recommendations in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. Where possible, local governments should develop a local historic context statement and adopt a historic preservation plan and a historic preservation ordinance before commencement of local historic inventories.

(4) Local governments shall provide broad public notice prior to the collection of information about historic resources. Local governments shall notify landowners about opportunities to participate in the inventory process. Local governments may delegate the determination of significant historic sites to a local planning commission or historic resources commission. The determination of significance should be based on the

National Register Criteria for Evaluation or the Secretary of the Interior's Standards for Evaluation.

(5) Local governments shall adopt or amend the list of significant historic resource sites (i.e., "designate" such sites) as a land use regulation. Local governments shall allow owners of inventoried historic resources to refuse historic resource designation at any time prior to adoption of the designation and shall not include a site on a list of significant historic resources if the owner of the property objects to its designation.

(6) The local government shall allow a property owner to remove from the property a historic property designation that was imposed on the property by the local government.

(7) Local governments are not required to apply the ESEE process in order to determine a program to protect historic resources. Rather, local governments are encouraged to adopt historic preservation regulations regarding the demolition, removal, or major exterior alteration of all designated historic resources. Historic protection ordinances should be consistent with standards and guidelines recommended in the Standards and Guidelines for Archeology and Historic Preservation published by the U.S. Secretary of the Interior.

(8) Local governments shall protect all historic resources of statewide significance through local historic protection regulations, regardless of whether these resources are "designated" in the local plan.

(9) A local government shall not issue a permit for demolition or modification of a historic resource described under subsection (6) of this rule for at least 120 days from the date a property owner requests removal of historic resource designation from the property.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0220

Open Space

(1) For purposes of this rule, "open space" includes parks, forests, wildlife preserves, nature reservations or sanctuaries, and public or private golf courses.

(2) Local governments are not required to amend acknowledged comprehensive plans in order to identify new open space resources. If local governments decide to amend acknowledged plans in order to provide or amend open space inventories, the

requirements of OAR 660-023-0030 through 660-023-0050 shall apply, except as set forth in section (3) of this rule.

(3) Local governments may adopt a list of significant open space resource sites as an open space acquisition program. Local governments are not required to apply the requirements of OAR 660-023-0030 through 660-023-0050 to such sites unless land use regulations are adopted to protect such sites prior to acquisition.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0230

Scenic Views and Sites

(1) For purposes of this rule, "scenic views and sites" are lands that are valued for their aesthetic appearance.

(2) Local governments are not required to amend acknowledged comprehensive plans in order to identify scenic views and sites. If local governments decide to amend acknowledged plans in order to provide or amend inventories of scenic resources, the requirements of OAR 660-023-0030 through 660-023-0050 shall apply.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0240

Relationship of Goal 5 to Other Goals

(1) The requirements of Goal 5 do not apply to the adoption of measures required by Goals 6 and 7. However, to the extent that such measures exceed the requirements of Goals 6 or 7 and affect a Goal 5 resource site, the local government shall follow all applicable steps of the Goal 5 process.

(2) The requirements of Goals 15, 16, 17, and 19 shall supersede requirements of this division for natural resources that are also subject to and regulated under one or more of those goals. However, local governments may rely on a Goal 5 inventory produced under OAR 660-023-0030 and other applicable inventory requirements of this division to satisfy the inventory requirements under Goal 17 for resource sites subject to Goal 17.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

660-023-0250

Applicability

(1) This division replaces OAR 660, Division 16, except with regard to cultural resources, and certain PAPAs and periodic review work tasks described in sections (2) and (4) of this rule. Local governments shall follow the procedures and requirements of this division or OAR 660, Division 16, whichever is applicable, in the adoption or amendment of all plan or land use regulations pertaining to Goal 5 resources. The requirements of Goal 5 do not apply to land use decisions made pursuant to acknowledged comprehensive plans and land use regulations.

(2) The requirements of this division are applicable to PAPAs initiated on or after September 1, 1996. OAR 660, Division 16 applies to PAPAs initiated prior to September 1, 1996. For purposes of this section "initiated" means that the local government has deemed the PAPA application to be complete.

(3) Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

(a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;

(b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or

(c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.

(4) Consideration of a PAPA regarding a specific resource site, or regarding a specific provision of a Goal 5 implementing measure, does not require a local government to revise acknowledged inventories or other implementing measures, for the resource site or for other Goal 5 sites, that are not affected by the PAPA, regardless of whether such inventories or provisions were acknowledged under this rule or under OAR 660, Division 16.

(5) Local governments are required to amend acknowledged plan or land use regulations at periodic review to address Goal 5 and the requirements of this division only if one or more of the following conditions apply, unless exempted by the director under section (7) of this rule:

(a) The plan was acknowledged to comply with Goal 5 prior to the applicability of OAR 660, Division 16, and has not subsequently been amended in order to comply with that division;

(b) The jurisdiction includes riparian corridors, wetlands, or wildlife habitat as provided under OAR 660-023-0090 through 660-023-0110, or aggregate resources as provided under OAR 660-023-0180; or

(c) New information is submitted at the time of periodic review concerning resource sites not addressed by the plan at the time of acknowledgement or in previous periodic reviews, except for historic, open space, or scenic resources.

(6) If a local government undertakes a Goal 5 periodic review task that concerns specific resource sites or specific Goal 5 plan or implementing measures, this action shall not by itself require a local government to conduct a new inventory of the affected Goal 5 resource category, or revise acknowledged plans or implementing measures for resource categories or sites that are not affected by the work task.

(7) The director may exempt a local government from a work task for a resource category required under section (5) of this rule. The director shall consider the following factors in this decision:

(a) Whether the plan and implementing ordinances for the resource category substantially comply with the requirements of this division; and

(b) The resources of the local government or state agencies available for periodic review, as set forth in ORS 197.633(3)(g).

(8) Local governments shall apply the requirements of this division to work tasks in periodic review work programs approved or amended under ORS 197.633(3)(g) after September 1, 1996. Local governments shall apply OAR 660, Division 16, to work tasks in periodic review work programs approved before September 1, 1996, unless the local government chooses to apply this division to one or more resource categories, and provided:

(a) The same division is applied to all work tasks concerning any particular resource category;

(b) All the participating local governments agree to apply this division for work tasks under the jurisdiction of more than one local government; and

(c) The local government provides written notice to the department. If application of this division will extend the time necessary to complete a work task, the director or the commission may consider extending the time for completing the work task as provided in OAR 660-025-0170.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

The official copy of an Oregon Administrative Rule is contained in the Administrative Order filed at the Archives Division, 800 Summer St. NE, Salem, Oregon 97310. Any discrepancies with the published version are satisfied in favor of the Administrative Order. The Oregon Administrative Rules and the Oregon Bulletin are copyrighted by the Oregon Secretary of State.

APPENDIX E:

GLOSSARY

A GLOSSARY OF TERMS AND ACRONYMS

AGENCIES

- DLCD** Department of Land Conservation and Development is the agency that aids in implementing State of Oregon Land Use laws.
- DSL -** Oregon Division of State Lands (the State agency that regulates wetlands and waters of the State)
- LCDC** The State of Oregon's Land Conservation and Development Commission (LCDC) is made up of seven unpaid citizen volunteers appointed by the Governor and confirmed by the Senate. The commission directs the work of the DLCD.
- NMFS -** National Marine Fisheries Service (the federal agency responsible for ESA listed marine and anadromous fish species)

STATE AND FEDERAL LAWS

- ESA -** The Federal Endangered Species Act purpose statement reads "...to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved (and) to provide a program for the conservation of such endangered species and threatened species..."
- Goal 5 -** One of nineteen statewide planning goals that is intended "to conserve open space and protect natural and scenic resources." Every city and county in the state is required to inventory, determine the significance of, and conserve these resources.
- Title 3 -** The Water Quality and Flood Management Conservation portion of Metro's Urban Growth Management Functional Plan. (Metro code 3.07.310-3.07.370).

SCIENTIFIC AND REGULATORY TERMS

- ESEE-** "ESEE consequences" are the positive and negative economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use.
- Riparian -** Goal 5 defines "riparian area" as the area adjacent to a river, lake or stream consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

Wildlife Habitat

Resource Area -Wildlife Habitat Resource Areas, as used in this project, are defined as upland (non-wetland) forested areas. Minimum forest size mapped was at least one acre. Hazelnut (filbert) orchards were excluded, and small clumps of trees and areas with only a few scattered trees were not included as upland forested areas. Meadows were not included in this inventory since no native prairie meadows are present within the study area (upland fields have been modified in some way by plowing, planting, mowing).

- Wetland -** Wetlands are federally defined as: "Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils conditions." Wetlands generally include swamps,

marshes, bogs, and similar areas, but may also include seasonally wet meadows, farmed wetlands and other areas that may not appear “wet” year round. Wetlands typically display three wetland criteria: a predominance of hydrophytic (wetland) vegetation, the presence of hydric (wet) soils, and wetland hydrology (ponding or near-surface saturated soils for at least 5 percent of the growing season).

TOOLS

GIS - Geographic Information Systems. Computer software that allows a user to analyze, query and map spatial data. GIS is the tool used to produce display maps.

APPENDIX F:

REFERENCES

Brown, Gardener M. and Henry O. Pollakowski. (1977). "Economic Valuation of Shoreline," *Review of Economics and Statistics*. v.59

City of Portland Bureau of Planning and Adolfsen Associates, 1999. ESEE Analysis and Recommendations for Natural, Scenic and Open Space Resources within Multnomah County Unincorporated Urban Areas. Prepared for Multnomah County Department of Environmental Services Division of Planning and Development.

LCDC. 1996. Land Conservation and Development Commission *Statewide Planning Goal 5*, Amended June 14, 1996, Effective September 1, 1996.

May, C. W., R. R. Horner, J. R. Karr, B. W. Mar, E. B. Welch. 1997. *Effects of Urbanization on Small Streams in the Puget Sound Lowland Ecoregion*. Watershed Protection Techniques. Vol. 2, No. 4.

Metro. 2001. Determining Significant Resources and Regional Resources, A Discussion Paper, October 17, 2001 (aquatic and terrestrial habitat needs tables).

Metro. 2001. *Metro's Scientific Literature Review for Goal 5*. Revised Draft. August 2001.

METRO. 2000. Regional Land Information System GIS database, August 2000.

METRO Regional Resources Proposed Regulated Areas Riparian Goal 5 maps [maps show proposed regulated areas, flood areas, steeply-sloped ravines, floodplain streams and rivers, and mid-section and headwater streams; 42 sheets].

Metro Growth Management Services, Development Of Measures To Conserve, Protect And Restore Riparian Corridors In The Metro Region "Streamside Cpr", December 1999

Multnomah County fish passage culvert survey

ODFW, Personal Communication, February 2001

Fishman, Paul, Personal Communication, 2001

Spence, B.C., G.A. Lomnický, R.M. Hughes, and R.P. Novitzki. 1996. An ecosystem approach to salmonid conservation. TR-4501-96-6057. ManTech Environmental Research Services Corp., Corvallis, Oregon

USGS. 1961, photorevised 1970 & 1975. Camas, Washington-Oregon 7.5' topographic quadrangle.

USGS. 1961, photorevised 1970 & 1975. Washougal, Washington-Oregon 7.5' topographic quadrangle.

USGS. 1961, Photorevised 1984. Damascus, Oregon 7.5' topographic quadrangle.

USGS. 1961, Photorevised 1985. Sandy, Oregon 7.5' topographic quadrangle.

Watershed Professionals Network. 1999. Oregon Watershed Assessment Manual June 1999. Prepared for the Governor's Watershed Enhancement board, Salem, Oregon.

Winterowd Planning Services. 1995, revised January, 1997. East of Sandy River Wildlife Habitat and Stream Corridor ESEE Report. Prepared for Multnomah County Department of Environmental Services and Division of Planning and Development.

APPENDIX G:

PROJECT STAFF MEMBERS

Appendix H: Project Staff Members

Staff Qualifications

Fishman Environmental Services

Project Manager: Daniel J Stark, AICP, Natural Resource Planner/GIS Program Manager

Responsibilities: Dan provided project management and coordination with the Multnomah County Project Manager, presented the inventory information and maps to the Task Force, provided coordination of GIS mapping and database development, and provided review and quality assurance of all inventory and assessment products.

Field Inventory Staff: Stacy N. Benjamin, M.S., Wetland Ecologist

Responsibilities: Stacy managed the field inventory, mapped the riparian corridors and wildlife habitat units, conducted the riparian corridor and wildlife habitat assessment, prepared the resource site summary sheets and summary tables, and prepared the Goal 5 report. Stacy also provided quality control of map products.

Field Inventory Staff: Christie Galen, B.S., Senior Ecologist

Responsibilities: Christie assisted with the field inventory and preparation of the report and resource unit summary sheets.

GIS Staff: Rafael Gutierrez, B.S., M.S. (in progress), GIS Analyst

Responsibilities: Rafael digitized riparian corridor and wildlife habitat units into ArcView and coordinated GIS database development.

Project / Contract Oversight: Paul A. Fishman, M.S., CEP, Principal Ecologist

Responsibilities: Paul provided contract management oversight and assistance as necessary in this project, report review and editing, and guidance on the current state of affairs for riparian corridor analysis, Metro Title 3 issues, and the Endangered Species Act as it relates to fish.

Parametrix, Inc.

Product Review and ESEE Analysis Jason Franklin, AICP, MURP

Responsibilities: Jason was the overall project manager for the West of Sandy River Transportation and Land Use Plan. He provided review of the ESEE and additional ESEE analysis in section 6 of the document.

APPENDIX H

FISH AND WILDLIFE HABITAT NEEDS TABLES

Range of recommended minimum riparian area widths for fish and wildlife habitat

AQUATIC HABITAT			
Function		Reference	Minimum width (each side of stream)
Temperature regulation and shade	Shade	FEMAT 1993	100 ft
	Shade	Castelle et al. 1994	50-100 ft
	Shade	Spence et al. 1996	98 ft
	Shade	May 2000	98 ft
	Shade	Osborne and Kovacic 1993	33-98 ft
	Shade/reduce solar radiation	Brosofske et al. 1997	250 ft
	Control temperature by shading	Johnson and Ryba 1992	39-141 ft
Bank stabilization and sediment control	Bank stabilization	Spence et al. 1996	170 ft
	Sediment removal and erosion control	May 2000	98 ft
	Ephemeral streams	Clinnick et al. 1985	66 ft
	Bank stabilization	FEMAT 1993	½ SPTH
	Sediment control	Erman et al. 1977	100 ft
	Sediment control	Moring 1982	98 ft
	Sediment removal	Johnson and Ryba 1992	10 ft (sand) – 400 ft (clay)
Pollutant removal	High mass wasting area	Cederholm 1994	125 ft
	Nitrogen	Wenger 1999	50-100 ft
	General pollutant removal	May 2000	98 ft
	Filter metals and nutrients	Castelle et al. 1994	100 ft
	Pesticides	Wenger 1999	>49 ft
Large woody debris and organic litter	Nutrient removal	Johnson and Ryba 1992*	13 – 141 ft
	Large woody debris	FEMAT 1993	1 SPTH
	Large woody debris	Spence et al. 1996	1 SPTH
	Large woody debris	Wenger 1999	1 SPTH
	Large woody debris	May 2000*	262 ft
	Large woody debris	McDade et al. 1990	150 ft
	Small woody debris	Pollock and Kennard 1998	100 ft
	Organic litterfall	FEMAT 1993	½ SPTH
	Organic litterfall	Erman et al. 1977	100 ft
	Organic litterfall	Spence et al. 1996	170 ft
Aquatic wildlife	Cutthroat trout	Hickman and Raleigh 1982	98 ft
	Brook trout	Raleigh 1982	98 ft
	Chinook salmon	Raleigh et al. 1986	98 ft
	Rainbow trout	Raleigh et al. 1984	98 ft
	Cutthroat trout, rainbow trout and steelhead	Knutson and Naef 1997	50 – 200 ft
	Maintenance of benthic communities (aquatic insects)	Erman et al. 1977	100 ft
	Shannon index of macroinvertebrate diversity.	Gregory et al. 1987	100 ft
	Trout and salmon influence zone (Western Washington)	Castelle et al. 1992	200 ft

*Source: Metro. (October 17, 2001) "Determining Significant Resources and Regional Resources"

TERRESTRIAL HABITAT			
Function		Reference	Minimum width (each side of stream)
Wildlife needs	Willow flycatcher nesting	Knutson and Naef 1997	123 ft
	Frogs and salamanders	NRCS 1995	100 ft
	Full complement of herpetofauna	Rudolph and Dickson 1990	>100 ft
	Belted Kingfisher roosts	USFWS HEP Model	100 – 200 ft
	Deer	NRCS 1995	200 ft
	Smaller mammals	Allen 1983	214 – 297 ft
	Birds	Jones et al. 1988	246 – 656 ft
	Beaver	NRCS 1995	300 ft
	Minimum distance needed to support area-sensitive Neotropical migratory birds	Hodges and Krementz 1996	328 ft
	Western pond turtle nests	Knutson and Naef 1997	330 ft
	Pileated woodpecker	Castelle et al. 1992	450 ft
	Bald eagle nest, roost, perch Nesting ducks, heron rookery and sandhill cranes	Castelle et al. 1992	600 ft
	Pileated woodpecker nesting	Small 1982	328 ft
	Mule deer fawning	Knutson and Naef 1997	600 ft
	Rufous-sided towhee breeding populations	Knutson and Naef 1997	656 ft
	General wildlife habitat	FEMAT 1993	100-600 ft
	General wildlife habitat	Todd 2000	100-325 ft
	General wildlife habitat	May 2000	328 ft
Edge effect	Interior bird species	Tassone 1981	164 ft
	Neotropical migrants	Keller et al. 1993	328 ft
	Effect of increased predation	Wilcove et al. 1986	2,000 ft
	Noise reduction of a mature evergreen buffer	Harris 1985	20 ft
	Reduce commercial noise	Groffman et al. 1990	100 ft
LWD and structural complexity	Snags and downed wood	FEMAT 1993	1 SPTH outside the buffer
	Width necessary to minimize non-native vegetation	Hennings 2001	650 ft
Movement corridors	Travel corridor for red fox and marten	Small 1982	328 ft
	Minimum to allow for interior habitat species movement	Environment Canada 1998	328 ft
Microclimate	Maintain microclimate	May 2000	328 ft
	Prevent wind damage	Pollock and Kennard 1998	75 ft
	Approximate natural conditions	Brosofske et al. 1997	250 ft
	Maintain microclimate	Knutson and Naef 1997	200-525 ft
	Maintain humidity and soil temperature	Chen et al. 1995	98 – 787 ft
	Maintain microclimate	FEMAT 1993	3 SPTH

*Source: Metro. (October 17, 2001) "Determining Significant Resources and Regional Resources"

EXHIBIT C

CHAPTER 36: WEST OF SANDY RIVER RURAL PLAN AREA

§§:

PART 1 – GENERAL PROVISIONS

- 36.0000- Title.
- 36.0005 Definitions
- 36.0010 Districts.
- 36.0015 Zoning Map.

PART 2 – PLANNING AUTHORITY

GENERAL PROVISIONS

- 36.0055- Policy and Purpose.
- 36.0060 Severability.
- 36.0065 Applicable Administration and Procedures Provisions.

PLANNING COMMISSION

- 36.0100- Planning Commission Established.
- 36.0105 Membership of Commission.
- 36.0110 Terms Of Office Of Commission Members.
- 36.0115 Vacancies And Removal Of Commission Members.
- 36.0120 Officers.
- 36.0125 Committees.
- 36.0130 Rules Of Procedures; Conflict Of Interest.
- 36.0135 Coordination.
- 36.0140 Powers And Duties Of Commission.

PART 3 – ADMINISTRATION and ENFORCEMENT

PERMITS AND CERTIFICATES

- 36.0510- Temporary Permits
- 36.0515 Temporary Health Hardship Permit
- 36.0520 Historical Structures and Sites Permits
- 36.0525 Certificate of Occupancy.
- 36.0530 Bus Passenger Shelters.
- 36.0535 Responses To An Emergency/Disaster Event.

PLANNING DIRECTOR

- 36.0600- Planning Director.
- 36.0605 Enforcement.

VIOLATIONS and ENFORCEMENT

- 36.0910- Violations and Enforcement.
- 36.0915 Penalties.
- 36.0920 Savings Clause.

PART 4 – ZONING DISTRICTS

COMMERCIAL FOREST USE CFU

- 36.2000- Purposes.
- 36.2005 Area Affected.
- 36.2010 Definitions.
- 36.2015 Uses.
- 36.2020 Allowed Uses.
- 36.2025 Review Uses.
- 36.2030 Conditional Uses.
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**PART I –
GENERAL PROVISIONS**

§ 36.0000- TITLE.

This Chapter shall be known and may be cited as the Zoning Ordinance of Multnomah County, Oregon.

§ 36.0005 DEFINITIONS

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

(A) (1) **Accessory Building** - A subordinate building, the use of which is clearly incidental to that of the main building on the same lot.

(2) **Accessway** - A private street which is not a part of a lot or parcel and which provides access to more than one lot or parcel.

(3) **Agriculture** - The tilling of the soil, the raising of crops, dairying and/or animal husbandry, but not including the keeping or raising of fowl, pigs, or furbearing animals unless such is clearly incidental to the principal use of the property for the raising of crops.

(4) **Agricultural Land** -

(a) Land of predominantly Class I, II, III and IV soils, as identified in the Soil Capability Classification System of the United States Soil Conservation Service.

(b) Other land suitable for farm use, taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, and accepted farming practices; and,

(c) Land in other soil classes which is necessary to permit farm practices to be undertaken on adjacent or nearby lands.

(5) **Agricultural Support Service** - As used in the rural communities of Orient and Pleasant

Home, a commercial or industrial use that provides products or services to farm operations in the rural area. Examples include farm equipment sales, service, and rental, feed store, farm chemical sales.

(6) **Airport** - See Aircraft Landing Field.

(7) **Aircraft Landing Field** - Any landing area, runway or other facility designed, used or intended to be used either publicly or by any person or persons for the landing or taking off of aircraft and including all necessary taxiways, aircraft storage, tie-down areas, hangars, and other necessary buildings and open spaces.

(8) **Alteration** - May be a change in construction or a change of occupancy. When the term is applied to a change in construction, it is intended to apply to any change, addition, or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to change of occupancy from one trade or use to another or from one division of trade or use to another.

(9) **Alteration (Structural)** - Any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

(10) **Apartment** - Any building or portion thereof used for or containing three or more dwelling units.

(11) **Applicant** - The record owner or owners of a unit, area or tract of land proposing land development activities covered by this Chapter and includes the authorized representative of the record owner or owners.

(12) **Approval Authority** - The Planning Commission, Hearings Officer or Planning Director authorized to grant approvals as specified by this Chapter.

(13) **Archeological Resource** - A district, site, building, structure or artifact which possesses material evidence of life and culture of the prehistoric and historic past.

(B)(1) **Base Flood** - A flood of such magnitude as to have a one percent probability of being equaled or exceeded in any given year.

(2) **Base Flood Level** - The elevation of a Base Flood, referenced to the National Geodetic Vertical Datum of 1929 (NGVD).

(3) **Board** - The Board of County Commissioners of Multnomah County, Oregon.

(4) **Building** - Any structure used or intended for supporting or sheltering any use or occupancy.

(5) **Building Height** -

(a) The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade.

2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item (1) above is more than 10 feet above the lowest grade.

(b) The height of a stepped or terraced building is the maximum height of any segment of the building, or as amended by the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations.

(6) **Building Line** - A horizontal line that coincides with the front side of the main building.

(7) **Building Permit** - A permit required pursuant to Multnomah County Code Chapter 29, certifying compliance with all applicable building regulations.

(C) (1) **Car Wash (Convenience)** - Mechanical facilities for the washing or waxing of private automobiles, light trucks and vans, but not commercial fleets, as an accessory use to an automobile service station.

(2) **Clinic** - A place in which out-patients are given health related treatment and in which one or more health related professionals practice.

(3) **Commercial Use**- As used in the rural communities of Orient and Pleasant Home, commercial use means the use of land primarily for the retail sale of products or services, including offices. It does not include warehouses, freight terminals, or wholesale distribution centers.

(4) **Commission** - The Planning Commission established under this Chapter.

(5) **Community Plan** - The Community Plan or Rural Area Plan of a specific area adopted as a component of the Comprehensive Plan.

(6) **Comprehensive Plan or Plan** - The Comprehensive Plan adopted by Multnomah County, including any plan or plan element adopted as a component of the Comprehensive Plan. Comprehensive Plan shall have the meaning set forth in subsection (4) of ORS 197.015; shall be directed to the elements listed in the statewide use planning goals adopted pursuant to ORS 197.240; shall include framework, development and operational plans based on an inventory and cultural data; shall be prepared under the supervision of the Director of Land Use Planning and may include maps, a text, or both.

(7) **Conditional Use** - A use which may be permitted by the Approval Authority following action proceedings, upon findings by the authority that the approval criteria have been met or will be met upon satisfaction of conditions of approval.

(8) **Corner Lot** - See Lot (Corner).

(9) **Cottage Industry** - A processing, assembling, packaging or storage industry, generally employing fewer than 20 persons, conducted wholly within an enclosed building located on a site isolated from other such uses, generating low traffic volumes and with little or no noise, smoke, odor, dust, glare or vibration detectable at any property line.

(D) (1) **Date of Creation and Existence** - As used in the EFU and CFU districts and applicable only to those districts, when a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a Lot of Record or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot of record or tract.

(2) **Day Nursery** - A facility for the provision of care during a portion of a 24-hour day for five or more children not related to nor the wards of the attending adult. A Day Nursery with 12 or fewer children is distinguished from Family Day Care either by:

(a) Location in a non-residential structure; or,

(b) Provision of care by someone other than a resident of the home.

(3) **Development** - Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including a building, land use, occupancy, sewer connection or other similar permit, and any associated grading or vegetative.

(4) **Director** - The Director of Multnomah County Department of Environmental Services or the Director's delegate.

(5) **Drive-In** - An establishment so developed with a driveway, drive-up or drive-through facility or parking area that services are supplied in whole or in part to a customer in a motor vehicle, or in the case of self-service food or drink, for consumption outside the building.

(6) **Dwelling Unit** - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(7) **Dwelling (Duplex or Two-Unit)** - A detached building designed for two dwelling units, whether in separate or single ownership.

(8) **Dwelling (Single Family Detached)** - A detached building designed for one dwelling unit including Mobile Homes under the provisions as specified within the district.

(9) **Dwelling (Multi-Plex Structure)** - See Multi-plex Dwelling Structure.

(10) **Duplex Dwelling** - See Dwelling (Duplex or Two Unit).

(E) (1) **Educational Institution** - A college or university supported by public or private funds, tuitions, contributions or endowments, giving advanced academic instruction as approved by a recognized accrediting agency, including fraternity and sorority houses, excluding elementary and high schools, and trade and commercial schools.

(2) **Elementary School** - See School (Primary, Elementary or High).

(3) **Emergency/Disaster** - A sudden unexpected occurrence, either the result of human or natural forces, necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public services, or the environment.

(4) **Emergency/Disaster Response** - Actions involving any development (such as new structures, grading, or excavation) or vegetation removal that must be taken immediately in response to an emergency/disaster event (as defined above). Emergency/disaster response actions not involving any structural development or ground-disturbance (such as emergency transport vehicles, communications activities or traffic control measures) are not included in this definition and are not affected by these provisions.

(5) **Erosion** - The process of the gradual wearing away of land masses.

(6) **Existence** - To continue to be in being; to remain.

(F) (1) **Family** -

(a) Any one of the following shall be considered a family when living together as a single housekeeping unit within a dwelling unit (excluding servants):

1. An individual or two or more persons related by blood, marriage, legal adoption, foster care or guardianship; or,

2. A group of not more than five (5) unrelated persons; or,

3. Residential Home - A residence for (5) or fewer unrelated mentally or physically handicapped persons and staff persons who need not be related to each other or any other home resident. A residential home must be registered as an Adult Care Home with Multnomah County Department of Aging and Disability Services pursuant to Chapter 25 of the Multnomah County Code.

(b) Each group described herein or portion thereof, shall be considered a separate family.

(2) **Family Day Care** - A residence where 12 or fewer children are provided care during a portion of a 24-hour day by an adult residing within said residence. Minor children of the provider shall be included in the 12-child limit if also cared for in the home.

(3) **Fast Food Service** - The retail sales in a building of convenience food or specialty menu items, and ordered and served at a counter or window whether for consumption on or off the premises, when the facility is designed primarily to serve customers arriving by automobile. Such food items include, but are not limited to, dairy products, donuts, fish and chips, fried chicken, hamburgers, hot dogs, ice cream, pizza, sandwiches, soft drinks or tacos.

(4) **Feed Lot** - Any pen, corral or structure wherein livestock are maintained in close quarters for the purpose of fattening for market.

(5) **Fill** - The addition of any material to land other than a structure or landscaping.

(6) **Findings** - A written statement of facts, conclusions and determinations based on the evidence presented in relation to the approval criteria and prepared by the Approval Authority in support of a decision.

(7) **Flag Lot** - A lot or parcel which includes a private driveway as part thereof.

(8) **Flood** - A general or temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation of runoff of surface waters from any source.

(9) **Flood Level** - The surface elevation of flood waters.

(10) **Flood Plain** - Those land areas which are susceptible to inundation by flood waters.

(11) **Floor Area** - The area included within the surrounding exterior walls of a building or

portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

(12) **Forest Land** - The designation of forest lands shall be according to the United States Forest Service Manual Field Instructions for Integrated Forest Survey and Timber Management Inventories Oregon, Washington and California, 1974 and shall include:

- (a) Land composed of existing forested land suitable for commercial forest uses;
- (b) Other forested lands needed for watershed protection, wildlife and fisheries habitat and recreation;
- (c) Land on which extreme conditions of climate, soil and topography require the maintenance of vegetative cover; and,
- (d) Other forested land in urban and agricultural areas which provides an urban buffer, wind break, wildlife and fisheries habitat, livestock habitat, scenic corridor or recreational use.

(13) **Front Lot Line** - See Lot Line (Front).

(14) **Frontage** - That portion of a lot on one side of a street between two intersecting streets, accessways or other rights-of-way (crossing or terminating), measured along the line of the street, or, for a dead-end street or an accessway, all the property between an intersecting street or other right-of-way and the dead-end of the street or accessway.

(15) **Front Yard** - See Yard (Front).

(G) (1) **Grade (Adjacent Ground Elevation)** - The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or, when the property line is more than five feet from the building, between the building and a line five feet from the building, or as amended

by the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations.

(2) **Grazing** - The use of land for pasture of horses, cattle, sheep, goats, and/or other domestic herbivorous animals, alone or in conjunction with agricultural pursuits.

(3) **Group Care Facility** - A building or buildings on contiguous property used to house six or more handicapped or socially dependent persons. This definition includes the definitions of Residential Care Facility, Residential Training Facility, and Residential Treatment Facility contained in ORS 443.400(5), (7) and (9).

(H) (1) **Habitable dwelling** - An existing dwelling that:

- (a) Has intact exterior walls and roof structure;
- (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (c) Has interior wiring for interior lights; and
- (d) Has a heating system.

(2) **Hearings Officer** - A person appointed to conduct public hearings and take action in action proceedings as specified by this Chapter.

(3) **Heritage Tract Dwelling** - A type of single family detached dwelling in the EFU and the CFU zoning districts with approval criteria that includes a requirement for ownership of the lot or parcel prior to January 1, 1985. The complete description of approval standards are in the use sections of the districts.

(4) **High School** - See School (Primary, Elementary or High).

(5) **Highway (State)** - Any road or highway designated as such by law or by the Oregon

Transportation Commission; includes both primary and secondary State highways.

(6) **Historical Building** - Any building or structure designated under a local government landmark or historic district ordinance, or entered in the National Register of Historic Places, or listed in the Oregon State Inventory of Historical Sites, Buildings, and Properties Approved for Nomination to the National Register of Historic Places by the State of Oregon Advisory Committee on Historic Preservation.

(7) **Historical Resources** - Those districts, sites, buildings, structures and artifacts which have a relationship to events or conditions of the human past.

(8) **Home Occupation** -

(a) A type A home occupation is one where the residents use their home as a place of work. Type A home occupations may have up to one non-resident employee or customer on the premises at any one time in addition to the resident participant. No new buildings or modifications to existing structures shall be allowed (constructed after March 14, 1998). No deliveries other than those normally associated with a single family dwelling and between the hours of 7 a.m. - 6 p.m. No outdoor storage or displays shall occur (including vehicle parking associated with the Home Occupation). No signage shall be allowed (including temporary signage and those exempted under MCC 36.7420 with the exception of those required under the current "Street Naming and Property Numbering" provisions of Multnomah County, and no noise above 50 dba (decibels adjusted) at the property lines shall be permitted. No repair or assembly of any vehicles or motors can occur as part of a type A home occupation. A type A home occupation may not serve as headquarters or dispatch where employees come to the site. A type A home occupation must have direct access to a

public road (no easements). Type A home occupations shall be filed on a form provided by the Planning Director. Type A Home Occupations must be in conformance with all other applicable state codes.

(b) Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the type A home occupation. Type B home occupations shall be approved as per MCC 36.6300 and 36.6650.

(9) **Horticulture** - The cultivation of plants, garden crops, trees and/or nursery stock.

(10) **Hotel** - Any building containing six or more rooms designed to be used, or which are used, by paying guests for sleeping purposes.

(I) (1) **Industrial Use** - As used in the rural communities of Orient and Pleasant Home, industrial use means the use of land primarily for the manufacture, processing, storage, or wholesale distribution of products, goods, or materials. It does not include commercial uses.

(J) (1) **Junk Yard** - The use of more than 200 square feet of the area of any lot, or the use of any portion of that half of any lot, but not exceeding a depth or width, as the case may be, of 100 feet which half adjoins any street, for the dismantling or wrecking of automobiles or other vehicles or machinery, or for the storage or keeping of the parts or equipment resulting from such dismantling or wrecking or for the storage or keeping of junk, including scrap metals or other scrap material.

(K) (1) **Kennel** - Any lot or premises on which four or more dogs, more than six months of age, are kept.

(L) (1) **Large Acreage Dwelling** - A type of single family detached dwelling in the CFU zoning districts with approval criteria that includes a requirement for single ownership of 160 contiguous forest zoned acres or single

ownership of 200 forest zoned acres in Multnomah County or adjacent counties that are not contiguous. The complete description of approval standards are in the use sections of the districts.

(2) **Large Fill** - The addition of more than 5,000 cubic yards of material to a site.

(3) **Lawfully established dwelling** - A dwelling that was constructed in compliance with the laws in effect at the time of establishment. The laws in effect shall include zoning, land division and building code requirements. Compliance with Building Code requirements shall mean that all permits necessary to qualify the structure as a dwelling unit were obtained and all qualifying permitted work completed.

(4) **Loading Space** - An off-street space or berth on the same lot or parcel with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise or materials and which space or berth abuts upon a street, alley or other appropriate means of access and egress.

(5) **Lot** - A unit of land created by a subdivision of land, see definition in MCC 36.7705. Depending upon the context in which the term appears in this Chapter, a Lot may also mean a lot, parcel (result of partitioning), or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

(6) **Lot Area** - The total horizontal area within the lot lines of a lot, but not including the private driveway area of a flag lot.

(7) **Lot (Corner)** - A lot which occupies an interior angle of less than 136 degrees, formed by the intersection of two streets or a street and an accessway.

(8) **Lot Coverage** - The area of a lot covered by a building or buildings, expressed as a percentage of the total lot area.

(9) **Lot Lines** - The lines bounding a lot, but not the lines bounding the private driveway portion of a flag lot.

(10) **Lot Line (Front)** - In the case of an interior lot, a line separating the lot from the street or accessway; in the case of a corner lot, a line separating the narrowest frontage of the lot from a street or accessway; and in the case of a flag lot, the lot line closest to and most nearly parallel with the street which serves the lot.

(11) **Lot Line (Rear)** - The line dividing one lot from another and on the opposite side of the lot from the front lot line; and in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

(12) **Lot Line (Side)** - Any lot line not a front or rear lot line.

(13) **Lot of Record** - Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof which when created and when reconfigured (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

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

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

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

2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office

responsible for public records prior to October 19, 1978; or

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

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

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

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

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

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

(14) **Lot Width** - The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

(M) (1) **Manufactured Homes** - See Mobile home.

(2) **May** - May is permissive.

(3) **Mobile Home** - A structure transportable in one or more sections, which is designed to be used for permanent occupancy as a dwelling and which is not constructed to the standards of the uniform building code (the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations). Mobile homes include residential trailers and manufactured homes subject to the siting provisions as specified within the district:

(a) **Residential Trailer** - A mobile home which was not constructed in accordance with federal manufactured housing construction and safety standards (HUD), in effect after June 15, 1976. This definition includes the State definitions of Residential Trailers and Mobile Homes stated in the Oregon Revised Statutes (ORS) 446;

(b) **Manufactured Home** - A mobile home constructed in accordance with federal manufactured housing construction and safety standards (HUD code) in effect after June 15, 1976;

(c) For flood plain management purposes (Chapter 29) only, the term Manufactured Home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

(4) **Mortgage Lot** - An area of land created solely for the purposes of financing a dwelling. A Mortgage Lot is not a Lot of Record and shall not be conveyed separate from the Lot of Record out of which it was described. The tax roll accounts of the Mortgage Lot and the parent Lot of Record shall be consolidated into one account when title to both is secured. A Mortgage Lot may be created only in the EFU and CFU districts.

(5) **Motel** - Same as Hotel.

(6) **Multi-Plex Dwelling Structure** - A row house or town house apartment structure.

(7) **Museum** - A building, room, etc. for preserving and exhibiting artistic, historical or scientific objects.

(N) (1) **New Structure** - Any structure for which a building permit is required after July 15, 1982.

(2) **Non-Conforming Use** - A legally established use, structure or physical improvement in existence at the time of enactment or amendment of the Zoning Code but not presently in compliance with the use regulations of the zoning district in which it is located.

(3) **Nursing Home** - A building or part thereof in which:

(a) Convalescent and/or chronic care is rendered in exchange for compensation to two or more patients requiring regular on-premise physician or nurse care. Convalescent and/or chronic care includes, but is not limited to, the procedures commonly employed in nursing and caring for the sick;

(b) Persons who are acutely ill or are surgical or maternity cases are excluded;

(c) Qualified personnel and a consulting physician are available at all times; and,

(d) Isolation facilities are provided.

(O) (1) **One-Hundred Year Flood Plain** - Any land area susceptible to inundation by a flood which has a one percent probability of being equalled or exceeded in any given year.

(P) (1) **Parcel** - A unit of land created by a partitioning of land, see definition in MCC 36.7705. Depending upon the context in which the term appears in this Chapter, Parcel and Lot may at times be used interchangeably.

(2) **Permitted Use** - A use permitted in a district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this Chapter.

(3) **Planning Commission** - The Commission established under 36.0100.

(4) **Planning Director** - The Director of the Land Use Planning Division or the Director's delegate.

(5) **Premises** - A lot with or without buildings.

(6) **Primary School** - See School (Primary, Elementary or High).

(7) **Primary Use** - See Permitted Use.

(8) **Principal Use** - The main use to which the premises is devoted and the primary purpose for which the premises exists.

(9) **Private Driveway** - A private street which is part of and provides access only to one lot or parcel (See Flag Lot).

(10) **Private Street** - A street which is either a private driveway or an accessway, which is under private ownership, and which passes through or alongside the full length or width of a separate lot or parcel, either existing or proposed.

(11) **Professional Office** - An office containing activities such as those offered by a physician, surgeon, dentist, lawyer, architect, engineer, accountant, artist or teacher, but not real estate or insurance sales.

(R) (1) **Rear Lot Line** - See Lot Line (Rear).

(2) **Rear Yard** - See Yard (Rear).

(3) **Recordable form** - A form sufficient to create the parcel on the date the document was signed if the deed or land sales contract had been recorded with the office responsible for public records. Characteristics of recordable form include a complete description of the property, the consideration given, and

verification of the transaction by a witness such as a Notary Public.

(4) **Recreational Vehicle Park** - Any place where two or more vehicles designed and used for temporary human occupancy are located within 500 feet of each other on a lot, parcel or tract which is rented or kept for rent for periods of one month or less.

(5) **Residential Care Facility** - See Group Care Facility.

(6) **Residential Home** - See Family.

(7) **Residential Trailer** - See Mobile Home.

(8) **Residential Treatment Facility** - See Group Care Facility.

(9) **Road (County)** - Every public way, thoroughfare, road, street or easement within the County used or intended for use by the general public for vehicular travel, but excluding private driveways.

(S) (1) **School (Trade and Commercial)** - A building or land where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

(2) **School (Primary, Elementary or High)** - Including private or parochial, but not including nursery school, kindergarten or day nursery, except those operated in conjunction with a school.

(3) **Service Station** - Any place operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

(4) **Shall** - Shall is mandatory.

(5) **Sight-Obscuring Fence** - A fence consisting of wood, metal or masonry, or an evergreen hedge or other evergreen planting, arranged in such a way as to obstruct vision.

(6) **Side Lot Line** - See Lot Line (Side).

(7) **Side Yard** - See Yard (Side).

(8) **Single Family Detached Dwelling** - See Dwelling (Single Family Detached).

(9) **Small-scale Low Impact Commercial or Industrial Use** - As used in the rural communities of Orient and Pleasant Home, these terms have the following meanings:

A small-scale low impact commercial use is one which takes place in a building or buildings not exceeding 4,000 square feet of floor space.

A small-scale low impact industrial use is one which takes place in a building or buildings not exceeding 10,000 square feet of floor space.

(10) **State Highway** - See Highway (State).

(11) **Story** - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above an useable or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story, or as amended by the State of Oregon Structural Specialty Code and Fire and Life Safety Regulations.

(12) **Street** - A public way which provides vehicular and pedestrian access to adjacent properties. It shall include the terms Street, Road, Avenue, Boulevard, Lane, Place, and other such terms.

(13) **Structural Alteration** - See Alteration (Structural).

(14) **Structure** - That which is built or constructed. An edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(T) (1) **Template Dwelling** - A type of single family detached dwelling in the CFU zoning districts with approval criteria that includes a requirement that a certain number of parcels and dwellings exist within a 160-acre square (map template) centered on the subject tract. The complete description of requirements are in the use sections of the district.

(2) **Timber Growing** - The growing of trees for the production of timber.

(3) **Trade School** - See School (Trade and Commercial).

(4) **Two-Unit Dwelling** - See Dwelling (Duplex or Two-Unit).

(W) (1) **Wetlands** - Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

(Y) (1) **Yard** - An open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from 30 inches above the ground upward, except as otherwise specified in the district. A yard satisfying the yard requirement for one building shall not satisfy the yard requirement for another building.

(2) **Yard (Front)** - A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

(3) **Yard (Rear)** - A yard extending across the full width of the lot between the most rear building other than an accessory building and the rear lot line. The depth of the required rear

yard shall be measured horizontally from the nearest point of the rear lot line toward the nearest part of the building. Where there is no rear lot line, the depth of the rear yard shall be the distance from a ten foot line parallel to the front lot line, measured from one side line to the other.

(4) **Yard (Side)** - A yard between any building and the side lot line, extending from the front yard to the rear yard, or front lot line to rear lot line where no front yard or rear yard is required. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the building.

§ 36.0010 DISTRICTS.

The West of Sandy River Rural Area is hereby divided into the following districts:

(A) General or underlying districts:

(1) EFU - Exclusive Farm Use District with a minimum lot size as specified by this Chapter.

(2) CFU - Commercial Forest Use District with a minimum lot size of 80 acres.

(3) MUA 20 - Multiple Use Agricultural District with a minimum lot size of 20 acres.

(4) RR - Rural Residential District with a minimum lot size of 5 acres.

(5) PH-RC - Pleasant Home Rural Center District with a minimum lot size of 1 acre.

(6) OR - Orient Rural Center Residential with a minimum lot size of 1 acre.

(7) OCI - Orient Commercial-Industrial District on a parcel adequate to support the use.

(B) Special Districts:

(1) LF - Airport-Landing Field District.

(2) O-P - Off-Street Parking and Loading District.

(3) P-D - Planned-Development District

(4) SEC - Significant Environmental Concern District.

(5) HP - Heritage Preservation District.

(6) SPA - Special Plan Area District.

(7) PAM - Protected Aggregate & Mineral Sites.

(1) The set of paper Zoning Maps with the cover page dated the 15th of November, 1962 and signed by the Board of County Commissioners shall be deemed to be the accurate depiction of the Zoning Maps adopted for successive geographic areas from April 19, 1955 through December 11, 1958.

§ 36.0015 ZONING MAP.

(A) The designations, locations and boundaries of the respective districts and certain combinations thereof described in this Chapter are established as shown by appropriate color designations, symbol or short title identification upon the Multnomah County Zoning Map. The Zoning Map consists of a series of bound and indexed Sectional Zoning Maps numbered sheets 1 through 828 until such time as the districts and subdistricts depicted on each respective Sectional Zoning Map are replaced by maps generated as electronic layers within a Geographic Information System (GIS). All GIS Zoning Maps replacing the Sectional Zoning Maps shall be legislatively adopted. The GIS-generated Zoning Maps depicting districts and subdistricts shall be periodically readopted to reflect more accurate mapping information as it becomes available. The Zoning Map and all pertinent information shown thereon is incorporated herein and is to be deemed as much a part of this Chapter as if fully set forth; however, if a conflict appears between the Zoning Map and the written portion of this Chapter, the written portion shall control.

(B) A paper version of the Zoning Map and each amendment thereto shall be and remain on file in the office of the Director of the Division of Land Use Planning.

**PART 2 –
PLANNING AUTHORITY
GENERAL PROVISIONS**

§ 36.0055- POLICY AND PURPOSE.

(A) The Board of County Commissioners of Multnomah County, Oregon, recognized that planning for county and community development is vital to:

- (1) Protect the citizenry from fire, flood, pollution and other health or safety hazards;
- (2) Prevent overcrowding and inefficient use of land;
- (3) Safeguard natural resources;
- (4) Provide communities and neighborhoods with a variety of living choices, adequate housing, amenities, stores, schools, parks and other public and private facilities;
- (5) Provide a transportation system meeting the needs of all citizens;
- (6) Provide for the location of industry and the creation of new and varied employment opportunities; and
- (7) Provide a framework and process in which decisions by individuals and governmental agencies can be coordinated and made in the best interests of the general public.

(B) Therefore, in accordance with ORS chapter 197 and 215 and the County Charter, the Board has determined that all decisions made by Multnomah County with respect to County development shall be predicated upon a comprehensive plan adopted and revised in the manner described in this Chapter.

§ 36.0060 SEVERABILITY.

If any subsection, subdivision, phrase, clause, sentence or word in this chapter shall for any reason be held invalid or unconstitutional by a court of

competent jurisdiction, that holding shall not invalidate the remainder of this Chapter, but shall be confined to the subsection, subdivision, clause, sentence or word held invalid or unconstitutional.

**§ 36.0065 APPLICABLE
ADMINISTRATION AND
PROCEDURES PROVISIONS.**

Multnomah County Code Chapter 37 provides the procedures by which Multnomah County reviews and decides upon applications for all permits relating to the use of land authorized by ORS chapters 92, 197, and 215 and those other permits processed through the Multnomah County Land Use Planning Division. These permits include all forms of land divisions, land use, and legislative enactment's and amendments to the Multnomah County Comprehensive Plan and Multnomah County Code.

PLANNING COMMISSION

**§ 36.0100- PLANNING COMMISSION
ESTABLISHED.**

The Planning Commission is designated as the land use planning advisory body to the Board and shall have the powers and duties described in this chapter and such other powers and duties as may be imposed on it by state, federal or local law, rule or regulation.

**§ 36.0105 MEMBERSHIP OF
COMMISSION.**

(A) The Commission shall consist of nine members, who shall be appointed pursuant to law and the charter of Multnomah County to fill designated positions numbered 1 through 9.

(B) Members of the Commission shall be residents of the various geographic areas of the county and shall serve without compensation, except for reimbursement for duly authorized expenses.

(C) A member who ceases to be a resident of Multnomah County shall then cease to be a member of the Commission.

(D) No more than two members of the Commission shall be engaged principally, whatever be the form of doing business, in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of business, trade or profession.

**§ 36.0110 TERMS OF OFFICE OF
COMMISSION MEMBERS.**

(A) Terms of office of Commission members shall be four years, but any term shall continue until a successor is appointed.

(B) No Commission member shall serve more than two consecutive terms excluding completion of an unexpired term, unless otherwise provided by unanimous concurrence of the Board.

**§ 36.0115 VACANCIES AND REMOVAL
OF COMMISSION MEMBERS.**

(A) Upon resignation, permanent disqualification or removal of any member of the Commission, the Chair of the Board shall, pursuant to the County Charter, appoint a successor to fill the remainder of the term.

(B) After hearing, the Board may remove any member for cause, which may include misconduct or nonperformance of duty.

(C) The absence of any member from three consecutive regular meetings shall be considered a resignation, which shall be presented by the chairperson of the Commission at the next regular Board meeting for acceptance or rejection by the Board.

§ 36.0120 OFFICERS.

The Commission shall, at or before its first meeting in April each year, elect and install a chairperson and vice-chairperson. The Commission may elect one of its members to serve as second vice-chairperson.

§ 36.0125 COMMITTEES.

The Chairperson of the Commission shall appoint advisory and other subcommittees as considered appropriate or as directed by the Commission or the Board. The Director of Land Use Planning and persons designated by the Director shall serve as staff for the Commission and its committees and shall provide such administrative and technical assistance as may be required.

§ 36.0130 RULES OF PROCEDURES; CONFLICT OF INTEREST.

(A) A verbatim recording shall be made of the proceedings before the Commission.

(B) A member of the Commission shall not participate in any Commission proceedings in which any of the following has a direct or substantial financial interest: the member, the member's spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner in any business of which the member is or has been a member within the previous two years or in any business with which the member is negotiating or has an arrangement or understanding concerning prospective partnership or employment.

(C) Any actual or potential financial or other interest which could lead to a member's bias or partiality in any action shall be disclosed by the member at the meeting of the Commission which the action is considered.

§ 36.0135 COORDINATION.

(A) The Commission shall advise and cooperate with other planning commissions, hearings officers, agencies or bodies within the state, and shall, upon request or on its own initiative, make available advice or reports to the state or federal government or any regional association of governments, city, county, public officer or department on any problem comprehended within its powers and duties.

(B) All County officials, departments and agencies having information, maps and data considered by the Commission to be pertinent to

its powers and duties shall make that information available for the use of the Commission upon request.

§ 36.0140 POWERS AND DUTIES OF COMMISSION.

The Commission shall:

(A) Recommend to the Board the adoption, revision or repeal of a comprehensive plan or portions thereof;

(B) Report and recommend to the board the adoption, revision, amendment or repeal of zoning, subdivision, and other regulatory ordinances and regulations, intended to carry out part or all of a plan adopted by the board,

(C) Where appropriate, initiate actions under MCC Chapter 37, as amended;

(D) On request, provide written advisory opinions to the Board and Hearings Officer on the application of the Comprehensive Plan, zoning ordinance or other matter or regulation within the jurisdiction of the Commission to any proposed action before the Board or the Hearings Officer;

(E) Recommend to the Board the institution of injunction, mandamus, abatement or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate or remove any existing or proposed unlawful location, construction, maintenance, repair, alteration or use of any building or structure or the existing or proposed unlawful subdivision or other unlawful partitioning or use of any land;

(F) Enter upon any land and make examinations and surveys and place and maintain the necessary monuments and markers on the land, as required to perform its functions;

(G) Consult with advisory committees, as appropriate, in regard to any matter within the powers and duties of the Commission; and

(H) Exercise such other powers and perform such other duties as may be given to the

Commission by federal or state law or by this chapter or other ordinance.

**PART 3 –
ADMINISTRATION and ENFORCEMENT**

PERMITS AND CERTIFICATES

§ 36.0510- TEMPORARY PERMITS

(A) Notwithstanding the limitations of use as established by this Chapter in each of the several districts, the Planning Director may issue temporary permits, valid for a period of not more than one year after issuance, for structures, or uses which are of a temporary nature, such as:

- (1) Storage of equipment during the building of roads or developments;
- (2) Real estate office used for the sale of lots or housing in subdivisions;
- (3) Temporary storage of structures or equipment;
- (4) Sheds used in conjunction with the building of a structure;
- (5) Temporary housing; or
- (6) Other uses of a temporary nature when approved by the Planning Director.

**§ 36.0515 TEMPORARY HEALTH
HARDSHIP PERMIT**

The purpose of the Temporary Health Hardship Permit is to allow the convenient provision of daily health care needs to a person with a demonstrated health hardship by allowing the placement of a mobile home on a lot with an existing single family residence. The permit is temporary in nature and not intended to encourage an increase in the residential density beyond that envisioned by the Comprehensive Plan and its implementing ordinances.

(A) The Planning Director may grant a Temporary Health Hardship Permit to allow occupancy of a mobile home on a lot with a single family residence based on the following findings:

(1) The person with the health hardship is either one of the property owners or is a relative of one of the property owners.

(a) If the person with the health hardship is one of the property owners, then the care provider in the other residence is not required to be a relative.

(b) If the person with the health hardship is a relative of one of the property owners, then the care provider must be a relative.

(c) For the purposes of this section, a relative is defined as a grandparent, parent, child, brother or sister, either by blood or legal relationship.

(2) The person with the health hardship is unable to adequately provide daily self-care needs because of a physical and/or medical impairment based upon a statement from a licensed physician describing the nature of the impairment and its resultant limitations. The physician shall indicate that those limitations are severe enough to warrant daily assistance, and that at least one of the residents of the property is capable of providing that assistance.

(3) There is a demonstrated lack of appropriate alternative accommodations within the area entitled to notice, including, but not limited to, rental housing or space within the existing residence.

(4) The following locational criteria are satisfied:

(a) The proposed siting of the mobile home will satisfy the applicable setback and lot coverage standards of the zoning district without variance.

(b) The mobile home shall be located in a manner which satisfies the locational requirements of a second residence on properties capable of being divided

under the existing zoning within those areas designated as urban by the Comprehensive Framework Plan.

(c) The mobile home will not require any new main connections to public facilities or services (e.g., sewer, water or power mains, curb cuts, etc.) unless sited in the manner allowed in subsection (b) above, in which case those services may be extended to the area on the property which satisfies the locational requirements of a second residence.

(d) The mobile home will not require any attached or detached accessory structures other than wheelchair ramps to accommodate the health care needs of the proposed occupant.

(5) A penal bond in the amount of \$1,000 is posted to insure removal of the mobile home within six months after the health hardship ceases to exist.

(6) As a condition of approval, every two years from the approval date the applicant shall submit:

(a) A recent (within 6 months prior to the two year deadline) physician's statement verifying that the situation described in (2) above still exists; and

(b) A letter from the care provider describing the continuing assistance being given.

(B) Temporary health hardship permits approved prior to January 11, 1994 shall not be subject to the original expiration date and shall be permitted to be renewed by the Planning Director every two years from the original approval date based upon a Finding that the hardship still exists and that the conditions imposed are being satisfied.

§ 36.0520 HISTORICAL STRUCTURES AND SITES PERMITS

The following requirements and procedures shall apply in addition to the provisions of the State Building Code, to a permit application under MCC Chapter 29, Building Regulations, concerning any historical landmark as defined in MCC 36.4755, or any building structure or premises classified HP under MCC 36.4700 or catalogued as a historic site or structure under the Historic Features Section of the Comprehensive Framework Plan.

(A) In addition to the other applicable provisions of this Chapter, approval of a building permit to enlarge, alter, repair, improve or convert a building or structure described in this Section or to erect, construct, locate or relocate a building or structure on any premises so described, shall also be subject to the applicable design review provisions of MCC 36.7000 through .36.7065.

(B) In addition to the final design review criteria listed in MCC 36.7050 and the standards and exceptions of MCC 36.7055 and 36.7060, approval of a final design review plan for a building or structure described in this Section shall be based on the following criteria:

(1) The appearance as to the design, scale, proportion, mass, height, structural configuration, materials, architectural details, texture, color, location and similar factors shall relate harmoniously with the historical characteristics of the premises and of any existing building or structure, consistent with Building Code requirements.

(2) The factors listed in subpart (B) (1) which have previously been changed and which significantly depart from the original historical character of the premises, building or structure, shall be restored to the maximum practical degree, within limitations of the scope of the work proposed under the permit.

(C) An application for a permit to remove or demolish a building or structure described in this Section shall be subject to the following:

(1) The permit shall not be issued for 120 days following the date of filing, unless otherwise authorized by the Board under subpart (7) of this subsection.

(2) The permit application shall be considered an action initiated by the record owner or the owner's agent, under MCC 36.0705 (B).

(3) Except as otherwise provided in this subsection, the application shall be subject to the provisions of MCC 36.0700 through 36.0745 and MCC 36.0770 through 36.0775.

(4) A hearing on the application shall be held by the Planning Commission.

(5) The decision of the Planning Commission shall be in the form of a recommendation to the Board.

(a) The Planning Commission may recommend measures to preserve the building or structure, with or without conditions, including by purchase, trade, relocation or by approval of a change of use notwithstanding the use limitations of the district;

(b) The Planning Commission may recommend removal or demolition of the building or structure based upon a finding that practical preservation measures are inadequate or unavailable.

(c) The Planning Commission recommendation shall be based upon findings in relation to the applicable policies of the Comprehensive Plan.

(6) The Planning Commission decision shall be submitted to the Clerk of the Board by the Planning Director not later than ten days after the decision is announced.

(7) The Board shall conduct a de novo hearing on the application under the provisions of MCC 36.0770 through 36.0775.

(8) In the event the Board fails to act on the application within the 120-day period specified in subpart (C) (1) of this subsection, the Building Official may issue the permit.

(D) Notwithstanding the provisions of MCC 29.009, action to abate an unsafe building nuisance or an abandoned drive-in business nuisance, by demolition or removal of a building or structure described in MCC 36.0520 shall be subject to the provisions of MCC 36.0520 (C).

(E) Exception. Abatement of an unsafe building or structure may proceed under MCC 29.009, upon a finding by the Director or Environmental Services that the condition of the building or structure is beyond practical repair or restoration or is a continuous threat to the safety of life or property which cannot otherwise be eliminated.

§ 36.0525 CERTIFICATE OF OCCUPANCY.

(A) No building or structure, except single family and duplex dwellings, and no land shall be used or occupied, and no change in the existing occupancy of a building, structure or land or portion thereof shall be made, until a Certificate of Occupancy has been issued by the Planning Director or Director's delegate.

(B) Changes in the use of a building, structure or of land shall not be made except in compliance with the provisions of the Chapter.

(C) If it is found that the building, structure of land complies with the provision of this Chapter, the Planning Director or the Director's delegate shall issue a Certificate of Occupancy, which shall contain the following:

(1) Building Permit or Land Use Permit Number;

- (2) The address of the building or premises;
- (3) The name and address of the owner;
- (4) A description of the portion of the building or land for which the Certificate is issued;
- (5) A statement that the described portion of the building or land complies with the requirements of the Chapter;
- (6) The name of the Building Official; and
- (7) The date of issuance.

(D) A Certificate of Occupancy as required in this Chapter may be the Certificate of Occupancy required under the Building Code when so indicated thereon.

(E) A temporary Certificate of Occupancy may be issued by the Planning Director or the Director's delegate for the use of a portion or portions of a building or land prior to the completion or occupation of the entire building or use.

(F) The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Planning Director or the Director's delegate.

§ 36.0530 BUS PASSENGER SHELTERS.

(A) In addition to all other uses permitted in any district, bus passenger shelters (hereinafter shelters) intended for use by the general public and owned or controlled by a city, county, state or municipal corporation shall be allowed.

(B) Prior to installing a shelter, the sponsor shall notify owners of property located within 150 feet of the center point of the proposed site location that the sponsor intends to apply to the Planning Director for authority to install a shelter. Thereafter, the sponsor may submit to the Planning Director an application which shall

include a plot plan setting out the location of and plans and specifications for the proposed shelter. With the consent of the Director, more than one shelter location may be included in an application.

(C) Within 30 days after the application, the Planning Director shall review it in light of the effects on:

- (1) Surrounding land uses;
- (2) Vehicular traffic and pedestrian safety;
- (3) Drainage;
- (4) Native or landscaped vegetation;
- (5) Public and private utilities;
- (6) Road construction and maintenance;
- (7) Access or egress from adjacent property; and
- (8) Compliance with the applicable building code.

(D) If the application is approved, the shelter may be installed. If the application is not approved, the sponsor shall be given written notice of that determination and the basis therefore.

§ 36.0535 RESPONSES TO AN EMERGENCY/DISASTER EVENT.

Responses to an emergency/disaster event are allowed in all zoning districts when in compliance with the following standards:

- (A) General standards for all response activities.
 - (1) Following emergency/disaster response actions, best management practices (BMPs) to prevent sedimentation and provide erosion control shall be utilized whenever disaster response actions necessitate

vegetation removal, excavation, and/or grading. BMPs may include but are not limited to: use of straw bales, slash windrows, filter fabric fences, sandbags, straw cover, jute netting, etc.

(2) Structures or development installed or erected for a temporary use (e.g. sandbags, check dams, plastic sheeting, chain link fences, debris walls, etc.) shall be removed within one year following an emergency event. If it can be demonstrated that the continued use of these devices is necessary to protect life, property, public services or the environment, an extension of no more than two years may be granted by the Planning Director.

(3) The new exploration, development (extraction or excavation), and production of mineral resources, used for commercial, private or public works projects, shall not be conducted as an emergency/disaster response activity.

(4) No spoils resulting from grading or excavation activities shall be deliberately deposited into a wetland, stream, pond, lake, or riparian area within Multnomah County as a part of an emergency/disaster response action. The only exception to this is for construction of a fire line during a wildfire, where avoiding the aquatic area or its buffer zone has been considered and determined to not be possible without further jeopardizing life or property.

(B) Notification Requirements.

(1) Actions taken in response to an emergency/disaster event, as defined in MCC 36.0005, are allowed in all land use designations, subject to the following notification requirements.

(a) Notification of an emergency/disaster response activity shall be submitted either within 48 hours of the commencement of a response action, or by the next business day following the start of such an

action, whichever is sooner. Notification shall be submitted by the party conducting an emergency/disaster response activity or their representatives. In the case of multiple responding parties, the first party to respond shall provide the required notification, unless, upon mutual agreement of responding parties, another responder elects to assume this responsibility.

(b) Notification shall be submitted by mail, fax, telephone, e-mail or in person. If notification occurs by telephone, a hard copy of the notification shall be submitted by mail or in person within 7 days.

(c) At a minimum, the following information shall be required at the time of notification:

1. Nature of emergency/disaster event.
2. Description of emergency/disaster response activities and magnitude of response actions to be taken, if applicable (such as extent of earth movement, erection of structures, etc.).
3. Location of emergency/disaster response activities.
4. Estimated start and duration of emergency/disaster response activities.
5. Contact person and phone number for the parties conducting emergency/disaster response actions.

(d) Repair and maintenance of an existing serviceable structure to its previously authorized and undamaged condition are not subject to the above referenced notification requirements.

(2) Upon notification of an emergency/disaster response action, the Planning Director shall, as soon as possible:

(a) Review their natural resource inventory data and notify the contact person for the emergency/disaster response actions of all inventoried natural resource sites, and their buffers, that are within or adjacent to the response area or that may be adversely affected by response activities;

(b) Notify applicable agencies of all emergency/disaster response activities.

(3) Upon response from applicable agencies, the applicant shall take necessary measures based on the recommendations of the applicable agencies to minimize impacts to resources from emergency/disaster response actions. If the recommendations of the applicable agencies conflict with those of the County or other jurisdictions, the recommendations of the County shall prevail for the purposes of this section.

(C) Post-Emergency/Disaster Response Application Requirements.

(1) Within 30 days following notification, a post-emergency/disaster response application shall be submitted by the party conducting the response action to the Planning Director. In the case of an event with multiple responding parties, the agency providing initial notification as required herein shall submit the application. An exception to this may occur if another responding party, by mutual agreement with the other respondents, elects to submit the application. Requests to extend this submittal deadline may be made in writing and shall include the reason why an extension is necessary. Extensions shall not exceed 30 days in duration and no more than two (2) extensions shall be granted.

(2) Post-emergency/disaster response applications shall only address development activities conducted during an emergency/disaster response. Applications shall specify if development placed during an emergency/disaster event is permanent or temporary. Applicants shall be responsible for operations under their control and that of other responders, upon mutual agreement. Responders not agreeing to have another responder address their actions shall be responsible to submit an application for those actions.

(3) Emergency/disaster response actions not involving structural development or ground disturbance with mechanized equipment are exempt from these requirements, except for those actions within 500' of a known cultural resource (as determined in the notification process).

(4) Applications shall include the following information:

(a) Applicant's name and address.

(b) Location of emergency/disaster response.

(c) A written description of the emergency/disaster response, including any structures erected, excavation or other grading activities, or vegetation removal.

(d) A map of the project area drawn to scale, at a scale of 1"=200' or a scale providing greater detail. The map shall include:

1. North arrow and scale.

2. Boundaries, dimensions and size of subject parcel(s).

3. Topography at a contour interval sufficient to describe the terrain of the project site.

4. Bodies of water, watercourses, and significant landforms.

5. Existing roads and structures.

6. New structures placed and any vegetation removal, excavation or grading resulting from the response actions.

(e) An exception to the scale requirements of subsection (4)(d) may be granted for an event encompassing an area greater than one square mile. In such cases, a clear sketch map of the entire response action area shall be provided. In addition, a map of 1"=200' or a scale providing greater detail shall be provided that shows a section of the response area exemplifying the specific actions taken.

(D) Post-Emergency/Disaster Response Site Review.

All applications for post-emergency/disaster response Site Review shall be processed pursuant to the procedural provisions of a Type II decision and in compliance with the approval criteria of this section.

(E) Post-Emergency/Disaster Response Approval Criteria.

Actions taken in all land use designations that are in response to an emergency/disaster event shall be reviewed for compliance with the following standards:

(1) Vegetation shall be used to screen or cover road cuts, structural development, landform alteration, and areas denuded of vegetation, as a result of emergency/disaster response actions.

(2) Areas denuded of vegetation as a result of emergency/disaster response actions shall be revegetated with native plant species to restore the affected areas to its pre-response condition to the greatest extent practicable.

Revegetation shall occur as soon as practicable, but no later than one year after the emergency/disaster event. An exception to the one-year requirement may be granted upon demonstration of just cause, with an extension of up to one year.

(3) Spoil materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action, shall either be:

(a) Removed from Multnomah County or deposited at a site within the Multnomah County where such deposition is, or can be, allowed, or

(b) Contoured, to the greatest extent practicable, to retain the natural topography, or a topography which emulates that of the surrounding landscape.

(4) If cultural resources are discovered within the area disturbed by emergency response actions, the project applicant shall immediately cease work and contact the Planning Director and the State Historic Preservation Office (SHPO).

(5) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect natural resources.

(6) Buffer zones for wetlands, streams, ponds, riparian areas, sensitive wildlife sites or areas, and sites containing rare plants, shall be maintained to the maximum extent practicable.

(a) When emergency/disaster response activities occur within wetlands, streams, ponds, lakes, riparian areas, or the buffer zones of these areas, the applicant shall demonstrate the following:

1. All reasonable measures have been applied to ensure that the response actions have resulted in

the minimum feasible alteration or destruction of the functions, existing contours, vegetation, fish and wildlife resources, and hydrology of wetlands, streams, ponds, lakes, or riparian areas.

2. Areas disturbed by response activities and associated development will be rehabilitated to the maximum extent practicable.

(b) Impacts to wetlands, streams, ponds, lakes, and riparian areas, and their buffers will be offset through mitigation and restoration to the greatest extent practicable. Mitigation and restoration efforts shall use native vegetation, and restore natural functions, contours, vegetation patterns, hydrology and fish and wildlife resources to the maximum extent practicable.

(c) If the Planning Director determines that the emergency/disaster response actions had minor effects on the aquatic area or its buffer zone that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. If the project applicant accepts these recommendations, the Planning Director shall incorporate them into the Site Review decision.

(d) Unless addressed through (C) above, mitigation and restoration efforts shall be delineated in a Rehabilitation Plan. Rehabilitation Plans shall satisfy the following:

1. Plans shall include a plan view and cross-sectional drawing at a scale that adequately depicts site rehabilitation efforts. Plans will illustrate final site topographic contours that emulate the surrounding natural landscape.

2. Planting plans shall be included that specify native plant species to be used, specimen quantities, and plant locations.

3. The project applicant shall be responsible for the successful rehabilitation of all areas disturbed by emergency/disaster response activities.

PLANNING DIRECTOR

§ 36.0600- PLANNING DIRECTOR.

Subject to the direction of the Board, the Planning Director or the Director's delegate shall perform the following duties:

(A) Schedule and assign proposed actions for hearings and review;

(B) Conduct all correspondence of the Planning Commission and Hearings Officer;

(C) Give notices as required by law and by this Chapter;

(D) Maintain dockets and minutes of all hearings;

(E) Compile and maintain all necessary records, files and indexes;

(F) Record all continuances, postponements, dates of giving notices and minutes and summaries of all actions taken by the Planning Commission;

(G) Record the decision of the Planning Commission and the Hearings Officer on each matter heard and the vote of each member of the Planning Commission, members absent or failing to vote, and the reasons for the decision;

(H) Provide copies of records to any party requesting the same upon the payment of a fee therefor established by the Director of the

Division of Land Use Planning and approved by the Board of County Commissioners;

(I) File orders and decisions of the Planning Commission and Hearings Officer with the Clerk of the Board;

(J) Perform such other functions as may be assigned by the Board.

§ 36.0605 ENFORCEMENT.

The Director of the Division of Land Use Planning and the Director's delegates shall be responsible for securing the enforcement of the provision of this Ordinance.

VIOLATIONS and ENFORCEMENT

§ 36.0910- VIOLATIONS AND ENFORCEMENT.

Any use of land in violation of any provision of MCC Chapter 36, MCC 29.001 through 29.011 and MCC 29.300 through 29.305 or the terms and conditions of any permit issued under those code provisions by a person shall be subject to penalties as provided by MCC 36.0915.

(A) Definitions

(1) **County Ordinance** means all ordinances duly enacted by Multnomah County, including but not limited to zoning, planning, and building ordinances, as specified above.

(2) **Notice of Violation:** A written notice given to a person or persons whose action, conduct or omission constitutes a violation of any provision of the Multnomah County Code or the terms and conditions of a development permit. A stop work order constitutes a Notice of Violation, notwithstanding any subsequent notice or letter given to a person or persons. A Notice of Violation does not constitute a "land use decision" under ORS Ch. 197.

(3) **Violator** means any person who has admitted violation of a County Ordinance or

a person who has been found to have violated a County Ordinance.

(4) Person includes:

(a) The owner, title holder, contract seller, contract buyer, possessor or user of the land upon which the violation is occurring; or, the person taking the action, or responsible for the conduct or omission which constitutes a violation of any County Ordinance; and,

(b) The United States or agencies thereof, any state, public or private corporation, local governmental unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity, contractor, subcontractor or combination thereof. For the purposes of this ordinance, "person" also includes those residing in or conducting business or activities in the unincorporated areas of Multnomah County.

(5) Decision of Appeal: The decision of the Planning Director in the appeal of the Notice of Violation. A Decision of Appeal does not constitute a land use decision under ORS Ch. 197.

(6) Grace Period: Time allotted to a person by the Code Enforcement Planner to correct a violation without assessment of additional penalties, or legal action being taken for the cited violation during that assigned time period. A Grace Period begins from the date the written Notice of Violation is mailed or given. Unless otherwise specified by the Code Enforcement Planner, the grace period for a Notice of Violation shall be 30 days and the grace period for a stop work order shall be 15 days. If notice is mailed, the grace period shall be extended by an additional three days. A grace period for a noticed violation does not grant a property owner the right to continue a use for the time period specified or prevent inspection or citation of new or other land use violations.

(B) Compliance Required

No application for use or development of land shall be approved for a site which is subject to an enforcement action pursuant to the provisions of this section. A permit for the use or development of land may only be issued if it is necessary to correct the land use violation contained in the Notice of Violation.

(C) Code Enforcement Planner

The Planning Director shall appoint one or more persons to act as the code enforcement planner(s) for purposes of issuing Notices of Violation, and for the enforcement of MCC Chapter 36, MCC 29.001 through 29.011 and MCC 29.300 through 29.305 or the terms and conditions of any permit issued under those code provisions.

(D) Enforcement Action

(1) An enforcement action may be initiated by the Code Enforcement Planner(s) on their own action, when the Land Use Planning Division receives a complaint, known or anonymous or receives a directive from the Board of County Commissioners. All complaints are confidential, until such time as the violation is closed.

(2) If the Code Enforcement Planner determines the existence of a violation, the Code Enforcement Planner shall provide a written Notice of Violation to the person(s) suspected of committing a violation and the property owner if different. The notice shall:

(a) Outline the nature of the violation(s), including cites to the applicable county code sections, and set forth options to correct the violation(s);

(b) Notify the property owner and the operator/tenant that failure to comply with the Ordinance within the grace

period will result in enforcement under MCC 36.0910 (D) (3) and that a penalty of up to \$500.00 per day may be assessed per MCC 36.0915; and

(c) Notify the property owner and the operator/tenant of the right to appeal the determination of a land use violation and the time limits established by this section.

(3) If the person(s) notified fails to correct the violation within the grace period, the Code Enforcement Planner may impose a penalty in accordance with MCC 36.0915. The penalty shall be recorded as a lien against real property in the Office of the County Recorder if not paid within sixty days of notification of the property owner and operator/tenant of the issuance of the penalty.

(4) A person who receives a notice of violation may file a written appeal of the Notice of Violation with the Land Use Planning Division to the Planning Director within the grace period as stipulated in the Notice of Violation. The following procedures apply to the appeal of the Planning Director:

(a) The appellant has 45 days from the date of filing the written appeal to provide written documentation to the Planning Director in support of the appeal;

(b) All enforcement actions, except for emergency actions taken under MCC 36.0910 (E), shall be stayed until the Planning Director decides the appeal. In the event that the Planning Director finds in the favor of the appellant, the Notice of Violation will be rescinded.

(c) Upon filing of an appeal by the property owner, written notice and opportunity to comment on the appeal of the Notice of Violation shall be

provided to the complainant, if known, and the surrounding property owners within:

1. 100 feet of the subject property when inside the Urban Growth Boundary; or
2. 250 feet of the subject property where the subject property is outside the Urban Growth Boundary and not within a farm or forest resource zone; or
3. 500 feet of the subject property where the subject property is within a farm or forest resource zone.

(d) The Planning Director shall consider any other written testimony submitted in support of and in opposition to the Notice of Violation;

(e) The Planning Director shall review all written evidence and determine by a preponderance of the evidence whether a violation has occurred;

(f) After review of the written testimony, the Planning Director shall serve the appellant and anyone who submitted evidence with a Decision of Appeal;

(g) If the Notice of Violation is upheld, penalties as provided in MCC 36.0915 shall be assessed by the Planning Director;

(h) The Planning Director may delay additional penalties at the time of the Decision of Appeal by specifying an additional grace period to allow the property owner to remove the violation from the property. If an additional grace period is granted, it shall not be less than five days; and

(i) The penalty shall be recorded as a lien against real property in the Office of the County Recorder if not paid

within sixty days of notifying of the property owner and violator of the issuance of the penalty.

(5) If the property owner chooses to correct the violation by applying for a required permit, penalties shall accrue during the application process time period as provided in MCC 36.0915.

(a) Penalties assessed from the date of application, not including any Pre-Initiation Conference, for a required permit to completion of the project, including final inspection, may be waived by the Planning Director provided the property owner completes the application process within 180 days of filing and complies with all timelines established as conditions of approval of the project and if no additional violations occur during the completion of the conditions of approval.

(b) Timelines for compliance with the land use permit shall be included as a condition of approval of the land use permit and, if possible, shall not extend past a single construction season.

(E) Emergency Enforcement

(1) If the Code Enforcement Planner determines, as a result of a site visit by the Code Enforcement Planner or Code Enforcement Inspector, that the violation is such that irreparable harm will result, will be difficult to correct if allowed to continue, or presents an immediate health and safety danger, the Code Enforcement Planner may, without notice, issue a Stop Work Order which shall also serve as the Notice of Violation.

(2) The Stop Work Order shall require the property owner to immediately discontinue the use and shall impose a fine as provided in MCC 36.0915 pursuant to which the property owner must cease all uses listed in the Stop Work Order. Penalties may be imposed pursuant to MCC 36.0915 for each

24 hour period in which work continues in violation of the Stop Work Order. The penalty shall be recorded as a lien against real property in the Office of the County Recorder if not paid within sixty days of notifying the property owner and violator of the issuance of the penalty.

(3) The property owner shall submit an application or correct the violation within the grace period. If the property owner fails to submit an application or correct the violation within the grace period, the Code Enforcement Planner may impose a penalty in accordance with MCC 36.0915. The penalty shall be recorded as a lien against real property in the Office of the County Recorder if not paid within sixty days of notifying the property owner and violator of the issuance of the penalty.

(4) If the property owner files an appeal under MCC 36.0910 (D) (4), the property owner shall not resume the use(s) subject to the stop work order until such time as a Decision of Appeal has been issued and the Stop Work Order is removed from the property by the Planning Director.

(5) The Planning Director or Code Enforcement Planner may require the placement of erosion and sediment control devices and/or other health and safety corrections to occur at his discretion.

(F) Notice of Violation; Occurrence; Other Remedies

(1) Except as otherwise specifically provided in this ordinance, a Notice of Violation shall be used for violation of MCC Chapter 36, MCC 29.001 through 29.011 and MCC 29.300 through 29.305.

(2) Each day (24-hour period) a violation exists shall be a separate citable offense.

(3) The remedies and procedures provided in this ordinance shall be in addition to any

other remedy or procedure provided by any applicable law. In addition to any other remedy provided by law to the County, the County shall be entitled to its reasonable administrative costs and attorney fees.

(G) Judicial Review

Review of the Decision of Appeal of the Planning Director under this section by any aggrieved party, including the County of Multnomah, shall be by writ of review as provided in ORS 34.010 - 34.100 [1998].

(H) Reporting to the Planning Commission

The Land Use Planning Division shall report to the Planning Commission on code enforcement activities every six months.

§ 36.0915 PENALTIES.

Violations as defined in MCC 36.0910 shall be subject to a fine of up to \$500.00 per day.

§ 36.0920 SAVINGS CLAUSE.

If the article, section, subsection, subdivision, phrase, clause, sentence or work in the ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of this ordinance, but shall be confined to the article, section, subsection, subdivision, phrase, clause, sentence or work held invalid or unconstitutional.

**PART 4 –
ZONING DISTRICTS**

COMMERCIAL FOREST USE CFU

§ 36.2000- PURPOSES.

The purposes of the Commercial Forest Use District are to conserve and protect designated lands for continued commercial growing and harvesting of timber and the production of wood fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for agricultural uses; to provide for recreational opportunities and other uses which are compatible with forest use; implement Comprehensive Framework Plan Policy 11, Commercial Forest Land; the Commercial Forest Use policies of the West of Sandy River Rural Area Plan, and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

One of the implementation tools to carry out the purposes of this District is a Lot of Record requirement to group into larger "Lots of Record" those contiguous parcels and lots that were in the same ownership on February 20, 1990. This requirement is in addition to all "tract" grouping requirements of State Statute and Rule.

§ 36.2005 AREA AFFECTED.

MCC 36.2000 through 36.2110 shall apply to those lands designated CFU on the Multnomah County Zoning Map.

§ 36.2010 DEFINITIONS.

As used in MCC 36.2000 through 36.2110, unless otherwise noted, the following words and their derivations shall have the following meanings:

(A) **Auxiliary** - For the purposes of MCC 36.2020 (A) (2) to (3), the use or alteration of a structure or land which provides temporary help, or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on site, be temporary in nature, and be designed not to remain for the entire growth cycle of the forest from planting

to harvesting. An auxiliary use shall be removed when the particular forest practice for which it was approved is concluded.

(B) **Campground** - An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. A campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(C) **Commercial Tree Species** - Trees recognized under rules adopted under ORS 527.715 (1996) for commercial production.

(D) **Contiguous** - Refers to parcels or lots which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels or lots separated only by an alley, street or other right-of-way.

(E) **Cubic Foot Per Acre** - The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

(F) **Cubic Foot Per Tract Per Year** - The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

(G) **Forest Operation** - Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620 (6) (1996).

(H) **Same Ownership-** Refers to greater than possessory interests held by the same person or persons, spouse, minor age child, same partnership, corporation, trust or other entity, separately, in tenancy in common or by other form of title. Ownership shall be deemed to exist when a person or entity owns or controls ten percent or more of a lot or parcel, whether directly or through ownership or control or an entity having such ownership or control.

(I) **Tract** - One or more contiguous Lots of Record in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway. Lots that are contiguous with a common boundary of only a single point are not a tract.

§ 36.2015 USES.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 36.2020 through 36.2030 when found to comply with MCC 36.2045 through 36.2110.

§ 36.2020 ALLOWED USES.

(A) The following uses pursuant to the Forest Practices Act and Statewide Planning Goal 4:

Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;

Temporary on site structures which are auxiliary to and used during the term of a particular forest operation; or

Physical alterations to the land auxiliary to forest practices including, but not limited to, those for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;

(B) A temporary portable facility for the primary processing of forest products;

(C) Farm use, as defined in ORS 215.203;

(D) Alteration, maintenance, or expansion of an existing lawfully established habitable dwelling subject to the following:

(1) The dimensional requirements of MCC 36.2060 are satisfied; and

(2) The development standards of MCC 36.2105(A)(5)(c) and (B) are satisfied to the extent possible within the area of an approved yard if the expansion exceeds 400 square feet of ground coverage.

(E) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, including a public or private wildlife and fisheries resources conservation area;

(F) An uninhabitable structure accessory to fish and wildlife enhancement;

(G) A caretaker residence for a public park or a fish hatchery;

(H) Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;

(I) Climbing and passing lanes within the right of way existing as of July 1, 1987;

(J) Reconstruction or modification of public roads and highways, not including the addition of vehicular travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result;

(K) Temporary public road and highway detours that will be abandoned and restored to original

condition or use at such time as no longer needed;

management plan is not authorized by this section.) Ord 977 2/7/02.

(L) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within a right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;

(M) A lookout tower for forest fire protection;

(N) A water intake facility, canal and distribution lines for farm irrigation and ponds;

(O) A temporary forest labor camp;

(P) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;

(Q) Exploration for geothermal resources;

(R) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation;

(S) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005 (H) (6) (a) and 36.2045. Home occupations as defined by MCC 36.0005 (H) (6) (a) do not allow the level of activity defined in ORS 215.448;

(T) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

(U) Actions taken in response to an emergency/disaster event as defined in MCC 36.0005 pursuant to the provisions of MCC 36.0535.

(V) Wildlife Habitat Conservation and Management Plan pursuant to ORS 215.800 to 215.802 and ORS 215.806 to 215.808. (Note: A proposed single family dwelling in conjunction with a wildlife habitat conservation and

§ 36.2025 REVIEW USES.

(A) Replacement of an existing lawfully established habitable dwelling on the same lot , subject to the following:

(1) The existing dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;

(2) The location of the replacement dwelling shall satisfy the dimensional requirements of MCC 36.2060 and the development standards of MCC 36.2105.

(B) Restoration or replacement of a lawfully established habitable dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:

(1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and

(2) A replacement dwelling located more than 200 feet from the prior dwelling, location shall satisfy the dimensional requirements of MCC 36.2060 and the development standards of MCC 36.2105.

(3) A replacement dwelling located within 200 feet of the original dwelling location shall satisfy the dimensional requirements of MCC 36.2060, and the fire protection standards in MCC 36.2105(A)(5)(c) and (B).

(C) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to MCC 36.0515 and 36.2045.

(D) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC 36.2045.

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 36.2020 (D), 36.2025 (B), or 36.2030 (A) or (B) or (C) provided that the mobile home is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the dwelling pursuant to MCC 36.2045.

(F) Signs, pursuant to the provisions of MCC 36.7400 through 36.7505.

(G) Off-street parking and loading as required by MCC 36.4100 through 36.4215.

(H) Lot Line Adjustment pursuant to the provisions of MCC 36.2070.

(I) Placement of structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(J) Wireless communications facilities when found to satisfy the requirements of MCC 36.6175 through 36.6188.

§ 36.2030 CONDITIONAL USES.

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) A Large Acreage Dwelling pursuant to the provisions of MCC 36.2035 and 36.2105.

(B) A Template Dwelling pursuant to the provisions of MCC 36.2040 (A) and 36.2105.

(C) A Heritage Tract Dwelling pursuant to the provisions of MCC 36.2040 (B) and 36.2105.

(D) The following Community Service Uses pursuant to the applicable provisions of MCC 36.2045, 36.2105, 36.6000 through 36.6020. The applicable criteria of 36.6010 shall be limited to (A) through (H) for uses in this section.

(1) Campground.

(2) Cemetery.

(3) Fire station for rural and forest fire protection.

(4) Aid to navigation and aviation.

(5) Water intake facility, related treatment facility, pumping station, and distribution line. The term “distribution line” includes water conduits and water transmission lines.

(6) Reservoir and water impoundment.

(7) New distribution line (e.g., gas, oil, geothermal) with a right-of-way 50 feet or less in width or new electric transmission line with a right-of-way width of up to 100 feet as specified in ORS 772.210.

(8) Forest management research and experimentation facility as defined by ORS 526.215.

(9) Park, including a public or private wildlife and fisheries resources conservation area with accessory structures for educational or instructional use.

(10) Utility facility for the purpose of generating power provided the facility not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.

(11) Radio and television transmission towers subject to the definitions, restrictions

and standards in MCC 36.6010, 36.6015 (A) (8) and 36.6100 through 36.6130 and wireless communications facilities when found to satisfy the requirements of MCC 36.6175 through 36.6188.

(12) Refuse dump or sanitary landfill for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

(13) Regional Sanitary Landfill for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation subject to the definitions, restrictions and standards in MCC 36.6200 through 36.6230.

(14) Private hunting and fishing operation without any lodging accommodations.

(15) Private seasonal accommodations for a fee hunting operation or fishing, provided:

(a) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

(b) Only minor incidental and accessory retail sales are permitted;

(c) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons or fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

(d) Accommodations for fishing must be located within 1/4 mile of fish bearing Class I waters.

(16) Mining, processing and production of geothermal resources.

(E) The following uses pursuant to the applicable provisions of MCC 36.2045, 36.2105, 36.6300 through 36.6335, and 36.6500

through 36.6535. The applicable criteria of 36.6315 shall be limited to (1) through (7) for the uses in this section;

- (1) Mining and processing of aggregate and other mineral or subsurface resources as defined in ORS Chapter 517;
- (2) Permanent facility for the primary processing of forest products;
- (3) Permanent logging equipment repair and storage;
- (4) Log scaling and weigh stations;
- (5) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels;
- (6) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;
- (7) Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels; and
- (8) Expansion of aircraft landing areas auxiliary to forestry practices, notwithstanding the provisions of MCC 36.4010 through 36.4035.

(F) Type B home occupations pursuant to MCC 36.6650 through 36.6660 and provided:

- (1) That no sale of merchandise is made from the premise; and
- (2) That noise, odor smoke, gasses, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line.

§ 36.2035 LARGE ACREAGE DWELLING.

A large acreage dwelling may be sited on a tract, subject to the following:

(A) The lot or lots in the tract meet(s) the lot of record standards of MCC 35.2075 (A) and (B);

(B) The property consists of:

(1) A single tract of at least 160 contiguous acres in one ownership within Multnomah County and all zoned for forest use; or,

(2) Two or more tracts of at least 200 combined acres in one ownership that are not contiguous, but are in Multnomah County or adjacent counties, and all zoned for forest use;

(C) There is no other dwelling on the tract and no other dwellings are allowed on other lots (or parcels) that make up the tract,

(D) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts of the additional dwelling, considered with approvals of other dwellings in the area since acknowledgment of the Comprehensive Plan in 1980, will be acceptable.

(E) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices;

(F) Proof of a long-term road access use permit or agreement shall be provided if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance;

(G) A condition of approval requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules, provided, however, that:

(1) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;

(2) The property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;

(3) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372;

(H) Evidence is provided, prior to the issuance of a building permit, that the covenants, conditions and restrictions form adopted as "Exhibit A" to the Oregon Administrative Rules (OAR), Chapter 660, Division 6 (December, 1995) has been recorded with the county Division of Records;

(1) The covenants, conditions and restrictions as specified in "Exhibit A" above shall specify that it is not lawful to use the acreage of the subject tract to

qualify another tract for the siting of a dwelling;

(2) The covenants, conditions and restrictions as specified in "Exhibit A" are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County and any other county where the property subject to the covenants, conditions and restrictions is located;

(3) Enforcement of the covenants, conditions and restrictions shall be as specified in OAR 660-06-027.

§ 36.2040 TEMPLATE AND HERITAGE TRACT DWELLINGS.

(A) A template dwelling may be sited on a tract, subject to the following:

(1) The lot or lots in the tract shall meet the lot of record standards of MCC 35.2075, and have been lawfully created prior to January 25, 1990;

(2) The tract shall be of sufficient size to accommodate siting the dwelling in accordance with the development standards of MCC 35.2105 with minimum yards of 60 feet to the centerline of any adjacent public or private road serving two or more properties and 130 feet to all other property lines. Exceptions to this standard shall be pursuant to MCC 36.2110, as applicable;

(3) The tract shall meet the following standards:

(a) The tract shall be composed primarily of soils which are capable of producing 0 to 49 cubic feet of Douglas Fir timber per acre per year (cf/ac/yr); and

1. The lot upon which the dwelling is proposed to be sited and at least all or part of 3 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject

tract parallel and perpendicular to section lines; and

2. At least three dwellings lawfully existed on January 1, 1993 within the 160-acre square, or

(b) The tract shall be composed primarily of soils which are capable of producing 50 to 85 cf/ac/yr of Douglas Fir timber; and

1. The lot upon which the dwelling is proposed to be sited and at least all or part of 7 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and

2. At least three dwellings lawfully existed on January 1, 1993 within the 160-acre square, or

(c) The tract shall be composed primarily of soils which are capable of producing above 85 cf/ac/yr of Douglas Fir timber; and

1. The lot upon which the dwelling is proposed to be sited and at least all or part of 11 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and

2. At least five dwellings lawfully existed on January 1, 1993 within the 160-acre square.

(d) Lots and dwellings within urban growth boundaries shall not be counted to satisfy (a) through (c) above.

(e) There is no other dwelling on the tract,

(f) No other dwellings are allowed on other lots (or parcels) that make up the tract;

(g) Except as provided for a replacement dwelling, all lots (or parcels) that are part of the tract shall be precluded from all future rights to site a dwelling; and

(h) No lot (or parcel) that is part of the tract may be used to qualify another tract for the siting of a dwelling;

(4) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts of the additional dwelling, considered with approvals of other dwellings in the area since acknowledgment of the Comprehensive Plan in 1980, will be acceptable.

(5) Proof of a long-term road access use permit or agreement shall be provided if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance;

(6) A condition of approval requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules, provided, however, that:

(a) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;

- (b) The property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;
- (c) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372;
- (7) The dwelling meets the applicable development standards of MCC 36.2105;
- (8) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices;
- (9) Evidence is provided, prior to the issuance of a building permit, that the covenants, conditions and restrictions form adopted as "Exhibit A" to the Oregon Administrative Rules (OAR), Chapter 660, Division 6 (December, 1995), or a similar form approved by the Planning Director, has been recorded with the county Division of Records;
- (a) The covenants, conditions and restrictions shall specify that:
1. All lots (or parcels) that are part of the tract shall be precluded from all future rights to site a dwelling; and
 2. No lot (or parcel) that is part of the tract may be used to qualify another tract for the siting of a dwelling;
- (b) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the tract is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands;
- (c) Enforcement of the covenants, conditions and restrictions shall be as specified in OAR 660-06-027 (December, 1995).
- (B) A heritage tract dwelling may be sited, subject to the following:
- (1) On a tract:
 - (a) That is not developed with a single family residence, and
 - (b) That is not capable of producing 5,000 cubic feet per year of commercial tree species based on soil type, and
 - (c) That is located within 1,500 feet of a dedicated public right-of-way that provides or will provide access to the subject tract.
 1. The public right-of-way shall be maintained to the standards set forth in the County Right-of-Way Access Permit, and
 2. The public right-of-way shall not be a U.S. Forest Service road or Bureau of Land Management road.

(d) For which deeds or other instruments creating the lots or parcels were recorded with the Department of General Services, or were in recordable form prior to January 1, 1985; and

(e) That is comprised of lots or parcels that were lawfully created; and

(f) Notwithstanding the same ownership grouping requirements of the Lot of Record section, that was acquired by the present owner:

1. Prior to January 1, 1985; or

2. By devise or by intestate succession by an antecedent of the person who acquired the lot or parcel prior to January 1, 1985.

3. For purposes of this subsection, "antecedent" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

(2) When the lot or parcel on which the dwelling will be sited lies within an area designated in an acknowledged comprehensive plan as habitat of big game, the siting of the dwelling shall be consistent with the limitations on density upon which the acknowledged comprehensive plan and land use regulations intended to protect the habitat are based.

(3) When the tract on which the dwelling will be sited consists of more than one lot or parcel, the remaining lots or parcels shall be consolidated into a single lot or parcel prior to the issuance of any development permits.

(4) Prior to the issuance of any development permits the owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules, provided, however, that:

(a) The Transportation and Land Use Planning Department shall notify the County Assessor of the above condition at the time the dwelling is approved;

(b) The property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The Assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;

(c) Upon notification by the Assessor, the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, it will notify the owner and the Assessor that the land is not being managed as forest land. The Assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372;

(5) The dwelling meets the applicable development standards of MCC 36.2105.

§ 36.2045 USE COMPATIBILITY STANDARDS.

Specified uses of MCC 36.2025 (C), (D), and (E) and MCC 36.2030 (D), (E) and (F) may be allowed upon a finding that:

(A) The use will:

(1) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;

(2) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel; and

(B) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices.

§ 36.2060 DIMENSIONAL REQUIREMENTS.

(A) Except as provided in MCC 36.2065, 36.2070, 36.2075, and 36.2080, the minimum lot size shall be 80 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 size of such lot.

(C) Minimum Forest Practices Setback Dimensions From Tract Boundary - Feet:

Road Frontage	Other Front	Side	Rear
60 from centerline of road from which access is gained	130	130	130

Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

Forest practices setback dimensions shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Exceptions to forest practices setback dimensions shall be pursuant to MCC 36.2110, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 36.2105 (A) (5) (c) 2.

(D) The minimum forest practices setback requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

(F) Yards for the alteration, replacement or restoration of dwellings under 36.2020 (D) and (E) and 36.2025 (B) need not satisfy the development standards of MCC 36.2105 if originally legally established to a lesser standard than that required by MCC 36.2105, but in no case shall they be less than those originally established.

(G) Agricultural buildings, as specified in ORS 455.315 (2) and allowed under MCC 36.2020 (C), may have minimum side and rear yard setbacks of 30 feet, but in no case shall any setback be less than the minimum primary fire safety zone required by MCC 36.2105 (A) (5) (c) 2.

(H) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source shall be provided on the lot.

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

(I) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.300.

§ 36.2065 LOTS OF EXCEPTION.

An exception to permit the creation of a lot of less than the minimum 80 acre parcel size for new parcels may be authorized as provided in (A) or (B) below and subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

- (1) The Lot of Record to be divided is larger than 80 acres;
- (2) The Lot of Exception will contain a dwelling which lawfully existed prior to January 25, 1990;
- (3) The Lot of Exception will be no larger than 5 acres;
- (4) The division will create no more than one lot which is less than 80 acres;
- (5) The division complies with the dimensional requirements of MCC 36.2060 (C) through (E); and
- (6) The parcel not containing the dwelling is not entitled to a dwelling. A condition of approval shall require that covenants, conditions and restrictions which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. The covenants, conditions and

restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the parcel is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands.

(B) A parcel that contains two dwellings may be divided provided that:

- (1) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
- (2) Each dwelling complies with the criteria for a replacement dwelling under ORS 215.213 (1)(t) or 215.283 (1)(s);
- (3) Except for one lot or parcel, each lot or parcel created under this paragraph is between two and five acres in size;
- (4) At least one dwelling is located on each lot or parcel created under this paragraph; and
- (5) The landowner of a lot or parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with the Multnomah County Recorder. A restriction imposed under this paragraph shall be irrevocable unless a statement of release is signed by the county planning director indicating that the comprehensive plan or land use regulations applicable to the lot or parcel have been changed so that the lot or parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use or mixed farm and forest use.

(C) The county planning director shall maintain a record of parcels that do not qualify for the

siting of a new dwelling under restrictions imposed by this section. The record shall be readily available to the public.

(D) A landowner allowed a land division under this section shall sign a statement that shall be recorded with the Multnomah County Recorder, declaring that the landowner and the landowner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

§ 36.2070 LOT LINE ADJUSTMENT.

(A) An adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:

- (1) The permitted number of dwellings will not thereby be increased above that otherwise allowed in this district;
- (2) The resulting lot configuration is at least as appropriate for the continuation of the existing commercial forest practices in the area as the lot configuration prior to adjustment;
- (3) The new lot line is in compliance with the dimensional requirements of MCC 36.2060 (C) through (E); and
- (4) Neither of the properties is developed with a dwelling approved under the provisions for a mobile home on a Health Hardship, or a dwelling for the housing of help required to carry out a farm or forest use.

§ 36.2075 LOT OF RECORD.

(A) In addition to the Lot of Record definition standards in MCC 36.0005, 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

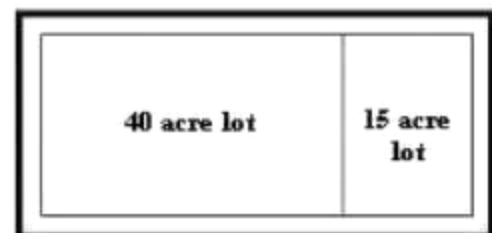
(2) A group of contiguous parcels or lots:

- (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.

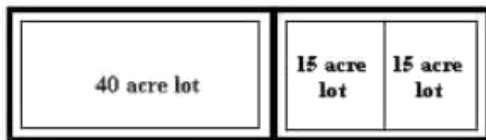
1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with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

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.

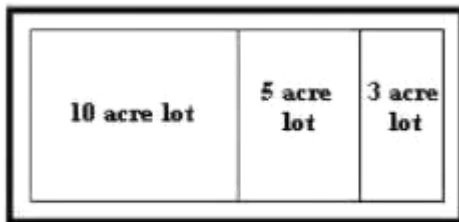
3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:



**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

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

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

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

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

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

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

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

(4) August 14, 1980, MUF-19 & 38 and CFU-80 zones applied, Ord. 236 & 238;

(5) February 20, 1990, Lot of Record definition amended, Ord. 643;

(6) January 7, 1993, MUF-19 & 38 zones changed to CFU-80, Ord. 743 & 745;

(7) May 16, 2002, Lot of Record section amended, Ord. 982;

(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 36.2090, 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.

§ 36.2080 LOT SIZE FOR CONDITIONAL USES.

Lots less than the minimum specified in MCC 36.2060 (A) may be created for the uses listed in MCC 36.2020 (S) and 36.2030 (A) (1) through (6), (9) through (13), and (16) and (B) (1) through (4),

after approval is obtained pursuant to MCC 36.2045 and based upon:

- (A) A finding that the new lot is the minimum site size necessary for the proposed use;
- (B) The nature of the proposed use in relation to its impact on nearby properties; and
- (C) Consideration of the purposes of this district.

§ 36.2085 OFF-STREET PARKING AND LOADING.

Off-street parking and loading permitted as an accessory use shall be provided as required by MCC 36.4100 through 36.4215.

§ 36.2090 ACCESS.

Any lot in this district shall abut a street, or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles.

§ 36.2105 DEVELOPMENT STANDARDS FOR DWELLINGS AND STRUCTURES.

Except as provided for the alteration, replacement or restoration of dwellings under MCC 36.2020 (D) and 36.2025 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the requirements of this section. Application of these requirements shall be processed pursuant to the provisions for Type II or Type III decisions as applicable.

(A) The dwelling or structure shall be located such that:

- (1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of 36.2060 (C) through (G);
- (2) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(3) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(4) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and

(5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

(a) The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by contract;

(b) Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet the driveway standards of MCC 36.2105 (D) with permanent signs posted along the access route to indicate the location of the emergency water source;

(c) Maintenance of a primary and a secondary fire safety zone on the subject tract.

1. A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

2. On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the

slope from a dwelling or structure as follows:

Percent Slope	Distance In Feet
Less than 10	Not required
Less than 20	50
Less than 25	75
Less than 40	100

3. A secondary fire safety zone is required around all dwellings and other structures except for other structures located within a public park. The secondary fire break extends a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of MCC 36.2060 (F) and 36.2110.

4. No requirement in 1., 2., or 3. above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

5. Maintenance of a primary and a secondary fire safety zone is required only to the extent possible

within the area of an approved yard (setback to property line).

(d) The building site must have a slope less than 40 percent.

(B) The dwelling or structure shall:

(1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;

(2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;

(3) Have a fire retardant roof; and

(4) Have a spark arrester on each chimney.

(C) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 11 stream as defined in the Forest Practices Rules.

(1) If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(2) Evidence of a domestic water supply means:

(a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

- (b) A water use permit issued by the Water Resources Department for the use described in the application; or
 - (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
- (D) A private road (including approved easements) accessing two or more dwellings, or a driveway accessing a single dwelling, shall be designed, built, and maintained to:
- (1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;
 - (2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;
 - (3) Provide minimum curve radii of 48 feet or greater;
 - (4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;
 - (5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below:
 - (a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades exceeding 6 percent;
 - (b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;
 - (6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;
 - (7) Provide for the safe and convenient passage of vehicles by the placement of:
 - (a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or
 - (b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

§ 36.2110 EXCEPTIONS TO SECONDARY FIRE SAFETY ZONES AND FOREST PRACTICES SETBACKS

(A) The secondary fire safety zone and forest practices tract setbacks for dwellings and structures may be reduced pursuant to the provisions of 36.2110 (B) when:

- (1) The tract on which the dwelling or structure is proposed has an average lot width or depth of 330 feet or less, or
- (2) The dwelling or structure is proposed to be located within 130 feet of the centerline of a public or private road serving two or more properties; or
- (3) The proposed dwelling or structure is proposed to be clustered with a legally existing dwelling or structure.

(B) Exceptions to secondary fire safety zones and forest practices setbacks shall only be granted upon satisfaction of the following standards:

- (1) If the proposed secondary fire safety zone is between 50 and 100 feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 505 Class 2 Ignition Resistant

Construction as adopted August, 1996, or as later amended, or

noncombustible materials on the exterior side.

(2) If the proposed secondary fire safety zone is less than fifty feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, and

(8) When a detached accessory structure is proposed to be located so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 504.5 of the International Fire Code Institute Urban-Wildland Interface Code Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, or underfloor protection in accordance with Section 504.6 of that same publication.

(3) There shall be no combustible fences within 12 feet of the exterior surface of the dwelling or structure; and

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior one-hour-rated fire-resistive construction or heavy-timber construction.

(4) A dwelling shall have a central station monitored alarm system if the secondary fire safety zone equivalents of MCC 36.2110 (B) (1) are utilized, or

(5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of MCC 36.2110 (B) (2) are utilized. Exception: Expansions of existing single family dwellings as allowed by MCC 36.2020 (D) shall not be required to meet this standard, but shall satisfy the standard of MCC 36.2110 (B) (3) above.

(6) All accessory structures within the fire safety zone setbacks required by MCC 36.2105, and all accessory structures within 50 feet of a dwelling, shall have a central monitored alarm system.

(7) All accessory structures within 50 feet of a building:

(a) Have a central monitored alarm system;

(b) Have exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy timber, log wall construction or constructed with

EXCLUSIVE FARM USE, EFU**§ 36.2600- PURPOSE.**

The purposes of the Exclusive Farm Use District are to preserve and maintain agricultural lands for farm use consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic and wildlife resources, to maintain and improve the quality of the air, water and land resources of the County and to establish criteria and standards for farm uses and related and compatible uses which are deemed appropriate. Land within this district shall be used exclusively for farm uses as provided in the Oregon Revised Statutes Chapter 215 and the Oregon Administrative Rules Chapter 660, Division 33 as interpreted by this Exclusive Farm Use code section.

One of the implementation tools to carry out the purpose of this District is a Lot of Record requirement to group into larger "Lots of Record" those contiguous parcels and lots that were in the same ownership on February 20, 1990. This requirement is in addition to all "tract" grouping requirements of State Statute and Rule.

§ 36.2605 AREA AFFECTED.

MCC 36.2600 through 36.2690 shall apply to those areas designated EFU on the Multnomah County Zoning Map.

§ 36.2610 DEFINITIONS.

As used in MCC 36.2600 through MCC 36.2690, unless otherwise noted, the following words and their derivations shall have the following meanings:

(A) **Campground** is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. Campgrounds shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(B) **Commercial agricultural enterprise** consists of farm operations that will:

- (1) Contribute in a substantial way to the area's existing agricultural economy; and
- (2) Help maintain agricultural processors and established farm markets.

When determining whether a farm is part of the commercial agricultural enterprise, not only what is produced, but how much and the method by which it is marketed shall be considered.

(C) **Contiguous** refers to parcels or lots which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels or lots separated only by an alley, street or other right-of-way.

(D) **Farm Operator** means a person who operates a farm, doing the work and making the day-to-day decisions about such things as planting, harvesting, feeding and marketing.

(E) **High-value farm land** means land in a tract composed predominately of soils that are:

- (1) Irrigated and classified prime, unique, Class I or Class II; or
- (2) Not irrigated and classified prime, unique, Class I or Class II; or
- (3) Willamette Valley Soils in Class III or IV including:
 - (a) Subclassification IIIe specifically, Burlington, Cascade, Cornelius, Latourell, Multnomah, Powell, Quatama;
 - (b) Subclassification IIIw specifically, Cornelius;
 - (c) Subclassification IVe, specifically, Cornelius, Latourell, Powell, and Quatama.

Location and the extent of these soils are as identified and mapped in "Soil Survey of Multnomah County, published by the Soil Conservation Service, US Department of Agriculture, 1983."

The soil class, soil rating or other soil designation of a specific lot or parcel may be changed if the property owner submits a statement or report pursuant to ORS 215.710(5).

(F) **Private School** means privately owned primary, elementary or high school not including nursery school, kindergarten or day nursery except those operated in conjunction with a school.

(G) **Public School** means publicly owned primary, elementary or high school not including nursery school, kindergarten or day nursery except those operated in conjunction with a school.

(H) **Same Ownership** refers to greater than possessory interests held by the person or persons, spouse, minor age child, same partnership, corporation, trust or other entity, separately, in tenancy in common or by other form of title. Ownership shall be deemed to exist when a person or entity owns or controls ten percent or more of a lot or parcel, whether directly or through ownership or control or an entity having such ownership or control.

(I) **Suitable for farm use** means land in Class I-IV or "lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands".

(J) **Tract** means one or more contiguous lots or parcels in the same ownership.

§ 36.2615 USES.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses

listed in MCC 36.2620 through 36.2630 when found to comply with MCC 36.2660 through 36.2690.

§ 36.2620 ALLOWED USES.

(A) Farm use, as defined in ORS 215.203.

(B) Buildings other than dwellings customarily provided in conjunction with farm use.

(C) The propagation or harvesting of forest products.

(D) Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732 (1)(a) or (b).

(E) Operations for the exploration for minerals as defined by ORS 517.750. Any activities or construction relating to such operations shall not be the basis for an exception under ORS 197.732 (1)(a) or (b).

(F) Climbing and passing lanes within the right of way existing as of July 1, 1987.

(G) Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result.

(H) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.

(I) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas within right of way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(J) A replacement dwelling to be used in conjunction with farm use if the existing dwelling has been listed in a historic property inventory as defined in ORS 358.480(ORS 215.283(1)).

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

(L) Alteration, restoration or replacement of a lawfully established habitable dwelling.

(1) In the case of a replacement dwelling, the existing dwelling must be removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling.

(2) A replacement dwelling may be sited on any part of the same lot or parcel. A dwelling established under this paragraph shall comply with all applicable siting standards. However, the standards shall not be applied in a manner that prohibits the siting of the dwelling. If the dwelling to be replaced is located on a portion of the lot or parcel not zoned for exclusive farm use, the applicant, as a condition of approval, shall execute and record in the deed records for the county a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the county or its designee and state that the provisions of this paragraph regarding replacement dwellings have changed to allow the siting of another dwelling. The county planning director or the director's designee shall maintain a record of the lots and parcels that do not qualify for the siting of a new dwelling under the provisions of this paragraph, including a copy of the deed restrictions and release statements filed under this paragraph.

(M) Replacement of an existing lawfully established single family dwelling on the same lot not more than 200 feet from the original building site when the dwelling was unintentionally destroyed by fire, other casualty or natural disaster. The dwelling may be reestablished only to its previous nature and extent, and the reestablishment shall meet all other building, plumbing, sanitation and other codes, ordinances and permit requirements. A building permit must be obtained within one year from the date of the event that destroyed the dwelling.

(N) Public or private schools, including all buildings essential to the operation of a school wholly within an EFU district may be maintained, enhanced or expanded:

(1) Except that no new use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4; and

(2) No new use may be authorized on high value farmland; and

(3) Must satisfy the requirements of MCC 36.4100 through MCC 36.4215, MCC 36.6020 (A), MCC 36.7000 through MCC 36.7060 and MCC 36.7450.

(4) The maintenance, enhancement or expansion shall not adversely impact the right to farm on surrounding EFU lands.

(O) Churches and cemeteries in conjunction with churches wholly within an EFU district may be maintained, enhanced or expanded:

(1) Except that no new use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4; and

(2) No new use may be authorized on high value farmland; and

(3) Must satisfy the requirements of MCC 36.4100 through MCC 36.4215, MCC 36.6020 (A), MCC 36.7000 through MCC 36.7060 and MCC 36.7450.

(4) The maintenance, enhancement or expansion shall not adversely impact the right to farm on surrounding EFU lands.

(P) Structures such as garages, carports, studios, pergolas, private workshops, barns, loafing sheds, storage buildings, greenhouses or similar structures, whether attached or detached, when in accordance with the yard requirements of this district;

(Q) Structures or fenced runs for the shelter or confinement of poultry or livestock;

(R) Type A home occupation pursuant to the definition and restrictions of MCC 36.0005 (H) (6) (a). Home occupations as defined by MCC 36.0005 (H) (8) (a) do not allow the level of activity defined in ORS 215.448.

(S) Actions taken in response to an emergency/disaster event as defined in MCC 36.0005 pursuant to the provisions of MCC 36.0535.

(T) A Wildlife Habitat Conservation and Management Plan pursuant to ORS 215.800 to 215.802 and ORS 215.806 to 215.808. (Note: A proposed single family dwelling in conjunction with a wildlife habitat conservation and management plan is not authorized by this section.) Ord 977 2/7/02.

(U) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this paragraph. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this paragraph. As used in this paragraph, "model aircraft" means a small-scale version of an

airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

(V) Fire service facilities providing rural fire protection services.

(W) Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505.

(X) Utility facility service lines. Utility facility service lines are utility lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following:

(1) A public right of way;

(2) Land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or

(3) The property to be served by the utility.

(Y) On-site filming and activities accessory to on-site filming if the activity would involve no more than 45 days on any site within any one-year period or does not involve erection of sets that would remain in place for longer than any 45-day period. On-site filming and activities accessory to on-site filming may be considered to include office administrative functions such as payroll and scheduling, and the use of campers, truck trailers or similar temporary facilities.

Temporary facilities may be used as temporary housing for security personnel.

"On-site filming and activities accessory to on-site filming" includes: filming and site preparation, construction of sets, staging, makeup and support services customarily provided for on-site filming and production of advertisements, documentaries, feature film, television services and other film productions

that rely on the rural qualities of an exclusive farm use zone in more than an incidental way. On-site filming and activities accessory to on-site filming" does not include: facilities for marketing, editing and other such activities that are allowed only as a home occupation or construction of new structures that requires a building permit.

§ 36.2625 REVIEW USES.

(A) Utility facilities necessary for public service, including wetland waste treatment systems but not including commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height provided:

(1) Radio and television towers 200 feet and under when found to satisfy the requirements of ORS 215.275 "Utility facilities necessary for public service; criteria; mitigating impact of facility" and MCC 36.6100 through 36.6130.

(2) Wireless communications facilities 200 feet and under when found to satisfy the requirements of MCC 36.6175 through 36.6188.

(3) All other utility facilities and transmission towers 200 feet and under in height subject to the following.

(a) The facility satisfies the requirements of ORS 215.275, "Utility facilities necessary for public service; criteria; mitigating impact of facility"; and

(b) The facility satisfies the requirements of MCC 36.4100 through 36.4215, MCC 36.6020(A), 36.7000 through 36.7060 and 36.7450.

[Amended 2001, Ord. 958 § 1]

(B) Deleted 2001, Ord. 958 §1.

(C) A farm help dwelling for a relative on real property used for farm use if the dwelling is:

(1) Located on the same lot or parcel as the dwelling of the farm operator; and is

(2) Occupied by a relative of the farm operator or the farm operator's spouse, if the farm operator does or will require the assistance of the relative in the management of the farm use. Qualifying relatives include, child, parent, stepparent, grandchild, grandparent, stepgrandparent, sibling, stepsibling, niece, nephew or first cousin.

(3) Notwithstanding ORS 92.010 to 92.190 or the minimum lot size requirements of MCC 36.2660, if the owner of a dwelling described in this paragraph obtains construction financing or other financing secured by the dwelling and the secured party forecloses on the dwelling, the secured party may also foreclose on the homesite, as defined in ORS 308A.250, and the foreclosure shall operate as a partition of the homesite to create a new parcel.

(D) A dwelling, including a mobile or modular home, customarily provided in conjunction with a farm use:

(1) On lands identified as high-value farmland, a dwelling may be considered customarily provided in conjunction with farm use if:

(a) The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years; and

(b) Except as permitted in ORS 215.283 (1) (p) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tract; and

- (c) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection;

In determining the gross income required by subsection (a) of this subsection, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

- (2) On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

(a) The parcel on which the dwelling will be located is at least 160 acres; and

(b) The subject tract is currently employed for farm use, as defined in ORS 215.203; and

(c) The dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing or caring for livestock, at a commercial scale; and

(d) Except as permitted in ORS 215.283 (1) (p) (i.e. seasonal farm worker housing), there is no other dwelling on the subject tract; or

- (3) On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

(a) The subject tract is at least as large as the median size of those commercial farm or ranch tracts capable of generating at least \$10,000 in annual gross sales that are located within a study area which includes all tracts wholly or partially within one mile from the perimeter of the subject tract [the median size of commercial farm and

ranch tracts shall be determined pursuant to OAR 660-33-135(3); and

(b) The subject tract is capable of producing at least the median level of annual gross sales of county indicator crops as the same commercial farm or ranch tracts used to calculate the tract size in subsection (a) of this section; and

(c) The subject tract is currently employed for a farm use, as defined in ORS 215.203, at a level capable of producing the annual gross sales required in subsection (b) of this section; and

(d) The subject lot or parcel on which the dwelling is proposed is not less than ten acres; and

(e) Except as permitted in ORS 215.283 (1) (p) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tract; and

If no farm use has been established at the time of application, land use approval shall be subject to a condition that no building permit may be issued prior to the establishment of the farm use required by subsection (c) of this section; or

- (4) On land not identified as high-value farmland a dwelling may be considered customarily provided in conjunction with farm use if:

(a) The subject tract is currently employed for the farm use, as defined in ORS 215.203, that produced in the last two years or three of the last five years the lower of the following:

1. At least \$40,000 (1994 dollars) in gross annual income from the sale of farm products; or

2. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon; and

(b) Except as permitted in ORS 215.283(1)(p) (i.e. seasonal farmworker housing), there is no other dwelling on the subject tract; and

(c) The dwelling will be occupied by a person or persons who produced the commodities which grossed the income in subsection (a) of this subsection;

In determining the gross income required by subsection (a) of this subsection, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

(E) An accessory farm help dwelling, including a mobile or modular home customarily provided in conjunction with farm use if:

(1) The accessory farm help dwelling will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator; and

(2) The accessory help dwelling shall be located:

(a) On the same lot or parcel as the dwelling of the principal farm dwelling; or

(b) On the same tract as the principal farm dwelling when the lot or parcel on which the accessory dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the tract; or

(c) On a lot or parcel on which the principal farm dwelling is not located, when:

1. The accessory farm dwelling is a manufactured dwelling; and

2. A deed restriction is filed with the county clerk. The deed restriction shall require the manufactured dwelling to be removed when the lot or parcel is conveyed to another party.

(d) An accessory farm dwelling approved pursuant to this rule may not be occupied by a person or persons who will not be principally engaged in the farm use of the land and whose assistance in the management of the farm use is not or will not be required by the farm operator. The manufactured dwelling may remain if it is reapproved; and

(3) There is no other dwelling on the lands designated for exclusive farm use owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm or ranch and that could reasonably be used as an accessory farm dwelling; and

(4) The principal farm dwelling to which the proposed dwelling would be accessory, meets one of the following:

(a) On land not identified as high-value farmland, the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced in the last two years or three of the last five years the lower of the following:

1. At least \$40,000 (1994 dollars) in gross annual income from the sale of farm products. In determining the

gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

2. Gross annual income of at least the midpoint of the median income range of gross annual sales for farms in the county with the gross annual sales of \$10,000 or more according to the 1992 Census of Agriculture, Oregon. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract; or

(b) On land identified as high-value farmland, the principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years. In determining the gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract.

The approval authority shall not approve any proposed division of a lot or parcel for an accessory farm dwelling approved pursuant to this section. If it is determined that an accessory farm dwelling satisfies the requirements of MCC 36.2625 (D), a parcel may be created consistent with the minimum parcel size requirements in MCC 36.2660.

(F) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a single family heritage tract dwelling may be allowed on land not identified as high-value farmland when:

(1) The lot or parcel meets the following requirements:

(a) A deed or other instrument creating the lot or parcel was recorded with the Department of General Services, or was in recordable form prior to January 1, 1985; and

(b) The lot or parcel satisfies all applicable laws when the lot or parcel was created; and

(c) The lot or parcel is held under the same ownership and which was acquired by the present owner prior to January 1, 1985; and

(2) The tract on which the dwelling will be sited does not include a dwelling; and

(3) The proposed dwelling is not prohibited by, and will comply with, the requirements of the Comprehensive Plan, land use regulations, and other provisions of law; and

(4) The lot or parcel on which the dwelling will be sited does not lie within an area designated by the Comprehensive Plan as a Big Game habitat area; and

(5) The lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract shall be consolidated into a single parcel when the dwelling is allowed; and

(6) The County Assessor shall be notified when the permit is approved.

(7) Approval of the dwelling would not:

(a) Exceed the facilities and service capabilities of the area; and

(b) Materially alter the stability of the overall land use pattern of the area; and

(c) Create conditions or circumstances that are found to be contrary to the purpose or intent of the Comprehensive Plan or MCC Chapter 36.

(8) For purposes of this subsection, and of dwellings considered under MCC 36.2630 (K) and (L), the following definitions apply:

(a) Owner includes a person who acquired the lot or parcel by devise or intestate succession from a person who acquired the lot or parcel prior to January 1, 1985.

(b) Date of Creation and Existence. When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

(G) Seasonal farmworker housing as defined in ORS 197.675 when found to meet the following requirements:

(1) The housing will be occupied by a person or persons who will be principally engaged in the farm use of the land and whose assistance in the management of the farm use is or will be required by the farm operator; and

(2) The seasonal farmworker housing is located on the same parcel, lot or tract as the principal farm dwelling which houses the farm operator; and

(3) The principal farm dwelling is located on a farm or ranch operation that is currently employed for farm use, as defined in ORS 215.203, and produced at least \$80,000 (1994 dollars) in gross annual income from the sale of farm products in the last two years or three of the last five years; and

(4) The seasonal farmworker housing can only be occupied for 273 days per calendar year.

(H) Facilities wholly within an EFU district used for the breeding, kenneling and training of greyhounds for racing may be maintained, enhanced or expanded except no new facilities may be authorized on high value farmland and provided that the following requirements are satisfied:

(1) MCC 36.6420 (A) and (B); and

(2) MCC 36.7450; and

(3) MCC 36.7000 through MCC 36.7060; and

(4) Minimum Dimensional standards:

(a) Area: Two acres.

(b) Width: Two hundred fifty feet.

(c) Depth: Two hundred fifty feet.

(d) Setback from all lot lines: One hundred feet.

(I) Farm Stands when found that:

(1) The structures are designed and used for the sale of farm crops or livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area, including the sale of retail incidental items, and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand if the annual sale of incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand; and

(2) The farm stand does not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.

(J) A winery, as described in ORS 215.452.

(K) Signs, pursuant to the provisions of MCC 36.7400 through 36.7505.

(L) Off-street parking and loading pursuant to MCC 36.4100 through 36.4215.

(M) Lot Line Adjustment pursuant to the provisions of MCC 36.2670.

(N) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(O) A facility for the processing of farm crops located on a farm operation that provides at least one-quarter of the farm crops processed at the facility. The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm uses. A processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits the siting of the processing facility.

(P) One manufactured dwelling in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. A manufactured dwelling allowed under this provision is a temporary use for the term of the hardship suffered by the existing resident or relative as defined in ORS Chapter 215. The manufactured dwelling shall use the same

subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling. If the manufactured home will use a public sanitary sewer system, such condition will not be required. The Planning Director shall review the permit authorizing such manufactured homes every two years. Within three months of the end of the hardship, the Planning Director shall require the removal of such manufactured homes. A temporary residence approved under this section is not eligible for replacement under MCC 36.2620(J), (L), and (M). Oregon Department of Environmental Quality review and removal requirements also apply. As used in this subsection "hardship" means a medical hardship or hardship for the care of an aged or infirm person or persons.

(1) The health hardship will not:

(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest; or

(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(2) As a condition of approval, the landowner shall sign and record in the deed records for the county a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(Q) Parking of no more than seven log trucks shall be allowed in an exclusive farm use zone notwithstanding any other provision of law except for health and safety provisions, unless the log truck parking will:

(1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest; or

- (2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

§ 36.2630 CONDITIONAL USES.

The following uses may be permitted when found by the approval authority to satisfy the applicable provisions in MCC 36.6300 to 36.6335 or the criteria listed for the use:

- (A) Commercial activities that are in conjunction with a farm use, except for facilities for processing crops that meet the standards for crop source, building size, and other applicable siting standards pursuant to 36.2625(O) above. Uses under this provision shall be subject to the approval criteria in MCC 36.6315(1) through (7).

(B) Operations conducted for:

- (1) Mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under this section; and
- (2) Mining, crushing or stockpiling of aggregate and other mineral and other subsurface resources subject to ORS 215.298.

- (C) State or regional trail for which a master plan that is consistent with OAR Division 34 State and Local Park Planning has been adopted into the comprehensive plan. Development of the trail and accessory facilities shall be subject to the approval criteria in 36.6010(A) through (H); and

- (1) Accessory facilities including but not limited to parking areas, may only be allowed in the EFU zone if there is no alternative location in another zone and;
- (2) Accessory facilities which must be located in the EFU zone, shall be of a size

and scale that is consistent with the rural character of the area.

- (D) Community centers owned by a governmental agency or a nonprofit community organization and operated primarily by and for residents of the local rural community.

- (E) Type B home occupation as provided for in MCC 36.6650 and provided:

- (1) That no sale of merchandise is made from the premise; and
- (2) That noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line.
- (3) A home occupation located on high-value farmland may employ only residents of the home.

- (F) A facility for the primary processing of forest products, provided that such facility is compatible with farm uses described in ORS 215.203 (2). Such a facility may be approved for a one-year period which is renewable. These facilities are intended to be only portable or temporary in nature.

The primary processing of a forest product, as used in this section, means the use of a portable chipper or stud mill or other similar methods of initial treatment of a forest product in order to enable its shipment to market.

Forest products, as used in this section, means timber grown upon a parcel of land or contiguous land where the primary processing facility is located.

- (G) Transmission towers over 200 feet in height subject to the requirements of MCC 36.6100 through MCC 36.6130.

- (H) Dog kennels not described in section MCC 36.2625 (H). Existing facilities wholly within an EFU district may be maintained, enhanced or

expanded, subject to other requirements of law. New facilities may be allowed only on non-high-value lands.

(I) The propagation, cultivation, maintenance and harvesting of aquatic species subject to the approval criteria in MCC 36.6315(A) through (H).

(J) Public road and highway projects subject to the approval criteria in MCC 36.6010(A) through (H) including;

(1) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels; and

(2) Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels.

(K) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a single family heritage tract dwelling may be allowed on land identified as high-value farmland when:

(Note: MCC 36.6315 Conditional Use Approval Criteria does not apply)

(1) The lot or parcel meets the requirements of MCC 36.2625 (F) (1) through (8); and

(2) The lot or parcel cannot practicably be managed for farm use by itself or in conjunction with other land due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity; and

(3) The dwelling will not:

(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest; or

(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(4) The dwelling will not materially alter the stability of the overall land use pattern of the area.

(L) Notwithstanding the same ownership grouping requirements of the Lot of Record section, a single family heritage tract dwelling may be allowed on land identified as high-value farmland when:

(Note: MCC 36.6315 Conditional Use Approval Criteria does not apply)

(1) The lot or parcel meets the requirements of MCC 36.2625 (F) (1) through (8); and

(2) The tract on which the dwelling will be sited is:

(a) Not composed predominately of irrigated or non-irrigated soils classified prime, unique, Class I or Class II; and

(b) Less than twenty-one acres in size; and

(c) Is bordered on at least 67% of its perimeter by tracts that are smaller than 21 acres, and at least two such tracts had dwellings on January 1, 1993; or

(d) Is bordered on at least 25% of its perimeter by tracts that are smaller than 21 acres, and at least four dwellings existed on January 1, 1993, within one-quarter mile of the center of the subject tract. Up to two of the four dwellings may lie within an urban growth boundary, but only if the subject tract abuts an urban growth boundary.

§ 36.2660 DIMENSIONAL REQUIREMENTS.

(A) Except as provided in MCC 36.2675, the minimum lot size for new parcels shall be 80 acres in the EFU district.

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

(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.

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by Ordinance.

(E) Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(F) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, shall be provided on the lot.

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

(G) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.300.

**§ 36.2665 EXCEPTIONS TO LOT SIZE
FOR SPECIFIC USES.**

(A) Lots less than the minimum lot size specified in MCC 36.2660 (A) may be created for uses listed in MCC 36.2625 (A) and MCC 36.2630 (D) based upon:

- (1) The site size needs of the proposed use;
- (2) The nature of the proposed use in relation to its impact on nearby properties; and
- (3) Consideration of the purposes of this district.

(B) Except as otherwise provided by MCC 36.2675, no sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

§ 36.2670 LOT LINE ADJUSTMENT.

(A) An adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:

- (1) All dwellings that were situated on the same lot prior to the adjustments must remain together on the reconfigured lot; and
- (2) The dimensional requirements of MCC 36.2660 (A) and (C) are met; or
- (3) The reconfigured lot areas will each retain the same lot area that existed prior to the exchange.

§ 36.2675 LOT OF RECORD.

(A) In addition to the Lot of Record definition standards in MCC 36.0005, 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

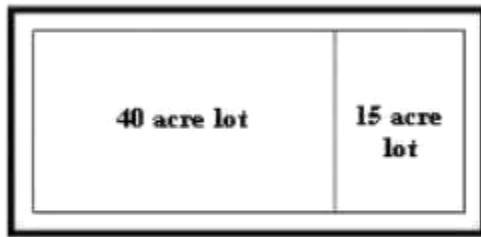
(2) A group of contiguous parcels or lots:

- (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.

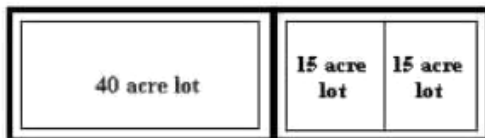
1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with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

2. An exception to the 19 acre minimum lot size requirement shall occur 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.

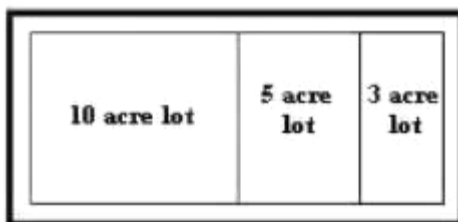
3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:



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

(3) 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, 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;

(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 36.2690 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.

§ 36.2690 ACCESS.

Any lot in this district shall abut a street, or shall have other access determined by the Hearings Officer to be safe and convenient for pedestrians and for passenger and emergency vehicles.

MULTIPLE USE AGRICULTURE - 20, MUA-20**§ 36.2800- PURPOSE.**

The purposes of the Multiple Use Agriculture District are to conserve those agricultural lands not suited to full-time commercial farming for diversified or part-time agriculture uses; to encourage the use of non-agricultural lands for other purposes, such as forestry, outdoor recreation, open space, low density residential development and appropriate Conditional Uses, when these uses are shown to be compatible with the agricultural uses and character of the area, and the applicable County policies.

§ 36.2805 AREA AFFECTED.

MCC 36.2800 to 36.2885 shall apply to those lands designated MUA-20 on the Multnomah County Zoning Map.

§ 36.2815 USES.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 36.2820 through 36.2830 when found to comply with MCC 36.2855 through 36.2885.

§ 36.2820 ALLOWED USES.

(A) A single-family detached dwelling on a Lot of Record, including a home built on or off- site. A home that has been constructed off-site shall meet the following requirements:

- (1) Construction shall comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 445.200 relating to mobile homes;
- (2) The dwelling shall be attached to a foundation for which a building permit has been obtained;
- (3) The dwelling shall have a minimum floor area of 600 square feet.

(B) Farm uses, as defined in ORS 215.203 (2) (a) for the following purposes only:

(1) Raising and harvesting of crops;

(2) Raising of livestock and honeybees; or,

(3) Any other agricultural or horticultural purpose or animal husbandry purpose or combination thereof, except as provided in MCC 36.2830 (B);

(C) The propagation or harvesting of forest products;

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

(E) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005 (H)

(8) (a).

(F) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district.

(G) Family Day Care.

(H) Actions taken in response to an emergency/disaster event as defined in MCC 36.0005 pursuant to the provisions of MCC 36.0536.

§ 36.2825 REVIEW USES.

Uses listed in this section may be permitted after required review as Type II decisions pursuant to MCC 37.0510 through 37.0800, or as specified for the use.

(A) Temporary uses when approved pursuant to MCC 36.0510 and 36.0515.

(B) Wholesale or retail sales of farm or forest products raised or grown on the premises or in the immediate vicinity, subject to the following condition:

The location and design of any building, stand or sign in conjunction with wholesale or retail sales shall be subject to approval of the Planning Director on a finding that the location

and design are compatible with the character of the area; provided that the decision of the Planning Director may be appealed to the approval authority, pursuant to the provisions of MCC Chapter 37.

(C) Signs, pursuant to the provisions of MCC 36.7400 through 36.7505.

(D) Property Line Adjustment pursuant to the provisions of MCC 36.2860.

(E) Placement of structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(F) Wireless communications facilities when found to satisfy the requirements of MCC 36.6175 through 36.6188.

§ 36.2830 CONDITIONAL USES.

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

(A) The Community Service Uses listed in 36.6015 pursuant to the provisions of MCC 36.6000 through 36.6230; and

(1) State or regional trail for which a master plan that is consistent with OAR Division 34 State and Local Park Planning has been adopted into the comprehensive plan. Development of the trail and accessory facilities shall be subject to the approval criteria in 36.6010(A) through (H).

Accessory facilities shall be of a size and scale that is consistent with the rural character of the area.

(B) The following Conditional Uses pursuant to the provisions of MCC 36.6300 through 36.6660:

(1) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005; or exploration, mining and processing of aggregate and other mineral or subsurface resources;

(2) Commercial processing of agricultural products primarily raised or grown in the region;

(3) Raising any type of fowl or processing the by-products thereof for sale at wholesale or retail;

(4) Feed lots;

(5) Raising of four or more swine over four months of age;

(6) Raising of fur bearing animals for sale at wholesale or retail;

(7) Commercial dog kennels; and

(8) Commercial processing of forest products primarily grown in the region.

(C) The following Conditional Uses may be permitted on lands not predominantly of Agricultural Capability Class I, II or III soils:

(1) Planned developments for single-family residences, as provided in MCC 36.4300 through 36.4360 and the applicable current "planned unit developments" standards within the Oregon Administrative Rules Chapter 660, Division 004;

(D) Type B home occupation as provided for in MCC 36.6650 through 36.6660.

(E) Large Fills as provided for in MCC 36.6700 through 36.6720.

(F) Lots of Exception pursuant to the provisions of MCC 36.2860.

**§ 36.2855 DIMENSIONAL STANDARDS
AND DEVELOPMENT
REQUIREMENTS.**

All development proposed in this district shall comply with the applicable provisions of this section.

(A) Except as provided in MCC 36.2860, 36.2870, 36.2875, and 36.4300 through 36.4360, the minimum lot size 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.

(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.

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

(E) Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(F) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

(G) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.300.

(H) New, replacement, or expansion of existing dwellings shall minimize impacts to existing farm uses on adjacent land by:

(1) Recording a covenant that implements the provisions of the Oregon Right to Farm Law in ORS 30.936 where the farm use is on land in the EFU zone; or

(2) Where the farm use does not occur on land in the EFU zone, the owner shall record a covenant that states he recognizes and accepts that farm activities including tilling, spraying, harvesting, and farm management activities during irregular times, occur on adjacent property and in the general area.

**§ 36.2860 LOTS OF EXCEPTION AND
PROPERTY LINE
ADJUSTMENTS.**

(A) Lots of Exception

An exception to permit the creation of a parcel of less than 20 acres, out of a Lot of Record, may be authorized when in compliance with the requirements of MCC 36.2855(C) to (E). Any exception shall be based on the following findings:

(1) The Lot of Record to be divided has two or more permanent habitable dwellings;

(2) The permanent habitable dwellings were lawfully established on the Lot of Record before October 4, 2000;

(3) Each new parcel created by the partition will have at least one of the habitable dwellings; and

(4) The partition will not create any vacant parcels on which a new dwelling could be established.

(B) Property Line Adjustment

Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) No additional lot or parcel is created; and

(2) One of the following situations occurs:

(a) The lot or parcel proposed to be reduced in area is larger than 20 acres prior to the adjustment and remains 20 acres or larger in area after the adjustment, or

(b) The lot or parcel proposed to be enlarged in area is less than 40 acres in area prior to the adjustment and remains less than 40 acres in area after the adjustment.

§ 36.2870 LOT OF RECORD.

(A) In addition to the Lot of Record definition standards in MCC 36.0005, 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.

(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 36.2885, 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 36.2860, 36.2875, and 36.4300 through 36.4360, 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.

§ 36.2875 LOT SIZES FOR CONDITIONAL USES.

The minimum lot size for a Conditional Use permitted pursuant to MCC 36.2830, except subpart (C)(1) thereof, shall be based upon the requirements below. Parcels created to support a conditional use shall not be less than two acres in size, and the remainder parcel shall be not less than five acres.

(A) The site size needs of the proposed use;

(B) The nature of the proposed use in relation to its impact on nearby properties; and

(C) Consideration of the purposes of this district.

§ 36.2880 OFF-STREET PARKING AND LOADING.

Off-Street parking and loading shall be provided as required by MCC 36.4100 through 36.4215.

§ 36.2885 ACCESS.

Any lot in this district shall abut a street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles.

RURAL RESIDENTIAL, RR**§ 36.3100- PURPOSE.**

The purposes of the Rural Residential District are to provide areas for residential use for those persons who desire rural living environments; to provide standards for rural land use and development consistent with desired rural character, the capability of the land and natural resources; to manage the extension of public services; to provide for public review of non-residential use proposals and to balance the public's interest in the management of community growth with the protection of individual property rights through review procedures and flexible standards.

§ 36.3105 AREA AFFECTED.

MCC 36.3100 through 36.3185 shall apply to those lands designed RR on the Multnomah County Zoning Map.

§ 36.3115 USES.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 36.3120 through 36.3130 when found to comply with MCC 36.3155 through 36.3185.

§ 36.3120 ALLOWED USES.

(A) Residential use, consisting of a single family dwelling constructed off-site, including a mobile or modular home placed on a Lot of Record, subject to the following conditions:

- (1) Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes.
- (2) The dwelling shall be attached to a foundation for which a building permit has been obtained.
- (3) The dwelling shall have a minimum floor area of 600 square feet.

(B) Farm use, as defined in ORS 215.203 (2) (a) for the following purposes only:

- (1) Raising and harvesting of crops;
- (2) Raising of livestock and honeybees; or
- (3) Any other agricultural or horticultural purpose or animal husbandry purpose or combination thereof, except as provided in MCC 36.3130 (B).

(C) The propagation or harvesting of forest products;

(D) Residential use consisting of a single family dwelling constructed on a Lot of Record ; and,

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

(F) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005 (H) (8) (a); and,

(G) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district; and

(H) Family Day Care.

(I) Actions taken in response to an emergency/disaster event as defined in MCC 36.0005 pursuant to the provisions of MCC 36.0536.

§ 36.3125 REVIEW USES.

Uses listed in this section may be permitted after required review as Type II decisions pursuant to MCC 37.0510 through 37.0800, or as specified for the use.

(A) Temporary uses when approved pursuant to MCC 36.0510 and 36.0515.

(B) Wholesale or retail sales, limited to those products raised or grown on the premises, subject to the following condition:

The location and design of any building, stand or sign in conjunction with wholesale or retail sales shall be subject to approval of the Planning Director on a finding that the location and design are compatible with the character of the area; provided that the decision of the Director may be appealed to the Hearings Officer pursuant to the provisions of MCC Chapter 37.

(C) Signs, pursuant to the provisions of MCC 36.7400 through 36.7505.

(D) Property Line Adjustment pursuant to the provisions of MCC 36.3160.

(E) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(F) Wireless communications facilities when found to satisfy the requirements of MCC 36.6175 through 36.6188.

§ 36.3130 CONDITIONAL USES.

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

(A) The Community Service Uses listed in 36.6015 pursuant to the provisions of MCC 36.6000 through 36.6230; and

(1) State or regional trail for which a master plan that is consistent with OAR Division 34 State and Local Park Planning has been

adopted into the comprehensive plan. Development of the trail and accessory facilities shall be subject to the approval criteria in 36.6010(A) through (H). Accessory facilities shall be of a size and scale that is consistent with the rural character of the area.

(B) The following Conditional Uses under the provisions of MCC 36.6300 through 36.6660:

(1) Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 or exploration, mining and processing of aggregate and other mineral or subsurface resources;

(2) Commercial processing of agricultural products, primarily raised or grown in the region;

(3) Raising of any type of fowl, or processing the by-products thereof, for sale at wholesale or retail;

(4) Feed lots;

(5) Raising of four or more swine more than four months of age;

(6) Raising of fur-bearing animals for sale at wholesale or retail;

(7) Commercial dog kennels;

(8) Planned Developments for single family residences as provided in MCC 36.4300 through 36.4360 and the applicable current "planned unit developments" standards within the Oregon Administrative Rules Chapter 660, Division 004;

(C) Type B home occupation as provided for in MCC 36.6650 through 36.6660.

(D) Large Fills as provided for in MCC 36.6700 through 36.6720.

(E) Lots of Exception pursuant to the provisions of MCC 36.3160.

**§ 36.3155 DIMENSIONAL STANDARDS
AND DEVELOPMENT
REQUIREMENTS.**

All development proposed in this district shall comply with the applicable provisions of this section.

(A) Except as provided in MCC 36.3160, 36.3170, 36.3175 and 36.4300 through 36.4360, the minimum lot shall be five acres. For properties within one mile of the Urban Growth Boundary, the minimum lot size shall be as currently required in the Oregon Administrative Rules Chapter 660, Division 004.

(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.

(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.

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional requirements not otherwise established by Ordinance.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(F) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or

community source, required parking, and yard areas shall be provided on the lot.

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Stormwater/drainage control systems are required for new impervious surfaces that are greater than 400 square feet in area. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

(G) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.300.

(H) New, replacement, or expansion of existing dwellings shall minimize impacts to existing farm uses on adjacent land by:

(1) Recording a covenant that implements the provisions of the Oregon Right to Farm Law in ORS 30.936 where the farm use is on land in the EFU zone; or

(2) Where the farm use does not occur on land in the EFU zone, the owner shall record a covenant that states he recognizes and accepts that farm activities including tilling, spraying, harvesting, and farm management activities during irregular times, occur on adjacent property and in the general area.

**§ 36.3160 LOTS OF EXCEPTION AND
PROPERTY LINE
ADJUSTMENTS.**

(A) Lots of Exception

An exception to permit creation of a parcel of less than five acres, out of a Lot of Record, may be authorized when in compliance with the

dimensional requirements of MCC 36.3155(C) through (E). Any exception shall be based on the following findings:

less than 10 acres in area after the adjustment.

- (1) The Lot of Record to be divided has two or more permanent habitable dwellings ;
- (2) The permanent habitable dwellings were lawfully established on the Lot of Record before October 4, 2000;
- (3) Each new parcel created by the partition will have at least one of the habitable dwellings; and
- (4) The partition will not create any vacant parcels on which a new dwelling could be established.(

(B) Property Line Adjustment

Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

- (1) No additional lot or parcel is created; and
- (2) At least one of the following situations occurs:
 - (a) The lot or parcel proposed to be reduced in area is larger than 5 acres prior to the adjustment and remains 5 acres or larger in area after the adjustment, or
 - (b) The lot or parcel proposed to be enlarged in area is less than 10 acres in area prior to the adjustment and remains

§ 36.3170 LOT OF RECORD.

(A) In addition to the Lot of Record definition standards in MCC 36.0005, 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, RR zone applied, Ord. 148 & 149;
- (5) October 13, 1983, zone change from MUF-19 to RR for some properties, Ord. 395;
- (6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004, 20 acre minimum lot size for properties within one mile of Urban Growth Boundary;
- (7) May 16, 2002, Lot of Record section amended, Ord. 982.

(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 36.3185, 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 36.3160, 36.3175, and 36.4300 through 36.4360, 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.

§ 36.3175 LOT SIZES FOR CONDITIONAL USES.

The minimum lot size for a conditional use permitted pursuant to MCC 36.3130, except (B) (8) thereof, shall be based upon the requirements below. Parcels created to support a conditional use shall not be less than two acres in size, and the remainder parcel shall be not less than five acres.

- (A) The site size needs of the proposed use;
- (B) The nature of the proposed use in relation to the impacts on nearby properties; and
- (C) Consideration of the purposes of this district.

§ 36.3180 OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be provided as required by MCC 36.4100 through 36.4220.

§ 36.3185 ACCESS.

Any lot in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

PLEASANT HOME RURAL CENTER, PH-RC**§ 36.3300- PURPOSE.**

The purposes of the Pleasant Home Rural Center District are to provide standards and review procedures which will encourage concentrations of rural residential development, together with small-scale low impact commercial and industrial uses that primarily serve the population of the immediate surrounding rural area and tourists traveling through the area.

§ 36.3305 AREA AFFECTED.

MCC 36.3300 through 36.3385 shall apply to those lands designated PH-RC on the Multnomah County Zoning Map.

§ 36.3315 USES.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 36.3320 through 36.3330 when found to comply with MCC 36.3355 through 36.3385.

§ 36.3320 ALLOWED USES

(A) Farm use, as defined in ORS 215.203(2)(a), for the following purposes only:

- (1) Raising and harvesting of crops;
- (2) Raising of livestock and honeybees; or
- (3) Any other agricultural or horticultural purpose or animal husbandry purpose or combination thereof, except as provided in MCC 36.3330. This subsection does not permit the raising of fowl or fur-bearing animals for sale, the keeping of swine, or a feed lot.

(B) The propagation or harvesting of forest products.

(C) Residential use consisting of a single-family dwelling constructed on a Lot of Record.

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

(E) Type A home occupations pursuant to the definition and restrictions of MCC 36.0005 (H) (8) (a).

(F) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district.

(G) Family Day Care.

(H) Actions taken in response to an emergency/disaster event as defined in MCC 36.0005 pursuant to the provisions of MCC 36.0535.

§ 36.3325 REVIEW USES.

(A) Residential use, consisting of a single-family dwelling constructed off-site, including a mobile or modular home placed on a Lot of Record, subject to the following conditions:

(1) Construction shall comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 445.200 relating to mobile homes;

(2) The dwelling shall be attached to a foundation for which a building permit has been obtained;

(3) The dwelling shall have a minimum floor area of 600 square feet.

(B) Temporary uses when approved pursuant to MCC 36.0510 and 36.0515.

(C) Wholesale or retail sales, limited to those products raised or grown on the premises, subject to the following condition:

The location and design of any building, stand, or sign in conjunction with wholesale or retail sales shall be subject to approval of the Planning Director on a finding that the location

and design are compatible with the character of the area; provided that the decision of the Planning Director may be appealed to the approval authority pursuant to the provisions of MCC Chapter 37.

(D) Signs pursuant to the provisions of MCC 36.7400 through 36.7505;

(E) Off-street parking and loading;

(F) Property Line Adjustment pursuant to the provisions of MCC 36.3360.

(G) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(H) Wireless communications facilities when found to satisfy the requirements of MCC 36.6175 through 36.6188.

§ 36.3330 CONDITIONAL USES.

The following uses may be permitted when found by the approval authority to satisfy the applicable approval criteria and ordinance standards. Commercial and industrial uses shall be limited to small-scale low impact as defined in MCC 36.0005.

(A) Community Service Uses pursuant to the provisions of MCC 36.6000 through 36.6230.

(B) The following small-scale low impact Conditional Uses pursuant to the provisions of MCC 36.6300 through 36.6660:

(1) Rural service commercial uses such as local stores, shops, offices, repair shops, and similar uses including;

(a) Automobile Repair,

(b) Restaurant,

(c) Tavern

(d) Professional Office,

(e) Garden supply store,

(f) Hardware store,

(g) Retail bakery,

(h) Service station,

(i) Beauty and barber shop,

(j) Video tape rental,

(2) The following industrial uses that entail the manufacturing and processing of:

(a) Apparel and other finished products made from fabric;

(b) Millwork, veneer, plywood, and structural wood members;

(c) Wood containers;

(d) Wood products, not elsewhere classified;

(e) Furniture and fixtures;

(f) Stone, clay, glass products except: cement, ready-mix concrete, and minerals and earths ground or otherwise treated;

(g) Fabricated metal products;

(h) Household appliances;

(i) Electric lighting and wiring equipment;

(j) Communications equipment;

(k) Electronic components and accessories;

(l) Motor vehicle parts and accessories;

(m) Laboratory apparatus and analytical, optical, measuring, and controlling instruments;

(n) Food and kindred products.

(3) Freight trucking terminal, with or without maintenance facility;

(4) Wholesale trade;

(5) Automotive repair;

(6) Commercial or industrial uses allowable in the EFU or CFU district, and agricultural support services. These uses shall not be subject to the small-scale low impact requirement that defines the commercial or industrial uses of this section.

(7) Planned Developments pursuant to the provisions of MCC 36.4300 through 36.4360.

(8) Type B home occupation as provided for in MCC 36.6650.

(9) Lots of Exception pursuant to the provisions of MCC 36.3360.

§ 36.3355 DIMENSIONAL STANDARDS AND DEVELOPMENT REQUIREMENTS.

All development proposed in this district shall comply with the applicable provisions of this section.

(A) Except as provided in MCC 36.3360, 36.3370, 36.3375 and 36.4300 through 36.4360, the minimum lot size shall be one acre.

(B) 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.

(C) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

(D) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(E) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development

(F) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.300.

(G) New and replacement exterior lighting fixtures shall be of the "cut off" or fully shielded type so that no light is emitted above the horizontal.

(H) New, replacement, or expansion of existing uses shall minimize impacts to existing farm uses on adjacent land by:

(1) Recording a covenant that implements the provisions of the Oregon Right to Farm Law in ORS 30.936 where the farm use is on land in the EFU zone; or

(2) Where the farm use does not occur on land in the EFU zone, the owner shall record a covenant that states he recognizes and accepts that farm activities including tilling, spraying, harvesting, and farm management activities during irregular hours occur on adjacent property and in the general area.

§ 36.3360 LOTS OF EXCEPTION AND PROPERTY LINE ADJUSTMENTS.

(A) Lots of Exception

An exception to permit creation of a parcel of less than one acre, out of a Lot of Record, may be authorized when in compliance with the dimensional requirements of MCC 36.3355(B) through (D). Any exception shall be based on the following findings:

(1) The Lot of Record to be divided has two or more permanent habitable dwellings;

(2) The permanent habitable dwellings were lawfully established on the Lot of Record before October 4, 2000;

(3) Each new parcel created by the partition will have at least one of the habitable dwellings; and

(4) The partition will not create any vacant parcels on which a new dwelling could be established. (B) Property Line Adjustment

(B) Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) No additional lot or parcel is created; and

(2) At least one of the following situations occurs:

(a) The lot or parcel proposed to be reduced in area is larger than 1 acre prior to the adjustment and remains 1 acre or larger in area after the adjustment, or

(b) The lot or parcel proposed to be enlarged in area is less than 2 acres in area prior to the adjustment and remains less than 2 acres in area after the adjustment.

§ 36.3370 LOT OF RECORD.

(A) In addition to the Lot of Record definition standards in MCC 36.0005, 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 and R zones 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, RC zone applied, Ord. 148 & 149;

(5) October 13, 1983, zone change to RC for some properties, Ord. 395;

(6) May 16, 2002, Lot of Record section amended, Ord. 982

(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 36.3385, 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 36.3360, 36.3375, and 36.4300 through 36.4360, 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 the minimum lot or yard requirements or result in a lot of 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.

§ 36.3375 LOT SIZES FOR CONDITIONAL USES.

The minimum lot size for a Conditional Use permitted pursuant to MCC 36.3330, except for Planned Developments in subpart (C) thereof, shall be based upon:

(A) The site size needs of the proposed use;

(B) The nature of the proposed use in relation to its impact on nearby properties; and

(C) Consideration of the purposes of this district.

**§ 36.3380 OFF-STREET PARKING AND
LOADING.**

Off-street parking and loading shall be provided as required by MCC 36.4100 through 36.4215.

§ 36.3385 ACCESS.

Any lot in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

ORIENT RURAL CENTER RESIDENTIAL, OR**§ 36.3400- PURPOSE.**

The purposes of the Orient Rural Center Residential Zone are to provide standards and review procedures which will encourage concentrations of residential development for people who want to live in a rural setting close to small-scale, low impact commercial and industrial services, to provide for home occupations and marketing of home-grown products, and to provide standards for land use and development consistent with the desired rural character and capability of the land and natural resources.

§ 36.3405 AREA AFFECTED.

MCC 36.3400 through 36.3485 shall apply to those lands designated OR on the Multnomah County Zoning Map.

§ 36.3415 USES.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 36.3420 through 36.3430 when found to comply with MCC 36.3455 through 36.3485.

§ 36.3420 ALLOWED USES.

The following uses and their accessory uses are allowed, subject to all applicable supplementary regulations contained in this ordinance.

(A) A single-family detached dwelling on a Lot of Record, including a home built on or off- site. A home that has been constructed off-site shall meet the following requirements:

- (1) Construction shall comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 445.200 relating to mobile homes;
- (2) The dwelling shall be attached to a foundation for which a building permit has been obtained;

(3) The dwelling shall have a minimum floor area of 600 square feet.

(B) Farm Use, as defined in ORS 215.203 (2)(a) for the following purposes only;

(1) Raising and harvesting of crops;

(2) Raising of livestock and honeybees; or

(3) Any other agricultural or horticultural purpose or animal husbandry purpose or combination thereof, except as provided in MCC 36.3430. This subsection does not permit the raising of fowl or fur-bearing animals for sale, the keeping of swine, or a feed lot.

(C) Propagation or harvesting of forest products; or

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

§ 36.3425 REVIEW USES.

Uses listed in this section may be permitted after required review as Type II decisions pursuant to MCC 37.0510 through 37.0800.

(A) Wholesale or retails sales, limited to those products raised or grown on the premises, subject to the following condition:

The location and design of any building, stand, or sign in conjunction with wholesale or retail sales shall be subject to approval of the Planning Director on a finding that the location and design are compatible with the character of the area; provided that the decision of the Planning Director may be appealed to the approval authority pursuant to the provisions of MCC Chapter 37.

(B) Signs pursuant to the provisions of MCC 36.7400 through 36.7505;

(C) Property Line Adjustment pursuant to the provisions of MCC 36.3460 .

(D) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(E) Type B home occupation as provided for in MCC 36.6650 through 36.6660.

(F) Wireless communications facilities when found to satisfy the requirements of MCC 36.6175 through 36.6188.

(G) Temporary uses when approved pursuant to MCC 36.0510 and 36.0515.

§ 36.3430 CONDITIONAL USES.

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

(A) Planned Developments pursuant to the provisions of MCC 36.4300 through 36.4360. If the property is outside of an "acknowledged unincorporated community", then the applicable current "planned unit developments" standards within the Oregon Administrative Rules Chapter 660, Division 004 shall also be satisfied.

(B) The following Community Service Uses pursuant to the provisions of MCC 36.6000 through 36.6020:

(1) Public school;

(2) Fire station;

(3) Power substation or other public utility building or use.

(4) State or regional trail for which a master plan that is consistent with OAR Division 34 State and Local Park Planning has been adopted into the comprehensive plan. Development of the trail and accessory facilities shall be subject to the approval criteria in 36.6010(A) through (H). Accessory facilities shall be of a size and scale that is consistent with the rural character of the area.

(C) Lots of Exception pursuant to the provisions of MCC 36.3460.

§ 36.3455 DIMENSIONAL STANDARDS AND DEVELOPMENT REQUIREMENTS.

All development proposed in this district shall comply with the applicable provisions of this section.

(A) Except as provided in MCC 36.3460, 36.3470, and 36.3475, and 36.4300 through 4360, the minimum lot size shall be one acre.

(B) 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.

(C) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

(D) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(E) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

(F) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.300.

(G) New and replacement exterior lighting fixtures shall be of the "cut off" or fully shielded type so that no light is emitted above the horizontal.

(H) New, replacement, or expansion of existing dwellings shall minimize impacts to existing farm uses on adjacent land by:

(1) Recording a covenant that implements the provisions of the Oregon Right to Farm Law in ORS 30.936 where the farm use is on land in the EFU zone; or

(2) Where the farm use does not occur on land in the EFU zone, the owner shall record a covenant that states he recognizes and accepts that farm activities including tilling, spraying, harvesting, and farm management activities during irregular

hours occur on adjacent property and in the area.

§ 36.3460 PROPERTY LINE ADJUSTMENTS.

(A) Lots of Exception

An exception to permit creation of a parcel of less than one acre, out of a Lot of Record, may be authorized when in compliance with the dimensional requirements of MCC 36.3455 (B) through (D). Any exception shall be based on the following findings:

- (1) The Lot of Record to be divided has two or more permanent habitable dwellings;
- (2) The permanent habitable dwellings were lawfully established on the Lot of Record before October 4, 2000.
- (3) Each new parcel created by the partition will have at least one of the habitable dwellings; and
- (4) The partition will not create any vacant parcels on which a new dwelling could be established.

(B) Property Line Adjustment

Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

§ 36.3470 LOT OF RECORD.

(A) In addition to the definition standards for a Lot of Record, 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 and R zones 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, RC zone applied, Ord. 148 & 149;
- (5) October 13, 1983, zone change to RC for some properties, Ord. 395;
- (6) May 16, 2002, Lot of Record section amended, Ord. 982

(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 36.3485, 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 36.3460, 36.3475, and 36.3400 through 36.3460, 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 the minimum lot or yard requirements or result in a lot of 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.

§ 36.3475 LOT SIZES FOR CONDITIONAL USES.

The minimum lot size for a Conditional Use permitted pursuant to MCC 36.3430, except subpart (C) thereof, shall be based upon:

- (A) The site size needs of the proposed use;
- (B) The nature of the proposed use in relation to its impact on nearby properties; and
- (C) Consideration of the purposes of this district.

§ 36.3480 OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be provided as required by MCC 36.4100 through 36.4215.

§ 36.3485 ACCESS.

Any lot in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

ORIENT COMMERCIAL-INDUSTRIAL, OCI

§ 36.3500- PURPOSE.

The purpose The Orient Commercial-Industrial Zone is to provide for small-scale low-impact commercial and industrial uses that primarily serve the population of the immediate Rural Community area, and the immediate surrounding rural area as well as tourists traveling through the area. The uses allowed within the zone should reinforce the rural nature of the area and not adversely impact agricultural uses in the area.

§ 36.3505 AREA AFFECTED.

MCC 36.3500 through 36.3585 shall apply to those lands designated OCI on the Multnomah County Zoning Map.

§ 36.3515 USES.

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 36.3520 through 36.3530 when found to comply with MCC 36.3550 through 36.3585.

§ 36.3520 ALLOWED USES.

- (A) Single-family detached dwelling;
- (B) Farm Use, as defined in ORS 215.203 (2)(a) for the following purposes only;
 - (1) Raising and harvesting of crops;
 - (2) Raising of livestock and honeybees; or
 - (3) Any other agricultural or horticultural purpose or animal husbandry purpose or combination thereof, except as provided in MCC 36.3525 and 36.3530. This subsection does not permit the raising of fowl or fur-bearing animals for sale, the keeping of swine, or a feedlot.
- (C) Propagation or harvesting of forest products; or

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

§ 36.3525 REVIEW USES.

The commercial and industrial uses listed in this section may be permitted when found to meet the approval criteria in 36.3527 unless other approval criteria are listed for the use, and are subject to Design Review approval. Uses in this section shall be processed as Type II decisions pursuant to MCC 37.0510 through 37.0800.

(A) Small-scale low impact rural service commercial uses such as local stores, shops, offices, repair shops, and similar uses including the uses listed below.

- (1) Automobile Repair,
- (2) Restaurant,
- (3) Tavern,
- (4) Professional Office,
- (5) Garden supply store,
- (6) Hardware store,
- (7) Retail bakery,
- (8) Service station,
- (9) Beauty and barber shop,
- (10) Video tape rental,

(B) The small-scale low impact industrial uses listed below.

- (1) Manufacturing and processing of:
 - (a) Apparel and other finished products made from fabric;
 - (b) Millwork, veneer, plywood, and structural wood members;

(c) Wood containers;

(d) Wood products, not elsewhere classified;

(e) Furniture and fixtures;

(f) Stone, clay, glass products except: cement, ready-mix concrete, and minerals and earths ground or otherwise treated;

(g) Fabricated metal products;

(h) Household appliances;

(i) Electric lighting and wiring equipment;

(j) Communications equipment;

(k) Electronic components and accessories;

(l). Motor vehicle parts and accessories;

(m) Laboratory apparatus and analytical, optical, measuring, and controlling instruments;

(n). Food and kindred products.

(2) Freight trucking terminal, with or without maintenance facility;

(3) Wholesale trade; or

(4) Automotive repair.

(C) Commercial or industrial uses allowable in the EFU or CFU district, and agricultural support services. These uses shall not be subject to the small-scale low impact requirement that defines the commercial or industrial uses in (A) and (B) above.

(D) Wholesale or retail sales, limited to those products raised or grown on the premises, subject to the following condition:

The location and design of any building, stand, or sign in conjunction with wholesale or retail sales shall be subject to approval of the Planning Director on a finding that the location and design are compatible with the character of the area. This use shall not be subject to the Review Uses approval criteria in 36.3527 or Design Review.

(E) Wireless communications facilities when found to satisfy the requirements of MCC 36.6175 through 36.6188. This use shall not be subject to the Review Uses approval criteria in 36.3527 below.

(F) Commercial or industrial uses that exceeded the size limit for small-scale low impact uses on January 1, 2003, and that primarily support the needs of the rural area, shall not be subject to the size limit, except that expansion may not exceed 25% of the floor area of buildings that existed on that date.

(G) Temporary uses when approved pursuant to MCC 36.0510 and 36.0515.

§ 36.3527 REVIEW USES APPROVAL CRITERIA.

(A) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(B) The proposed use will not, by itself or in combination with existing uses in the community, result in public health hazards or adverse environmental impacts that violate state or federal water quality regulation; and

(C) The proposed use will not, by itself or in combination with existing uses in the community, exceed the carrying capacity of the soil or of existing water supply resources and sewer services; and

(D) The proposed use will not create significant adverse effects on existing uses or permitted uses on adjacent land, considering such factors as noise, dust and odors.

(E) The proposed use will primarily support the needs of residents of the rural area or tourists visiting the area.

§ 36.3530 CONDITIONAL USES.

(A) The community service uses listed in MCC 36.6015, subject to the provisions of 36.6000 through 36.6020; and

(B) State or regional trail for which a master plan that is consistent with OAR Division 34 State and Local Park Planning has been adopted into the comprehensive plan. Development of the trail and accessory facilities shall be subject to the approval criteria in 36.6010(A) through (H). Accessory facilities shall be of a size and scale that is consistent with the rural character of the area.

§ 36.3550 DIMENSIONAL STANDARDS AND DEVELOPMENT REQUIREMENTS.

All development proposed in this district shall comply with the applicable provisions of this section.

(A) Except as provided in MCC 36.3560, 36.3570, and 36.3575, the minimum lot size shall be one acre.

(B) 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.

(C) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area.

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The Planning Commission shall determine the necessary right-of-way widths and additional

yard requirements not otherwise established by ordinance.

(D) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(E) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

(F) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.300.

(G) New and replacement exterior lighting fixtures shall be of the "cut off" or fully shielded type so that no light is emitted above the horizontal.

(H) New, replacement, or expansion of existing uses shall minimize impacts to existing farm uses on adjacent land by:

(1) Recording a covenant that implements the provisions of the Oregon Right to Farm Law in ORS 30.936 where the farm use is on land in the EFU zone; or

(2) Where the farm use does not occur on land in the EFU zone, the owner shall record a covenant that states he recognizes and accepts that farm activities including tilling, spraying, harvesting, and farm management activities during irregular hours occur on adjacent property and in the area.

§ 36.3560 PROPERTY LINE ADJUSTMENTS.

(A) Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) No additional lot or parcel is created; and

(2) At least one of the following situations occurs:

(a) The lot or parcel proposed to be reduced in area is larger than 1 acre prior to the adjustment and remains 1 acre or larger in area after the adjustment, or

(b) The lot or parcel proposed to be enlarged in area is less than 2 acres in area prior to the adjustment and remains less than 2 acres in area after the adjustment.

§ 36.3570 LOT OF RECORD.

(A) In addition to the Lot of Record definition standards in MCC 36.0005, 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 and R zones 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, RC zone applied, Ord. 148 & 149;

(5) October 13, 1983, zone change to RC for some properties, Ord. 395;

(6) May 16, 2002, Lot of Record section amended, Ord. 982

(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 36.3585, 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 36.3560, 36.3575, and 36.4300 through 36.4360, 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 the minimum lot or yard requirements or result in a lot of 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.

§ 36.3575 LOT SIZES FOR CONDITIONAL AND REVIEW USES.

The minimum lot size for the uses listed in 36.3525 and 36.3530 shall be based upon:

(A) The site size needs of the proposed use;

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(B) The nature of the proposed use in relation to its impact on nearby properties.

(C) Consideration of the purposes of the district.

§ 36.3580 OFF-STREET PARKING AND LOADING.

Off-street parking and loading shall be provided as required by MCC 36.4100 through 36.4215.

§ 36.3585 ACCESS.

Any lot in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles.

**PART 5 –
SPECIAL DISTRICTS**

GENERAL PROVISIONS

§ 36.4000- CLASSIFICATION OF SPECIAL DISTRICTS

In addition to classification as a base district as provided in MCC 36.2000 through 36.3585 of this Chapter, land may also be classified in one or more of the following special districts. Such classification shall be made in accordance with the provisions of MCC Chapter 37. Land so classified shall be shown on the Multnomah County Zoning Map by a combination of color designations, symbols, or short title identification, as for example: LF, OP, SEC.

AIRPORT LANDING FIELD, LF

§ 36.4010- PURPOSE.

The purposes of this sub-district are to provide for review, approval, and development standards for airports, air fields, landing pads, and related uses associated with aircraft operations in any district; to establish maximum structure heights for developments in the vicinity of an airport, designed to promote safe operating conditions for aircraft under ORS 492.560; to reduce the potential for exposure to hazardous conditions by limiting the occupancy of buildings and uses in airport approach areas.

§ 36.4015 USES.

Uses permitted in the LF District are as provided in MCC 36.4020 through 36.4040.

§ 36.4020 ALLOWED USES.

Any use permitted in the underlying district, except as provided in MCC 36.4035 (B), subject to the height limitations of MCC 36.4035 (A).

§ 36.4025 CONDITIONAL USES.

The following uses may be permitted under the procedural provisions of MCC 36.6300 through 36.6350, when found by the approval authority to satisfy the approval criteria of MCC 36.4030:

- (A) Airport;
- (B) Aircraft landing field;
- (C) Heliport, helistop, or helicopter landing pad;
- (D) Glider, hang glider, or balloon launching or landing area;
- (E) Parachutist landing field; and
- (F) Any other similar facility designated, constructed or used for the operation or landing of aircraft which carry persons, materials, or products.

§ 36.4030 APPROVAL CRITERIA FOR AN LF CONDITIONAL USE.

In approving a Conditional Use listed in MCC 36.4025, the approval authority shall find that the proposal:

(A) Will satisfy the applicable elements of Comprehensive Plan Policies:

- (1) No. 5, Economic Development,
- (2) No. 9, Agricultural Land Area,
- (3) No. 13, Air and Water Quality and Noise Level,
- (4) No. 14, Development Limitations,
- (5) No. 19, Community Design,
- (6) No. 27, Energy Conservation,
- (7) No. 31, Community Facilities and Uses Location Policy,
- (8) No. 33, Transportation System, and
- (9) No. 40, Development Requirements;

(B) Will have minimal adverse impact, taking into account location, size, design, and operating characteristics on the:

(1) Livability,

(2) Value, and

(3) Appropriate development of abutting properties and the surrounding area; and

(C) Will satisfy the use and height limitations of MCC 36.4036.

§ 36.4035 DEVELOPMENT LIMITATIONS.

(A) The height of any structure or part of a structure, such as a chimney, tower, or antenna, and objects of natural growth, shall be limited to elevations depicted on a map or maps entitled Airport Landing Field District - Height Restrictions, and included as Attachment "A" of this Ordinance by this reference.

(B) In an approach zone to an airport or aircraft landing field, no meeting place which is designated to accommodate more than 25 persons at one time shall be permitted.

(C) No use in this district shall:

(1) Create electrical interference with navigational signals or radio communication between an airport and aircraft;

(2) Display lights which may be confused with airport navigational lights or result in glare visible in the airport vicinity; or

(3) Otherwise endanger or interfere with the safe operation of aircraft.

OFF-STREET PARKING and LOADING, OP**§ 36.4100- PURPOSE.**

The purposes of this subdistrict and these off-street parking and loading regulations are to reduce traffic congestion associated with residential, commercial, manufacturing, and other land uses; to protect the character of neighborhoods; to protect the public's investment in streets and arterials and to provide standards for the development and maintenance of off-street parking and loading areas.

§ 36.4105 GENERAL PROVISIONS.

In the event of the erection of a new building or an addition to an existing building, or any change in the use of an existing building, structure or land which results in an intensified use by customers, occupants, employees or other persons, off-street parking and loading shall be provided according to the requirements of this Section.

§ 36.4110 O-P CLASSIFICATION.

Land classified as Off-Street Parking and Loading (O-P) on the Zoning Map shall not be used for any purpose other than off-street parking and loading without a change of district.

§ 36.4115 CONTINUING OBLIGATION.

The provision for and maintenance of off-street parking and loading facilities without charge to users shall be a continuing obligation of the property owner. No building or any other required permit for a structure or use under this or any other applicable rule, ordinance or regulation shall be issued until satisfactory evidence in the form of a site development plan, plans of existing parking and loading improvements, a deed, lease, contract or similar document is presented demonstrating that the property is and will remain available for the designated use as a parking or loading facility.

§ 36.4120 PLAN REQUIRED.

A plot plan showing the dimensions, legal description, access and circulation layout for vehicles and pedestrians, space markings, the grades, drainage, setbacks, landscaping and abutting

land uses in respect to the off-street parking area and such other information as shall be required, shall be submitted in duplicate to the Planning Director with each application for approval of a building or other required permit, or for a change of classification to O-P.

§ 36.4125 USE OF SPACE.

(A) Required parking spaces shall be available for the parking of vehicles of customers, occupants, and employees without charge or other consideration.

(B) No parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space.

(C) A required loading space shall be available for the loading and unloading of vehicles concerned with the transportation of goods or services for the use associated with the loading space.

(D) Except for residential and local commercial districts, loading areas shall not be used for any purpose other than loading or unloading.

(E) In any district, it shall be unlawful to store or accumulate equipment, material or goods in a loading space in a manner which would render such loading space temporarily or permanently incapable of immediate use for loading operations.

§ 36.4130 LOCATION OF PARKING AND LOADING SPACES.

(A) Parking spaces required by this Section shall be provided on the lot of the use served by such spaces.

(B) Exception - The Planning Director may authorize the location of required parking spaces other than on the site of the primary use, upon a written finding by the Director that:

(1) Parking use of the alternate site is permitted by this Ordinance;

(2) The alternate site is within 350 feet of the use;

(3) There is a safe and convenient route for pedestrians between the parking area and the use;

(4) Location of required parking other than on the site of the use will facilitate satisfaction of one or more purposes or standards or requirements of this Chapter; and,

(5) There is assurance in the form of a deed, lease, contract or other similar document that the required spaces will continue to be available for off-street parking use according to the required standards.

(C) Loading spaces and vehicle maneuvering area shall be located only on or abutting the property served.

§ 36.4135 IMPROVEMENTS REQUIRED.

(A) Required parking and loading areas shall be improved and placed in condition for use before the grant of a Certificate of Occupancy under MCC 36.0525, or a Performance Bond in favor of Multnomah County equivalent to the cost of completing such improvements shall be filed with the Planning Director.

(B) Any such bond shall include the condition that if the improvement has not been completed within one year after issuance of the Certificate of Occupancy, the bond shall be forfeited.

Any bond filed hereunder shall be subject to the approval of the Planning Director and the County Attorney.

§ 36.4140 CHANGE OF USE.

(A) Any alteration of the use of any land or structure under which an increase in the number of parking or loading spaces is required by this Section shall be unlawful unless the additional spaces are provided.

(B) In case of enlargement or change of use, the number of parking or loading spaces required shall be based on the total area involved in the enlargement or change in use.

§ 36.4145 JOINT PARKING OR LOADING FACILITIES.

(A) In the event different uses occupy the same lot or structure, the total off-street parking and loading requirements shall be the sum of the requirements for each individual use.

(B) Owners of two or more adjoining uses, structures, or parcels of land may utilize jointly the same parking or loading area, when approved by the Planning Director, upon a finding by the Director that the hours of operation do not overlap and provided satisfactory legal evidence is presented to the Director in the form of a deed, lease, contract or similar document, securing full access to such parking or loading areas for all the parties jointly using them.

§ 36.4150 EXISTING SPACES.

Off-street parking or loading spaces existing prior to July 26, 1979 may be included in calculating the number of spaces necessary to meet these requirements in the event of subsequent enlargement of the structure or change of use to which such spaces are accessory. Such spaces shall meet the design and improvement standards of this Section.

§ 36.4160 STANDARDS OF MEASUREMENT.

(A) Square feet means square feet of floor or land area devoted to the functioning of the particular use and excluding space devoted to off-street parking and loading.

(B) When a unit or measurement determining the number of required off-street parking or off-street loading spaces results in a requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and any

fraction over one-half shall require one off-street parking or off-street loading space.

§ 36.4165 DESIGN STANDARDS: SCOPE.

(A) The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single or two-family residential dwelling or mobile home on an individual lot.

(B) All parking and loading areas shall provide for the turning, maneuvering and parking of all vehicles on the lot. After July 26, 1979 it shall be unlawful to locate or construct any parking or loading space so that use of the space requires a vehicle to back into the right-of-way of a public street.

§ 36.4170 ACCESS.

(A) Where a parking or loading area does not abut directly on a public street or private street approved under MCC 36.7700 et seq., the Land Division Chapter, there shall be provided an unobstructed paved drive not less than 20 feet in width for two-way traffic, leading to a public street or approved private street. Traffic directions therefore shall be plainly marked.

(B) Parking or loading space in a public street shall not be counted in fulfilling the parking and loading requirements of this section. Required spaces may be located in a private street when authorized in the approval of such private street.

§ 36.4175 DIMENSIONAL STANDARDS.

(A) Parking spaces shall meet the following requirements:

(1) At least 70% of the required off-street parking spaces shall have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of six feet, six inches.

(2) Up to 30% of the required off-street parking spaces may have a minimum width of eight-and-one-half feet, a minimum length of 16 feet, and a vertical clearance of

six feet if such spaces are clearly marked for compact car use.

(3) For parallel parking, the length of the parking space shall be 23 feet.

(4) Space dimensions shall be exclusive of access drives, aisles, ramps or columns.

(B) Aisle width shall be not less than:

(1) 25 feet for 90 degree parking,

(2) 20 feet for less than 90 degree parking, and

(3) 12 feet for parallel parking.

(4) Angle measurements shall be between the center line of the parking space and the center line of the aisle.

(C) Loading spaces shall meet the following requirements:

(1)

District	Minimum Width	Minimum Depth
All	12 Feet	25 Feet

(2) Minimum vertical clearance shall be 13 feet.

§ 36.4180 IMPROVEMENTS

(A) Surfacing

(1) All areas used for parking, loading or maneuvering of vehicles shall be surfaced with two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds.

(2) Alternate porous surfacing systems which provide a durable dustless surface capable of carrying a wheel load of 4,000 pounds may be used instead of the blacktop

or cement materials in (1) above when approved by the County Engineer. However, approaches to public rights-of-way shall be paved for a minimum distance of 21' from the fog line, or for a greater distance when required by the County Engineer.

(3) Large parking fields for intermittent uses such as amusement parks, race tracks, stadiums, and the like may be surfaced with gravel or grass and spaces may be unmarked if the parking of vehicles is supervised.

(B) Curbs and Bumper Rails

(1) All areas used for parking, loading, and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaped strips or yards or in those cases where no landscaped area is required, by curbs, bumper rails or other permanent barrier against unchanneled motor vehicle access or egress.

(2) The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height and at least three feet from the lot line or any required fence.

(C) Marking - All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC 36.4120, and such marking shall be continually maintained.

(D) Drainage - All areas for the parking and maneuvering of vehicles shall be graded and drained to provide for the disposal of all surface water on the lot.

(E) Covered Walkways - Covered walkway structures for the shelter of pedestrians only, and consisting solely of roof surfaces and necessary supporting columns, posts and beams, may be located in an O-P district. Such

structures shall meet the setback, height and other requirements of the district which apply.

§ 36.4185 LIGHTING.

Any artificial lighting which may be provided shall be shielded or deflected so as to not shine into adjoining dwellings or other types of living units, and so as not to create a hazard to the traveling public on any street.

§ 36.4190 SIGNS.

Signs, pursuant to the provisions of MCC 36.7465.

§ 36.4195 DESIGN STANDARDS: SETBACKS.

(A) Any required yard which abuts upon a street lot line shall not be used for a parking or loading space, vehicle maneuvering area or access drive other than a drive connecting directly to a street.

(B) A required yard which abuts a street lot line shall not be paved, except for walkways which do not exceed 12 feet in total width and not more than two driveways which do not exceed the width of their curb cuts for each 150 feet of street frontage of the lot.

§ 36.4200 LANDSCAPE AND SCREENING REQUIREMENTS.

(A) The landscaped areas requirements of MCC 36.7055 (C) (3) to (7) shall apply to all parking, loading or maneuvering areas which are within the scope of design standards stated in MCC 36.4165 (A).

§ 36.4205 MINIMUM REQUIRED OFF-STREET PARKING SPACES.

(A) Residential Uses

(1) Single Family Dwelling - Two spaces for each dwelling unit.

(2) Two Family Dwelling - Two spaces for each dwelling unit.

(3) Motel or Hotel - One space for each guest room or suite.

(4) Recreational Vehicle Park - One space for each vehicle site.

(5) Group Care Facility, Home for Aged, or Children's Home - One space for each four beds.

(B) Public and Semi-Public Buildings and Uses

(1) Auditorium or Meeting Room (except schools) - One space for each 60 square feet of floor area in the auditorium or, where seating is fixed to the floor, one space for each four seats or eight feet of bench length.

(2) Church - One space for each 80 square feet of floor area in the main auditorium or, where seating is fixed to the floor, one space for each four seats or eight feet of bench length.

(3) Church Accessory Use - In addition to spaces required for the church, one space for each ten persons residing in such building.

(4) Club or Association - These shall be treated as combinations of uses such as hotel, restaurant, auditorium etc., and the required spaces for each separate use shall be provided.

(5) Senior High School and Equivalent Private and Parochial School - One space for each 56 square feet of floor area in the auditorium or, where seating is fixed to the floor, one space for each eight seats or 16 feet of bench length, or one space for each ten seats in classrooms, whichever is greater.

(6) College, University, Institution of Higher Learning and Equivalent Private or Parochial School - One space for each five

seats in classrooms or 45 square feet of floor area.

(7) Primary, Elementary, or Junior High and Equivalent Private or Parochial School - One space for 84 square feet of floor area in the auditorium, or one space for each 12 seats or 24 feet of bench length, whichever is greater.

(8) Kindergarten, Day Nursery, or Equivalent Private or Parochial School - One driveway, designed for continuous flow of passenger vehicles for the purpose of loading and unloading children plus one parking space for each two employees.

(C) Retail and Office Uses

(1) Store, Supermarket, and Personal Service Shop - One space for each 400 square feet of gross floor area.

(2) Service and Repair Shop - One space for each 600 square feet of gross floor area.

(3) Bank or Office, including Medical and Dental - One space for each 300 square feet of gross floor area.

(4) Restaurant, Coffee Shop, Tavern or Bar - One space for each 100 square feet of gross floor area.

(5) Mortuary - One space for each four chapel seats or eight feet of bench length.

(D) Manufacturing and Storage

(1) Manufacturing - One space for each two employee positions on the largest shift, or one space for each 800 square feet of non-storage gross floor area, whichever is greater.

(2) Storage - One space for each 5,000 square feet of storage area for the first 20,000 square feet, plus one additional space for each additional 50,000 square feet.

(E) Unspecified Uses

Any use not specifically listed above shall have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.

§ 36.4210 MINIMUM REQUIRED OFF-STREET LOADING SPACES.

(A) Commercial, Office or Bank

Square foot of Floor or Land Area	Minimum Loading Spaces Required
Under 5,000	0
5,000 - 24,999	1
25,000 - 59,999	2
60,000 - 99,999	3
100,000 - 159,000	4
160,000 - 249,999	5
250,000 - 369,999	6
370,000 - 579,999	7
580,000 - 899,999	8
900,000 - 2,999,999	9
Over 3,000,000	10

(B) Motel

Square foot of Floor or Land Area	Minimum Loading Spaces Required
Under 30,000	1
30,000 - 69,999	2
70,000 - 129,999	3
130,000 - 219,999	4
220,000 - 379,999	5
380,000 - 699,999	6
700,000 - 1,499,999	7
Over 1,500,000	8

(C) Manufacturing, Wholesale, Storage

Square foot of Floor or Land Area	Minimum Loading Spaces Required
Under 5,000	0

5,000 - 39,999	1
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - 399,999	6
400,000 - 489,999	7
490,000 - 579,999	8
580,000 - 699,999	9
670,000 - 759,999	10
760,000 - 849,999	11
850,000 - 939,999	12
940,000 - 1,029,999	13
Over 1,030,000	14

(D) Public or Semi-Public Use: Treated as mixed uses.

(E) Unspecified Uses

Any use not specifically listed above shall have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.

§ 36.4215 EXCEPTIONS FROM REQUIRED OFF-STREET PARKING OR LOADING SPACES.

(A) The Planning Director may grant an exception with or without conditions for up to 30% of the required number of off-street parking or loading spaces, upon a finding by the Director that there is substantial evidence that the number of spaces required is inappropriate or unneeded for the particular use, based upon:

(1) A history of parking or loading use for comparable developments;

(2) The age, physical condition, motor vehicle ownership or use characteristics or other circumstances of residents, users or visitors of the use; or

(3) The availability of alternative transportation facilities; and

(4) That there will be no resultant on-street parking or loading or interruptions or hazards to the movement of traffic, pedestrians or transit vehicles.

(B) The Director shall file with the application for the building or other required permit, findings in support of any exception, including any conditions of approval.

(C) An exception in excess of 15% of the required number of spaces shall include a condition that a plan shall be filed with the application, showing how the required number of spaces can be provided on the lot in the future.

PLANNED DEVELOPMENT, PD**§ 36.4300- PURPOSES.**

The purposes of the Planned Development sub-district are to provide a means of creating planned environments through the application of flexible and diversified land development standards; to encourage the application of new techniques and new technology to community development which will result in superior living or development arrangements; to use land efficiently and thereby reduce the costs of housing, maintenance, street systems and utility networks; to promote energy conservation and crime prevention; to relate developments to the natural environment and to inhabitants, employers, employees, customers, and other users in harmonious ways.

§ 36.4305 AREAS AFFECTED.

The Planned Development Subdistrict may only be applied in the MUA-20, RR, PH-RC and OR districts.

§ 36.4315 DEVELOPMENT PLAN AND PROGRAM CONTENTS.

(A) The preliminary Development Plan and Program shall consist of plans, maps or diagrams drawn in sufficient detail to indicate the nature of the plan elements and a written narrative descriptive of the program elements.

(1) Plan Elements.

- (a) Proposed land uses and residential densities.
- (b) Means of access, circulation and parking.
- (c) Building types and locations.
- (d) Parks, playgrounds, paths and open spaces.
- (e) Preliminary site analysis diagram as defined in MCC 36.7030(C).

(f) A land division plan if the land is to be divided.

(2) Program Elements.

- (a) A narrative statement of the goals and objectives of the planned development.
- (b) Tables showing overall density of any proposed residential development and showing density by dwelling types and intensity of any commercial, industrial or other employment uses.
- (c) A narrative statement indicating how the proposed planned development complies with the applicable Comprehensive Plan Policies.
- (d) A general timetable of development.
- (e) The proposed ownership pattern.
- (f) An operation and maintenance proposal.

§ 36.4320 CRITERIA FOR APPROVAL.

(A) Action on the Preliminary Development Plan and Program shall be based on findings that the following are satisfied:

- (1) The proposal fully accords with the applicable elements of the comprehensive plan;
- (2) The applicable provisions of MCC 36.7700 et seq., the Land Division Chapter;
- (3) That any exceptions from the standards or requirements of the underlying district are warranted by the design and amenities incorporated in the Development Plan and Program, as related to the purposes stated in MCC 36.4300;
- (4) That the system of ownership and the means of developing, preserving and maintaining open space is suitable to the purposes of the proposal;

(5) The provisions of MCC 36.4340;

(6) That the proposed development can be substantially completed within four years of the approval or according to the development stages proposed under MCC 36.4355;

(7) The Development Standards of MCC 36.4335, 36.4345 and 36.4350;

(8) The purposes stated in MCC 36.4300.

(B) Approval of the Final Development Plan and Program shall be based on findings that the following are satisfied:

(1) The final Plan and Program are consistent with the approved Preliminary Development Plan and Program and the modifications or conditions attached thereto;

(2) The Development Standards of MCC 36.4330;

(3) The criteria of MCC 36.7050 and the standards of MCC 36.7055.

§ 36.4330 DEVELOPMENT STANDARDS.

The Development Standards stated in MCC 36.4335 through 36.4350 shall apply to an approved Planned Development. In the case of a conflict between a standard of the underlying district and that of the Planned Development District, the standard of the Planned Development District shall apply.

§ 36.4335 MINIMUM SITE SIZE.

A Planned Development District shall be established only on a parcel of land found to be suitable for the proposed development and of sufficient size to be planned and developed in a manner consistent with the purposes stated in MCC 36.4300.

§ 36.4340 RELATIONSHIP OF THE PLANNED DEVELOPMENT TO ENVIRONMENT.

(A) The Development Plan and Program shall indicate how the proposal will be compatible with the natural environment.

(B) The elements of the Development Plan and Program shall promote the conservation of energy, and may include such factors as the location and extent of site improvements, the orientation of buildings and usable open spaces with regard to solar exposure and climatic conditions, the types of buildings and the selection of building materials in regard to the efficient use of energy and the degree of site modification required in the proposal.

(C) The Development Plan and Program shall be designed to provide freedom from hazards and to offer appropriate opportunities for residential privacy and for transition from public to private spaces.

(D) The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings, structures and uses shall be designed to maximize safety and convenience and be compatible with neighboring road systems, buildings, structures and uses.

§ 36.4345 OPEN SPACE.

Open space in a Planned Development District means the land area used for scenic, landscaping or open recreational purposes within the development.

(A) Open space shall not include street rights-of-way, driveways or open parking areas.

(B) Locations, shapes and sizes of open space shall be consistent with the proposed uses and purposes of the Planned Development.

(C) Open spaces shall be suitably improved for intended use. Open spaces containing natural features worthy of preservation may be left unimproved or may be improved to assure protection of the features.

(D) The development schedule shall provide for coordination of the improvement of open spaces with the construction of other site improvements proposed in the Development Plan and Program.

(E) Assurance of the permanence of open spaces may be required in the form of deeds, covenants or the dedication of development rights to Multnomah County or other approved entity.

(F) The approval authority may require that instruments of conveyance provide that in the event an open space is permitted to deteriorate or is not maintained in a condition consistent with the approved plan and program, the County may at its option cause such maintenance to be done and assess the costs to the affected property owners. Any instruments guaranteeing the maintenance of open spaces shall be reviewed as to form by the County Attorney.

§ 36.4350 DENSITY COMPUTATION FOR RESIDENTIAL DEVELOPMENTS.

In order to preserve the integrity of the Comprehensive Plan and relate to a residential Planned Development to it, the number of dwelling units permitted shall be determined by dividing the total site area by the minimum lot area per dwelling unit required by the underlying district or districts in which the Planned Development is located.

§ 36.4355 STAGING.

(A) The applicant may elect to develop the site in successive stages in a manner indicated in the Development Plan and Program. Each such stage shall satisfy the requirements of this Chapter.

(B) In acting to approve the Preliminary Development Plan and Program, the approval authority may require that development be completed in specific stages if public facilities

are not otherwise adequate to service the entire development.

§ 36.4360 PERMITTED USES.

In an underlying residential district, the following uses may be permitted in a Planned Development District:

(A) Housing types may include only duplexes and single family detached or attached dwellings.

(B) A related commercial use which is designated to serve the development of which it is a part, upon approval by the Planning Commission.

(C) A Community Service use listed in MCC 36.6000 through 36.6050 and 36.0530 when designated to serve the development or the adjacent area of which it is a part, upon approval by the approval authority.

(I) A Community Service use, when approved under the provisions of MCC 36.6000 through 36.6050 and 36.0530 may also be designed to serve the adjacent area outside the Planned Development if found by the approval authority to be appropriate and consistent with Comprehensive Plan policies.

(D) A use or structure customarily accessory or incidental to a permitted or approved use.

***SIGNIFICANT ENVIRONMENTAL CONCERN,
SEC***

definitions, are the areas included within the SEC-wr Overlay Zone Subdistrict.

§ 36.4500- PURPOSES.

The purposes of the Significant Environmental Concern Overlay Zone subdistrict are to protect, conserve, enhance, restore, and maintain significant natural features which are of public value, including among other things, river and stream corridors, streams, lakes and islands, flood water storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats, significant geological features, archaeological features and sites, and scenic views and vistas, and to establish criteria, standards, and procedures for the development, change of use, or alteration of such features or of the lands adjacent thereto.

§ 36.4505 AREA AFFECTED.

The SEC overlay zone shall apply to those lands designated SEC-sw, SEC-wr, and SEC-h on the Multnomah County Zoning Map.

(A) The approval criteria that apply to uses in areas designated SEC-sw, SEC-wr, and SEC-h shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

zoning designation	approval criteria-MCC
SEC-sw (scenic waterway)	36.4545
SEC-wr (water resource)	36.4550 and 36.4555
SEC-h (wildlife habitat)	36.4550 and 36.4560

(B) SEC - Scenic Waterway (SEC-sw) - Land areas that are contained within the Sandy River Scenic Waterway as shown on the zoning maps adopted in (Ord and date).

(C) SEC-Water Resource Area (SEC-wr) - Protected water features, riparian/vegetated corridors and the adjacent impact areas, that are identified as significant resources in the Goal 5 Inventory, and as established by these

(1) Protected Water Features shall include:

(a) Wetlands that provide a water quality benefit - Wetlands of metropolitan concern as shown on the Metro Water Quality and Flood Management Area Map and other wetlands which meet any one of the following criteria. Wetlands do not include artificially constructed and managed stormwater and water quality treatment facilities.

1. The wetland is fed by surface flows, sheet flows or precipitation, and has evidence of flooding during the growing season, and has 60 percent or greater vegetated cover, and is over one-half acre in size;

2. The wetland qualifies as having "intact water quality function" under the 1996 Oregon Fresh water Wetland Assessment Methodology;

3. The wetland is in the Flood Management Area, and has evidence of flooding during the growing season, and is five acres or more in size, and has a restricted outlet or no outlet;

4. The wetland qualifies as having "intact hydrologic control function" under the 1996 Oregon Freshwater Wetland Assessment Methodology; or

5. The wetland or a portion of the wetland is within a horizontal distance of less than one-fourth mile from a water body which meets the Department of Environmental Quality definition of "water quality limited water body" in OAR Chapter 340, Division 41 (1996).

(b) Rivers, streams, and drainages downstream from the point at which 50-acres or more are drained to the water feature (regardless of whether it carries year-round flow); and

(c) Streams carrying year-round flow; and

(d) Streams designated as significant in the Goal 5 inventory; and

(e) Springs which feed stream and wetlands and have year-round flow; and

(f) Natural lakes.

(2) Riparian/Vegetated Corridors and Impact Area - The standard width of the riparian/vegetated corridor for all Protected Water Features shall be two hundred (200) feet from the top of bank.

(3) The zoning maps used to designate the SEC-wr zoning subdistrict were created digitally by interpreting various data sources and maps contained in the West of Sandy River Goal 5 ESEE report. Care was taken in the creation of the maps, but in some instances mapping inaccuracies have occurred during the process. For those areas included in the West of Sandy River Plan, the SEC-wr zoning subdistrict shall be interpreted to be the text defined Water Resource Area.

(D) SEC-Habitat (SEC-h)- Includes nonriparian and nonwetland natural resource sites that contain habitat values such as wooded areas and areas with rare or endangered flora and fauna, as identified by the Goal 5 Inventory. Habitat areas include the significant Goal 5 habitat resource and a 25 foot buffer to protect the root zone of the vegetation. The boundaries of Significant Habitat Areas, which are designated as SEC-h, are established by the Goal 5 Natural Resource Inventory and include:

(1) Those areas identified on the map as "Riparian Corridor/Wildlife Habitat and Impact Area" that do not otherwise meet the definition of Water Resource Area in (C) above; and

(2) Those areas identified on the map as "Isolated Upland Wildlife Habitat" that do not otherwise meet the definition of Water Resource Area, above.

§ 36.4510 DEFINITIONS.

(A) **Development:** Any manmade change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. Any other activity that results in the removal of more than 10 percent of the existing vegetation in the Water Resource Area or Habitat Area on a lot or parcel.

(B) **Practicable, Practical:** As in No Practicable Alternative. Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. (Title 3)

(C) **Top of Bank:** The same as "bankfull stage" which means the stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage. (Title 3, OAR 141-85-010(2))

§ 36.4515 USES - SEC PERMIT REQUIRED.

(A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that development, including but not limited to, the location and design of any use, or change, replacement or alteration of a use, except as provided in MCC 36.4520, shall be subject to an SEC permit.

(B) Any excavation or any removal of materials of archaeological, historical, prehistorical or anthropological nature shall be conducted under the conditions of an SEC permit, regardless of the zoning designation of the site.

(C) Activities proposed for lands designated as Scenic Waterways under the Oregon Scenic Waterways System shall be subject to an SEC-sw permit in addition to approval from the Oregon Parks and Recreation Department.

(D) Applications that are subject to an SEC permit shall be processed as Type II land use decisions as provided for in MCC Chapter 37, unless the proposed use is subject to another Type II, III, or IV decision, in which case the SEC application shall be considered in combination with the other action.

§ 36.4520 EXCEPTIONS.

An SEC permit shall not be required for the following:

(A) Farming practices as defined in ORS 30.930 and agricultural use as defined in OAR 603-095-0010, except that buildings and other development associated with farm practices and agricultural uses are subject to the requirements of this district;

(B) The propagation of timber or the cutting of timber for public safety or the cutting of timber in accordance with the State Forest Practices Act;

(C) Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905 (6);

(D) The placing, by a public agency, of signs, markers, aids, etc., to serve the public;

(E) Routine repair and maintenance of structures, roadways, driveways, utility facilities, and lawns that were in existence prior

to the effective date of this ordinance; PC 9/9/02.

(F) Alteration, repair, or replacement of septic system drainfields;

(G) The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;

(H) The maintenance and repair of existing flood control facilities;

(I) All Type A Home Occupations;

(J) Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure;

(K) Stream enhancement or restoration projects limited to removal by hand of invasive vegetation and planting of any native vegetation on the Metro Native Plant List;

(L) 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. This exemption is applicable to plans that are approved by Soil and Water Conservation District, the Natural Resources Conservation District, or the Oregon Department of Fish and Wildlife under the provisions for a Wildlife and Habitat Conservation Plan, and submitted to the County;

(M) Work necessary to protect, repair, maintain, or replace existing structures, utility facilities, service connections, roadways, driveways, accessory uses and exterior improvements in response to emergencies pursuant to the provisions of MCC 36.0535 Responses to and Emergency/Disaster Event, provided that after the emergency has passed, adverse impacts are mitigated.

§ 36.4525 EXISTING USES.

Uses that legally existed on the effective date of this ordinance that are not included as Exceptions in section 36.4520, may utilize the provisions of this section. This section is intended to define the circumstances under which existing development can be improved or replaced under limited requirements in recognition of the pre-existing status. The SEC provisions are also not intended to make existing uses non-conforming. However, approval of proposals for alteration of uses that were non-conforming prior to the SEC ordinance, must obtain an SEC permit in addition to demonstrating compliance with the non-conforming use provisions of this Chapter.

(A) Change, expansion, or alteration of existing uses shall require an SEC permit as provided in 36.4500 through 36.4560, except for changes to a structure as described in Sections (1) or (2) below;

(1) In areas subject to the provisions of the SEC-sw, change, or alteration of existing uses which do not require any modification to the exterior of the structure;

(2) Within the SEC-wr and SEC-h - addition of less than 400 square feet of ground coverage to the structure. This provision is intended to allow a maximum of 400 square feet of additional coverage to the structure that existed on the effective date of this ordinance.

(B) Replacement or restoration of existing structures, that were unintentionally destroyed by fire or other casualty, or natural disaster within the same foundation lines shall not require an SEC permit. The redevelopment must be commenced within one year from the date of the loss, and may include addition of a maximum 400 square feet of ground coverage. Structures which are expanded up to 400 square feet under this provision, may not subsequently expand under the provision in (A)(2) above.

(C) Within the SEC-wr, lawfully established structures that do not meet the casualty loss provisions of (1) above may be replaced within

the same foundation lines or area of ground coverage when the entire remaining vegetated corridor on the project site, or the first 50 feet closest to the stream, or an area equal to the ground coverage of the building and attached structures and paved areas, whichever is less, is enhanced to "good" condition pursuant to Table 2. Replacement shall be processed as a Type II review.

(D) If development under this section is proposed to be located closer to a protected water feature, approval of a permit under the provisions of 36.4540 through 36.4555 shall be obtained.

§ 36.4530 BUILDABLE LOT ENCROACHMENT.

Where a parcel is partially or wholly inside the SEC-wr Overlay Zone, the property owner may apply for encroachment in lieu of meeting the requirements in MCC 36.4555(A), (B), or (C) for development in the SEC- wr. The applicant shall demonstrate that:

(A) Without the proposed encroachment, the owner would be denied economically viable use of the subject property. To meet this criterion, the applicant must show that no other application could result in approval of an economically viable use of the subject property. Evidence to meet this criterion shall include a list of uses allowed on the subject property.

(B) The proposed encroachment is the minimum necessary to allow for the requested use, however not more than 1 acre of the site, including access roads and driveways, and areas necessary for utilities and facilities, is disturbed;

(C) The proposed encroachment will comply with MCC 36.4555 (E) Mitigation; and

(D) The proposed use complies with the standards of the base zone.

§ 36.4535 SCOPE OF CONDITIONS.

(A) Conditions of approval of an SEC permit, if any, shall be designed to bring the application into conformance with the applicable criteria of MCC 36.4545 through 36.4560 and any other requirements specified in the Goal 5 protection program for the affected resource. Conditions may relate to the locations, design, and maintenance of existing and proposed improvements, including but not limited to buildings, structures and use areas, parking, pedestrian and vehicular circulation and access, natural vegetation and landscaped areas, fencing, screening and buffering, excavations, cuts and fills, signs, graphics, and lighting, timing of construction and related activities, and mitigation.

(B) Approval of an SEC permit shall be deemed to authorize associated public utilities, including energy and communication facilities.

(C) The approval criteria for an SEC permit shall be used to determine the most appropriate location, size and scope of the proposed development in order to ensure that it meets the purposes of this subdistrict, but shall not be used to deny economically viable use or be used to require removal or relocation of existing physical improvements to the property.

§ 36.4540 APPLICATION FOR SEC PERMIT.

A decision on an application for an SEC permit shall be based upon findings of consistency with the purposes of the SEC district and with the applicable criteria for approval specified in MCC 36.4545 through 36.4560. An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

(A) General SEC: All applications for SEC permits shall include the information listed in this section in sufficient detail for County staff to evaluate the impacts of the proposal. The applicant is responsible for providing all of the

required information. In addition to the information listed in this section, the application shall contain the supplemental information that is listed for the resource area in which the development is proposed.

(1) A written description of the proposed development and how it complies with the requirements applicable to the resource area in which development is proposed as listed in SECsw, SECwr, SECh.

(2) A map of the property drawn to scale showing;

(a) Boundaries, dimensions, and size of the subject parcel;

(b) Location and size of existing and proposed structures;

(c) Contour lines and topographic features such as ravines or ridges;

(d) Location of natural drainageways, springs, seeps, and wetlands on the site. The Planning Director may require the applicant to provide the location of the SEC-wr boundary, topography, or the location of development as determined by a registered professional surveyor or engineer;

(e) Proposed fill, grading, site contouring or other landform changes;

(f) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;

(g) Location and width of existing and proposed roads, driveways, parking and maneuvering areas, and service corridors and utilities.

(3) A scaled drawing of the building design and elevations that show the relationship between the building and existing and

finished grades and existing or proposed vegetation.

(4) Application for a flood hazard permit, erosion control permit, and/or other required natural hazards permit for the proposed development;

(B) SEC-Scenic Waterway: In addition to the information in 36.4540(A), an application in the SEC-sw overlay area shall include a letter from the Oregon Parks and Recreation Department which indicates that the proposed development as shown on the site map and scaled drawing required in (A)(2) and (3) above has been reviewed and is, or can be, consistent with the provisions of the Oregon Scenic Waterways Management Plan.

(1) For areas within the SEC-sw overlay, the building design shall also include a description of the exterior materials and proposed exterior colors including roofing.

(C) SEC-Water Resource: In addition to the information requirements listed in MCC 36.4540(A) above, the following information shall be submitted for applications within the SEC-wr overlay.

(1) A topographic map of the development area and adjacent areas of the site at contour intervals of five feet or less showing a delineation of the Water Area or Habitat Area as determined by a documented field survey, the location of all existing and proposed watercourses, drainageways, stormwater facilities, and utility installations;

(2) The location of wetlands;

(3) Information for the site from the adopted West of Sandy River Wildlife Habitat and Stream Corridor ESEE Report, the County Goal 5 Inventory;

(4) Preparation of plans and surveys - Inventories, assessment of existing

conditions, and mitigation or restoration plans shall be prepared by a qualified professional such as a fish or wildlife biologist at the discretion of the Planning Director. Wetlands shall be identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual;

(5) The applicant shall provide evidence that when federal or state requirements apply, that the agency has been contacted, and shall provide an assessment of whether the project can meet the requirements based on the agency response;

(6) An assessment of the existing condition of the Water Resource Area in accordance with Table 2 Riparian/Vegetated Corridor Standards;

(7) An inventory of vegetation, including percentage ground and canopy coverage, and location of nuisance plants listed in Table 1;

(8) A detailed Mitigation Plan as described in 36.4555(E), if required;

(9) The location of all existing trees of a caliper greater than six (6) inches in diameter at breast height (DBH);

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

(D) SEC Wildlife Habitat: In addition to the information required in MCC 36.4540(A) above, an application to develop in SEC-h areas shall also include:

(1) An area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following

information, when such information can be gathered without trespass:

(2) Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas. For the purposes of this section, a forested area is defined as an area that has at least 75 percent crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A non-forested "cleared" area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan.

(3) Location and width of existing driveways within 200 feet of the subject parcel's boundaries on all adjacent parcels;

(4) Existing and proposed type and location of all fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property.

§ 36.4545 CRITERIA FOR APPROVAL OF SEC-SW PERMIT - SCENIC WATERWAY.

The SEC-sw designation shall apply to those wild and scenic waterways that are designated SEC on Multnomah County sectional zoning maps. An application shall not be approved unless it contains the information in 36.4540(A) and (B). Any proposed activity or use requiring an SEC-sw permit shall be subject to the following:

(A) Submittal of a letter from the Oregon Parks and Recreation Department which indicates that the proposed development has been reviewed and is, or can be, consistent with the provisions of the Oregon Scenic Waterways Management Plan.

(B) 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.

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

(D) 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.

(E) 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

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

(G) 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.

(H) 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.

(I) 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.

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

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

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

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

(C) The following nuisance plants shall not be used as landscape plantings within the SEC-wr and SEC-h Overlay Zone:

Table 1
Nuisance Plant List

Common Name	Scientific
Lesser celandine	<i>Chelidonium majus</i>
Canada Thistle	<i>Cirsium arvense</i>
Common Thistle	<i>Cirsium vulgare</i>
Western Clematis	<i>Clematis ligusticifolia</i>
Traveler' s Joy	<i>Clematis vitalba</i>
Poison hemlock	<i>Conium maculatum</i>
Field Morning-glory	<i>Convolvulus arvensis</i>
Night-blooming Morning-glory	<i>Convolvulus nyctagineus</i>
Lady' s nightcap	<i>Convolvulus seppium</i>
Pampas grass	<i>Cortaderia selloana</i>
Hawthorn, except native species	<i>Crataegus sp. except C. douglasii</i>
Scotch broom	<i>Cytisus scoparius</i>
Queen Ann' s Lace	<i>Daucus carota</i>
South American Waterweed	<i>Elodea densa</i>
Common Horsetail	<i>Equisetum arvense</i>
Giant Horsetail	<i>Equisetum telemateia</i>
Crane' s Bill	<i>Erodium cicutarium</i>
Robert Geranium	<i>Geranium roberianum</i>
English Ivy	<i>Hedera helix</i>

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

§ 36.4555 CRITERIA FOR APPROVAL OF SEC-WR PERMIT -WATER RESOURCE

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

(A) Development on Low Impact Sites -
Development on parcels in locations that would

have low impacts on Water Resource Areas may be exempt from the Alternatives Analysis in (B) below. Development on sites that meet the following criterion may be allowed pursuant to the other applicable requirements of this district including the Development Standards of (D) and the provisions for Mitigation in (E):

- (1) The development site is at least one hundred (100) feet from top of bank or top of ravine, whichever results in a greater distance from the Protected Water Feature.

Top of ravine is the break in the > 25% slope. Slope should be measured in 25-foot increments away from the water feature until the slope is less than 25% (top of ravine), up to a maximum distance of 200' from the water feature. Where multiple resources are present (e.g., stream with wetlands along banks), the starting point for measurement should be whichever offers greatest resource protection.

(B) Alternatives Analysis - Development proposed within a Water Resource Area may be allowed if there is no alternative, when the other requirements of this district including the Development Standards of (D) and the provisions for Mitigation in (E) are met. The applicant shall prepare an alternatives analysis which demonstrates that:

- (1) No practicable alternatives to the requested development exist that will not disturb the Water Resource Area; and
- (2) Development in the Water Resource Area has been limited to the area necessary to allow for the proposed use;
- (3) Development shall occur as far as practically possible from the stream; and
- (4) The Water Resource Area can be restored to an equal or better condition; or
- (5) Any net loss on the property of resource area, function and/or value can be mitigated.

(C) Buffer Averaging - Development may be allowed to encroach into the 200' SEC-wr overlay zone or "buffer" when the provisions of (1) through (6) below are satisfied. These provisions are intended to allow development to extend a specific amount into the edges of the overlay zone without an alternatives analysis in exchange for increasing the area of vegetated corridor on the property that is in good condition.

- (1) Site assessment information pursuant to 36.4540(A) and (C) has been submitted.

(2) The riparian/vegetated corridor is certified to be in a marginal or degraded condition pursuant to Table 2. Buffer averaging is not allowed to encroach in areas certified to be in good condition.

(3) The maximum encroachment does not exceed 20% of the frontage length of the vegetated corridor by 20% of the required width.

(4) The entire remaining vegetated corridor on the project site or the first 50 feet closest to the stream (whichever is less) will be enhanced to "good" condition pursuant to Table 2.

(5) The area of encroachment will be replaced with added buffer area at a 1:1 ratio.

(6) The replacement area will be incorporated into the remaining vegetated corridor on the project site and meet the "good" condition pursuant to Table 2, regardless of its distance from the resource area.

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

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

the natural resource while allowing for the enjoyment of the natural resource.

be replaced with non-nuisance plants by the next growing season.

[Figure 1 on next page]

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

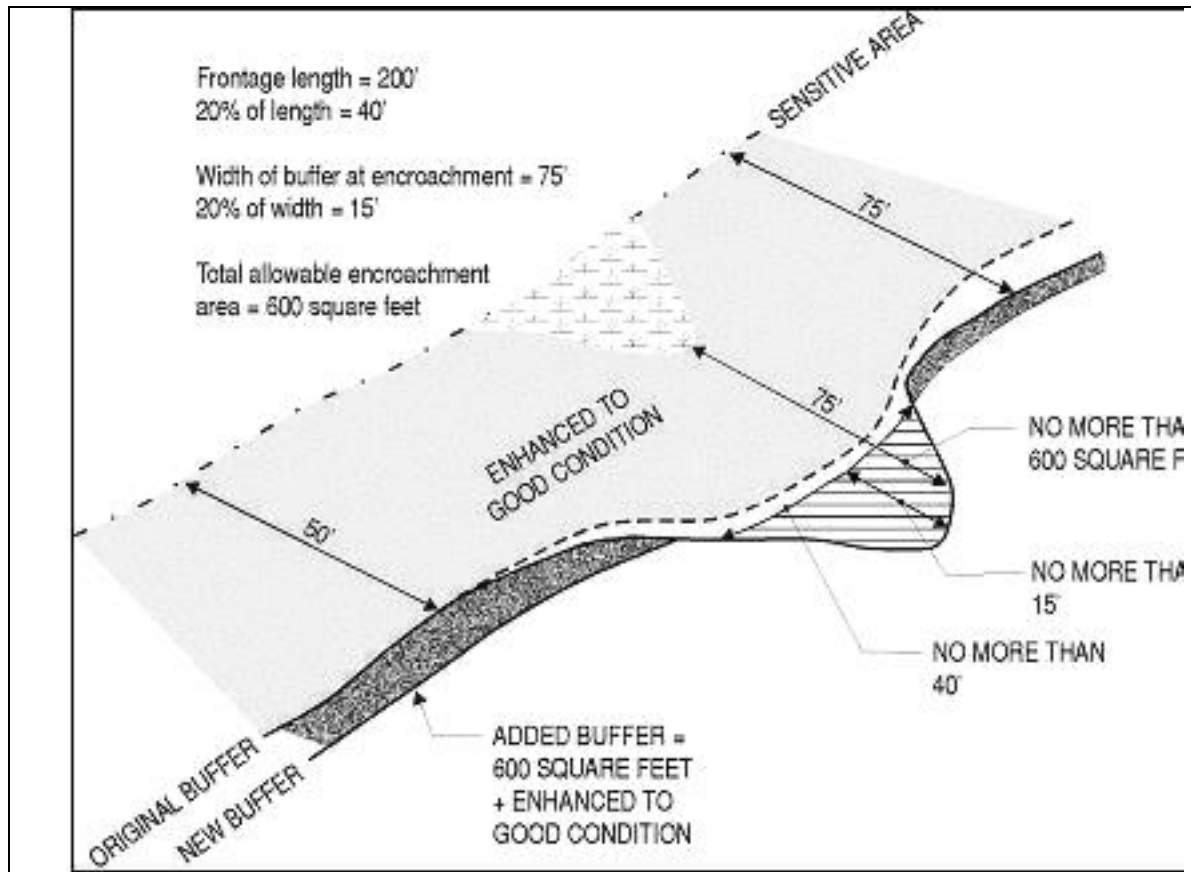
(3) Areas of standing trees, shrubs, and natural vegetation will remain connected or contiguous, particularly along natural drainage courses, so as to provide a transition between the proposed development and the natural resource, to provide food, water, and cover for wildlife, and to protect the visual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

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

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

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

Figure 1



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

(8) Stormwater quantity control and quality control facilities:

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

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

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

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

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

(a) When a proposed use or development activity could cause adverse impacts to a natural resource area, the preferred sequence of mitigation as defined in (2) below shall be followed unless the applicant

demonstrates that an overriding public benefit would warrant an exception to this preferred sequence.

1. Avoiding the impact altogether by not taking a certain action or parts of actions on that portion of the site which contains the regulated natural resource area;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
3. Compensating for the impact by repairing, rehabilitating, or restoring the affected environment;
4. Compensating for the impact by replacing, enhancing or providing substitute resources or environments on-site.
5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments off-site.

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

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

Resource Area, either directly or indirectly; and

5. The uniqueness or scarcity of the Water Resource Area that may be affected.

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

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

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

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

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

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

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

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

(g) In order to ensure that the mitigation area will be protected in perpetuity, the owner shall cause a deed restriction or other preservation measure, such as a conservation easement, to be placed on the property where the mitigation is required. The deed restriction or other measure shall be irrevocable unless a statement of release is signed by an authorized representative of Multnomah County.

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

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

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

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

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

(e) An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency

plan. All in-stream work in fish-bearing streams must be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.

[Table 2 on next page]

Table 2
Riparian/Vegetated Corridor Standards

Existing Riparian/Vegetated Corridor Condition	Requirements of Riparian/Vegetated Corridor Protection, Enhancement, and/or Mitigation
<p>Good Corridor Combination of native trees, shrubs, and groundcover covering greater than 80% of the area and Greater than 50% tree canopy exists (aerial measure)</p>	<p>Provide certification, pursuant to the procedures provided by the Planning Director, by a professional ecologist/biologist that the riparian/vegetated corridor meets condition criteria. Remove any invasive non-native or nuisance species and debris and noxious materials within the corridor by hand. Provide the County with a native plant revegetation plan appropriate to the site conditions developed by an ecologist/biologist or landscape architect to restore condition and mitigate any habitat or water quality impacts related to development. See Planning Director procedures. Revegetate impacted area per approved plan to re-establish “good” corridor conditions</p>
<p>Marginal Corridor Combination of native trees, shrubs, and groundcovers covering 50%-80% of the area and/or 26-50% tree canopy exists (aerial measure) (Enhancement up to “good” corridor required regardless of planned impact or not)</p>	<p>Provide certification, pursuant to the procedures provided by the Planning Director, by a professional ecologist/biologist that the riparian/vegetated corridor meets condition criteria. Remove any invasive non-native or nuisance species and debris and noxious materials within the corridor by hand or mechanically with small equipment, as appropriate to minimize damage to existing native vegetation. Provide County with a native plant revegetation plan appropriate to the site conditions developed by an ecologist/biologist or landscape architect to restore to a good corridor condition. See Planning Director procedures. Vegetate corridor to establish “good” corridor conditions</p>

<p>Degraded Corridor</p> <p>Combination of native trees, shrubs, and groundcovers covering is less than 50% of the area</p> <p>and/or</p> <p>Less than 25% tree canopy exists (aerial measure)</p> <p>and/or</p> <p>Greater than 10% of the area is covered by invasive, non-native species</p> <p>(Enhancement up to “good” corridor required regardless of planned impact or not)</p>	<p>Provide certification, pursuant to the procedures provided by the Planning Director, by a professional ecologist/biologist that the riparian/vegetated corridor meets condition criteria.</p> <p>Remove any invasive non-native or nuisance species and debris and noxious materials within the corridor by hand or mechanically as appropriate.</p> <p>Provide County with a native plant revegetation plan appropriate to the site conditions developed by an ecologist/biologist or landscape architect to restore to a good corridor condition. See Planning Director procedures.</p> <p>Vegetate corridor to establish “good” corridor conditions</p>
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§ 36.4560 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT.

Development within areas designated SEC-h shall comply with the provisions of this section. An application shall not be approved unless it contains the information in 36.4540(A) and (D).

(A) Development standards:

(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.

(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

(4) Fencing within a required setback from a public road shall meet the following criteria:

(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch

gap between the ground and the bottom of the fence.

(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.

(c) Cyclone, woven wire, and chain link fences are prohibited.

(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.

(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.

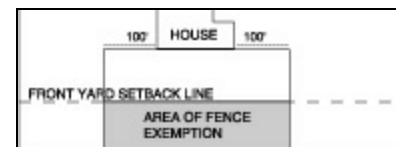


FIGURE 36.4570A FENCE EXEMPTION AREA

(f) Fencing standards do not apply where needed for security of utility facilities.

(5) The nuisance plants listed in Table 1 shall not be planted as landscaping and shall be controlled within cleared areas of the subject property.

(B) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.

(1) The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or

(2) The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section (B) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section (B).

(3) The wildlife conservation plan must demonstrate the following:

(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.

(b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

(c) That no fencing will be built outside of areas cleared for the site

development except for existing cleared areas used for agricultural purposes.

(d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.

(e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.

(4) For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the applicant shall submit a Wildlife Conservation Plan which must comply only with measures identified in the Goal 5 protection program that has been adopted by Multnomah County for the site as part of the program to achieve the goal.

HERITAGE PRESERVATION**§ 36.4700- PURPOSES.**

The general purposes of the Heritage Preservation subdistrict are to implement various provisions of the Comprehensive Plan, the Statewide Planning Goals, and elements of County programs to preserve and conserve for public benefit those districts, sites, buildings, structures, and objects which are found to be significant in history, architecture, archeology, and culture; to assist heritage preservation projects and activities in the public and private sector; to authorize adaptive uses not otherwise permitted where beneficial to the purposes of preservation; to establish development standards and other regulatory techniques designed to achieve the purposes of heritage preservation.

§ 36.4705 GENERAL FINDINGS AND POLICY.

The Board finds:

(A) The Statewide Planning Goals and the County's Comprehensive Framework Plan and Community Plans Policies implemented by the Heritage Preservation Subdistrict are Goal 5 and Policies No. 15, 16, 17, and 18;

(B) The Goals and these Policies provide for the preservation, maintenance, and beneficial use of districts, sites, buildings, structures, and objects which have been identified as having historical, architectural, archaeological, or cultural significance;

(C) Surveys conducted in unincorporated Multnomah County reveal the presence of a wide variety of such sites, buildings, and objects;

(D) Each site, building, or object has unique characteristics or circumstances such that no single overlay preservation zone would be adequate to address the range of issues involved;

(E) These individual situations thus require special sets of measures, each designed to apply

the preservation techniques found most appropriate; and

(F) The creation and enactment of a special overlay subdistrict when a site, building, object or need is identified, is deemed to be the effective and flexible means to implement the policies and purposes of heritage preservation.

§ 36.4710 AREA AFFECTED.

The provisions of a Heritage Preservation subdistrict shall apply to land areas according to their designations as Subdistricts HP-1, HP-2, HP-3, etc., on the Multnomah County Zoning Map.

§ 36.4715 STANDARDS TO ESTABLISH AN HP SUBDISTRICT.

(A) An amendment establishing an HP subdistrict shall include the following:

(1) The designation of the subdistrict as HP-1, HP-2, HP-3, etc., in the text and on the appropriate Sectional Zoning Map;

(2) A statement of the purposes of the subdistrict;

(3) Definitions of terms, as appropriate;

(4) A statement of the findings and policies on which the subdistrict is based, including reference to the related Community Plan or Comprehensive Plan provision which the subdistrict is designed to implement, or to the special problems or circumstances which the subdistrict is designed to address;

(5) A description of the relationships between the provisions of the HP subdistrict and those of the underlying district;

(6) A listing of the HP subdistrict uses authorized as Allowed Uses, Review Uses, or Conditional Uses, as appropriate;

(7) A description of any approval procedures or criteria required to satisfy the subdistrict provisions;

(8) Any development standards, dimensional requirements, or special provisions for authorized uses in the subdistrict;

(9) A description of the nature of and approval procedures for any exceptions from subdistrict requirements;

(10) A statement of the methods of appeal from a decision made under the provisions of the subdistrict; and

(11) Any other provision deemed appropriate to the purposes of the HP subdistrict.

(B) The approval authority shall consider the report and recommendation thereon prepared by the Multnomah County Historical Sites Advisory Committee.

(1) The Planning Director shall notify the Chairman and the Secretary of the Historic Sites Advisory Committee by First Class Mail of a proposal for establishment or designation of an HP subdistrict at least 30 days prior to action thereon by the Planning Commission.

(2) The Committee shall file its report and recommendation with the Planning Director.

(3) In the absence of the report and the recommendation of the Committee, the proposed subdistrict or designation shall be deemed to be recommended for approval.

HERITAGE PRESERVATION - 1, HP-1**§ 36.4765 USES.****§ 36.4750- PURPOSES**

The purposes of the HP-1 subdistrict are to provide for the preservation and protection of buildings which satisfy the Historical Site Criteria in the Comprehensive Framework Plan and to permit authorization of adaptive uses not otherwise permitted where found to be beneficial to the purposes of heritage preservation.

§ 36.4755 DEFINITION

Historical Landmark means any building, structure, or physical object and the premises on which it is located which is recognized to be of particular cultural, aesthetic, educational, or historical significance under the Historical Site Criteria of the Comprehensive Plan. See also Historical Building definition at MCC 36.0005.

§ 36.4760 FINDINGS AND POLICY.

The Board finds:

(A) There are buildings within the unincorporated County area which qualify as historic landmarks by reason of their special historical character, their association with historical events or persons, their antiquity, their unique or representative architectural style, design or method of construction, or by reason of other aesthetic, cultural, economic, or educational significance or importance.

(B) Many buildings which merit designation as historical landmarks have been altered or destroyed in the absence of regulatory controls to insure preservation or of measures to authorize adaptive uses which would make preservation economically feasible.

(C) Creation and application of a specialized overlay subdistrict will implement the Statewide Planning Goals and the Comprehensive Plan Policies No. 15 and 18 with respect to buildings of historical significance.

(A) The following uses are permitted uses in the HP-1 subdistrict:

(1) A use existing or for which a valid building or land use permit was in effect on the effective date of the HP-1 classification; and

(2) Any use listed as an Allowed Use in the underlying district.

(B) A use listed as Review Use in the underlying district may be permitted when found to satisfy the approval criteria given in the underlying district and those given in MCC 36.4770 .

(C) In the EFU and CFU districts, a use listed as a Conditional Use in the underlying district may be permitted when found to satisfy the applicable approval criteria given in the underlying district and those listed in MCC 36.4770.

(D) In the MUA-20, RR, and RC districts and notwithstanding the use provisions of those districts, any conditional use listed in the MUA-20, RR, and RC districts may be permitted in the HP-1 overlay district when found to satisfy the applicable approval criteria given in MCC 36.6300 through 36.6660 and those listed in MCC 36.4770.

§ 36.4770 HP-L REVIEW USE AND CONDITIONAL USE APPROVAL CRITERIA.

In acting to approve a Review Use or Conditional Use under MCC 36.4765(B), (C), or (D), the approval authority shall find that the proposal:

(A) Will maintain or restore the unique characteristics of the site and structure which are the basis of the HP-1 classification;

(B) Will satisfy the dimensional requirements of the underlying district and the development standards specified by this Chapter for the proposed use to the maximum extent possible,

consistent with the nature of the existing improvements of historical significance;

(C) Will permit an adaptive use which is necessary and appropriate to the preservation of the historical characteristics; and

(D) Will have only minor adverse impacts on nearby properties, considering such factors as loss of residential privacy, increased vehicle or pedestrian traffic, noise, glare, or similar effects.

§ 36.4780 PERMITS.

The provisions of MCC 36.0520, "Permits for Historical Structures and Sites", shall apply to any building, structure, or premises classified HP-1.

SPECIAL PLAN AREA, SPA**§ 36.5000- PURPOSES.**

The general purposes of the Special Plan Area Subdistricts are to implement various provisions of the Comprehensive Plan, the Statewide Planning Goals and the land use control elements of Special Plan Area plans and of plans for neighborhoods and subcommunity vitalization; to aid in realizing opportunities to achieve community, social and economic stability and vigor; to institute desired patterns and improvement standards for land uses according to adopted specific-place plans; to facilitate public-private sector cooperation in the development of such areas; to establish more flexible and diversified standards and procedures; and to provide means to establish such interim land use controls as are deemed necessary, pending the preparation of local area comprehensive plan revisions or development strategies.

§ 36.5005 AREA AFFECTED.

The provisions of a Special Plan Area subdistrict shall apply to specific land areas according to their designations as subdistricts SPA-1, SPA-2, SPA-3, etc., on the Multnomah County Zoning Map.

§ 36.5010 STANDARDS TO ESTABLISH AN SPA SUBDISTRICT.

(A) An amendment establishing an SPA subdistrict shall include the following:

- (1) The designation of the subdistrict as SPA-1, SPA-2, SPA-3, etc., in the text and on the appropriate Sectional Zoning Map;
- (2) A statement of the purposes of the subdistrict;
- (3) Definitions of terms, as appropriate;
- (4) A statement of the findings and policies on which the subdistrict is based, including reference to the related Special Area Plan or Comprehensive Plan revision which the subdistrict is designed to implement or to the special problems or circumstances which the subdistrict is designed to address;

(5) A description of the relationships between the provisions of the SPA subdistrict and those of the underlying district;

(6) A listing of the SPA subdistrict uses authorized as Permitted Uses, Uses Under Prescribed Conditions, or Conditional Uses, as appropriate;

(7) A description of any approval procedure or criteria required to satisfy the subdistrict provisions;

(8) Any development standards or dimensional requirements for authorized uses in the subdistrict;

(9) A description of the nature of and approval procedures for any exceptions from subdistrict requirements;

(10) A statement of the methods of appeal from a decision made under the provisions of the subdistrict; and

(11) Any provisions for the expiration of the SPA subdistrict.

***HILLSIDE DEVELOPMENT and EROSION
CONTROL***

§ 36.5500- PURPOSES.

The purposes of the Hillside Development and Erosion Control subdistrict are to promote the public health, safety and general welfare, and minimize public and private losses due to earth movement hazards in specified areas and minimize erosion and related environmental damage in unincorporated Multnomah County, all in accordance with ORS 215, LCDC Statewide Planning Goal No. 7, and the Multnomah County Comprehensive Framework Plan Policy No. 14. This subdistrict is intended to:

- (A) Protect human life;
- (B) Protect property and structures;
- (C) Minimize expenditures for rescue and relief efforts associated with earth movement failures;
- (D) Control erosion, production and transport of sediment; and
- (E) Regulate land development actions including excavation and fills, drainage controls and protect exposed soil surfaces from erosive forces.

§ 36.5505 PERMITS REQUIRED.

Hillside Development Permit: All persons proposing development, construction, or site clearing (including tree removal) on property located in hazard areas as identified on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more shall obtain a Hillside Development Permit as prescribed by this subdistrict, unless specifically exempted by MCC 36.5510.

§ 36.5510 EXEMPT LAND USES AND ACTIVITIES.

The following are exempt from the provisions of this Chapter:

- (A) Development activities approved prior to February 20, 1990; except that within such a

development, issuance of individual building permits for which application was made after February 20, 1990 shall conform to site-specific requirements applicable herein.

(B) General Exemptions - All land-disturbing activities outlined below shall be undertaken in a manner designed to minimize earth movement hazards, surface runoff, erosion, and sedimentation and to safeguard life, limb, property, and the public welfare. A person performing such activities need not apply for a permit pursuant to this subdistrict, if :

- (1) Natural and finished slopes will be less than 25 percent; and,
- (2) The disturbed or filled area is 20,000 square feet or less; and,
- (3) The volume of soil or earth materials to be stored is 10 cubic yards or less; and,
- (4) Rainwater runoff is diverted, either during or after construction, from an area smaller than 10,000 square feet; and,
- (5) Impervious surfaces, if any, of less than 10,000 square feet are to be created; and,
- (6) No drainageway is to be blocked or have its stormwater carrying capacities or characteristics modified.

(C) Categorical Exemptions - Notwithstanding MCC 36.5510 (A) and (B) (1) through (6), the following activities are exempt from the permit requirements:

- (1) An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation, nor exempt any excavation having an unsupported finished height greater than five feet.
- (2) Cemetery graves, but not cemetery soil disposal sites.

- (3) Excavations for wells.
- (4) Mineral extraction activities as regulated by MCC 36.6500 through 36.6536.
- (5) Exploratory excavations under the direction of certified engineering geologists or geotechnical engineers.
- (6) Routine agricultural crop management practices.
- (7) Residential gardening and landscape maintenance at least 100-feet by horizontal measurement from the top of the bank of a watercourse, or the mean high watermark (line of vegetation) of a body of water or wetland.
- (8) Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazards.
- (9) Forest practices as defined by ORS 527 (The State Forest Practices Act) and approved by the Oregon Department of Forestry.

§ 36.5515 APPLICATION INFORMATION REQUIRED.

An application for development subject to the requirements of this subdistrict shall include the following:

- (A) A map showing the property line locations, roads and driveways, existing structures, trees with 8-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s) and trees proposed for removal.
- (B) An estimate of depths and the extent and location of all proposed cuts and fills.
- (C) The location of planned and existing sanitary drainfields and drywells.

(D) Narrative, map or plan information necessary to demonstrate compliance with MCC 36.5520 (A). The application shall provide applicable supplemental reports, certifications, or plans relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting.

(E) A Hillside Development permit may be approved by the Director only after the applicant provides:

- (1) Additional topographic information showing that the proposed development to be on land with average slopes less than 25 percent, and located more than 200 feet from a known landslide, and that no cuts or fills in excess of 6 feet in depth are planned. High groundwater conditions shall be assumed unless documentation is available, demonstrating otherwise; or
- (2) A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development; or,
- (3) An HDP Form-1 completed, signed and certified by a Certified Engineering Geologist or Geotechnical Engineer with his/her stamp and signature affixed indicating that the site is suitable for the proposed development.

(a) If the HDP Form-1 indicates a need for further investigation, or if the Director requires further study based upon information contained in the HDP Form-1, a geotechnical report as specified by the Director shall be prepared and submitted.

(F) Geotechnical Report Requirements

- (1) A geotechnical investigation in preparation of a Report required by MCC 36.5515 (E) (3) (a) shall be conducted at the applicant's expense by a Certified

Engineering Geologist or Geotechnical Engineer. The Report shall include specific investigations required by the Director and recommendations for any further work or changes in proposed work which may be necessary to ensure reasonable safety from earth movement hazards.

(2) Any development related manipulation of the site prior to issuance of a permit shall be subject to corrections as recommended by the Geotechnical Report to ensure safety of the proposed development.

(3) Observation of work required by an approved Geotechnical Report shall be conducted by a Certified Engineering Geologist or Geotechnical Engineer at the applicant's expense; the geologist's or engineer's name shall be submitted to the Director prior to issuance of the Permit.

(4) The Director, at the applicant's expense, may require an evaluation of HDP Form-1 or the Geotechnical Report by another Certified Engineering Geologist or Geotechnical Engineer.

(G) Development plans shall be subject to and consistent with the Design Standards For Grading and Erosion Control in MCC 36.5520 (A) through (D). Conditions of approval may be imposed to assure the design meets those standards.

§ 36.5520 GRADING AND EROSION CONTROL STANDARDS.

Approval of development plans on sites subject to a Hillside Development Permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

(A) Design Standards For Grading and Erosion Control

(1) Grading Standards

(a) Fill materials, compaction methods and density specifications shall be

indicated. Fill areas intended to support structures shall be identified on the plan. The Director or delegate may require additional studies or information or work regarding fill materials and compaction;

(b) Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified;

(c) Cuts and fills shall not endanger or disturb adjoining property;

(d) The proposed drainage system shall have adequate capacity to bypass through the development the existing upstream flow from a storm of 10-year design frequency;

(e) Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the displaced streamflow for a storm of 10-year design frequency;

(2) Erosion Control Standards

(a) Erosion and stormwater control plans shall be designed to perform as prescribed by the currently adopted edition of the "Erosion Prevention & Sediment Control Plans Technical Guidance Handbook " and the "City of Portland Stormwater Quality Facilities, A Design Guidance Manual (1995)".

(b) Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;

(c) Development Plans shall minimize cut or fill operations and ensure conformity with topography so as to

create the least erosion potential and adequately accommodate the volume and velocity of surface runoff;

(d) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;

(e) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;

1. A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100-feet of a wetland;

2. The buffer required in 1. may only be disturbed upon the approval of a mitigation plan which utilizes erosion and stormwater control features designed to perform as effectively as those prescribed in the currently adopted edition of the "Erosion Prevention & Sediment Control Plans Technical Guidance Handbook " and the "City of Portland Stormwater Quality Facilities, A Design Guidance Manual (1995)" and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340;

(f) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;

(g) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water

runoff shall be structurally retarded where necessary;

(h) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized;

(i) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding;

(j) All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural watercourses, drainage swales, or an approved drywell system;

(k) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion;

(l) Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:

1. Energy absorbing devices to reduce runoff water velocity;

2. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;

3. Dispersal of water runoff from developed areas over large undisturbed areas.

(m) Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures;

(n) Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities.

(B) Responsibility

(1) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to issuance of occupancy or final approvals for the project;

(2) It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream watercourse or swale, or upon the floodplain or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain, or right-of-way during such activity, and to return it to its original or equal condition.

(C) Implementation

(1) **Performance Bond** - A performance bond may be required to assure the full cost of any required erosion and sediment control measures. The bond may be used to provide for the installation of the measures if not completed by the contractor. The bond shall be released upon determination the control measures have or can be expected to perform satisfactorily. The bond may be waived if the Director determines

the scale and duration of the project and the potential problems arising therefrom will be minor.

(2) **Inspection and Enforcement.** The requirements of this subdistrict shall be enforced by the Planning Director. If inspection by County staff reveals erosive conditions which exceed those prescribed by the Hillside Development, work may be stopped until appropriate correction measures are completed.

(D) Final Approvals

A certificate of Occupancy or other final approval shall be granted for development subject to the provisions of this subdistrict only upon satisfactory completion of all applicable requirements.

§ 36.5525 HILLSIDE DEVELOPMENT AND EROSION CONTROL RELATED DEFINITIONS.

(A) **Certified Engineering Geologist** - Any person who has obtained certification by the State of Oregon as an engineering geologist.

(B) **Cut:**

(1) An excavation;

(2) The difference between a point on the original ground surface and the point of lowest elevation on the final grade;

(3) The material removed in excavation work.

(C) **Development** - Any manmade change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. Any other activity that results in the removal of more than 10 percent of the existing vegetation in a Water Resource Area or Habitat Area on a lot or parcel. (Title 3)

(D) **Development Area** - The total area of alteration of the naturally occurring ground

surface resulting from construction activities whether permanent or temporary.

(E) **Drainage Area** - The subject property together with the watershed (acreage) contributing water runoff to and receiving water runoff from the subject property.

(F) **Drainageway** - Any natural or artificial stream, swale, creek, river, ditch, channel, canal or other open water-course.

(G) **Earth Movement** - Any type of land surface failure resulting in the downslope movement of material . The term includes, but is not limited to, soil creep, mudflow, rockslides, block failures, and massive landslides.

(H) **Erosion** - The wearing away or removal of earth surface materials by the action of natural elements or forces including, but not limited to, wind, water or gravity.

(I) **Excavation** - Any act by which earth, sand, gravel, rock or any similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting therefrom.

(J) **Fill:**

(1) Any act by which earth, sand, gravel, rock or similar material is pushed, placed, dumped, stacked, pulled, transported, or in any way moved to a new location above the existing natural surface of the ground or on the top of a stripped surface, including the condition resulting therefrom.

(2) The difference in elevation between a point on the original ground surface and the point of higher elevation on a finished grade.

(3) The material used to make a fill.

(K) **Geotechnical Engineer** - A Civil Engineer, licensed to practice in the State of Oregon, who

by training, education and experience is competent in the practice of geotechnical or soils engineering practices.

(L) **Geotechnical Report** - Any information required in addition to Form 1 which clarifies the geotechnical conditions of a proposed development site. Examples of this would be reports on test hole borings, laboratory tests or analysis of materials, or hydrologic studies.

(M) **Grading** - Any stripping, cutting, filling, stockpiling or any combination thereof, including the land in its cut or filled condition.

(N) **HDP Form-1** - The form required for specified developments subject to the Hillside Development and Erosion Control subdistrict. It contains a geotechnical reconnaissance and stability questionnaire which must be filled out and certified by a Certified Engineering Geologist or Geotechnical Engineer.

(O) **Land-disturbing Activities** - Any act which alters earth, sand, gravel, or similar materials and exposes the same to the elements of wind, water, or gravity. Land-disturbing activities includes: excavations or fills, site grading, and soil storage.

(P) **Mulch** - Materials spread over the surface of the ground, especially freshly graded or exposed soils, to prevent physical damage from erosive agents such as storm water, precipitation or wind, and which shield soil surfaces until vegetative cover or other stabilization measures can take effect.

(Q) **Ordinary High Water Mark** - Features found by examining the bed and banks of a stream and ascertaining where the presence and action of waters are so common and usual, and so long maintained in all ordinary years, as to mark upon the land a character distinct from that of the abutting upland, particularly with respect to vegetation. For streams where such features cannot be found, the channel bank shall be substituted. In braided channels and alluvial

fans, the ordinary high water mark shall be measured to include the entire stream feature.

(R) Slope:

(1) Any ground whose surface makes an angle from the horizontal; or

(2) The face of an embankment or cut section.

(S) Slope Hazard Map - A series of maps maintained and updated from time to time by the Office of the Director, Department of Environmental Services;

(T) Spoil Material - Any rock, sand, gravel, soil or other earth material removed by excavation or other grading activities.

(U) Stream - Areas where surface waters flow sufficient to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial watercourses unless they are used to convey Class 1 or 2 streams naturally occurring prior to construction. Those topographic features resembling streams but which have no defined channels (e.g. swales) shall be considered streams when hydrologic and hydraulic analyzes performed pursuant to a development proposal predict formation of a defined channel after development.

(V) Stream Protection - Activities or conditions which avoid or lessen adverse water quality and turbidity effects to a stream.

(W) Topographic Information - Surveyed elevation information which details slopes, contour intervals and drainageways. Topographic information shall be prepared by a registered land surveyor or a registered professional engineer qualified to provide such information and represented on maps with a contour interval not to exceed 10 feet.

(X) Vegetation - All plant growth, especially trees, shrubs, grasses and mosses.

(Y) **Vegetative Protection** - Stabilization of erosive or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, producing long-term vegetative cover;
- (2) Short-term seeding, producing temporary vegetative cover;
- (3) Sodding, producing areas covered with a turf or perennial sod-forming grass; or
- (4) Netting with seeding if the final grade has not stabilized.

(Z) **Water Body** - Areas permanently or temporarily flooded which may exceed the deepwater boundary of wetlands. Water depth is such that water, and not the air, is the principal medium in which prevalent organisms live. Water bodies include rivers, creeks, lakes, and ponds.

(AA) **Watercourse** - Natural and artificial features which transport surface water. Watercourse includes a river, stream, creek, slough, ditch, canal, or drainageway.

***PROTECTED AGGREGATE and MINERAL
SITES, PAM***

§ 36.5700- PURPOSES.

The purposes of the Protected Aggregate and Mineral Resources Overlay Subdistrict are:

- (A) To provide a mechanism to identify and, where appropriate, protect significant aggregate and mineral resource sites;
- (B) To allow surface mining subject to uniform operating standards; and
- (C) To regulate conflicts with surface mining activities.

§ 36.5705 AREA AFFECTED.

This subsection shall apply to those lands designated PAM on the Multnomah County Zoning Map. On the Zoning Map shall also be a reference to the relevant site-specific Comprehensive Plan documents.

Exemption activities as described in MCC 36.5710 (A) and (B) are allowed in all districts, not only those designated PAM.

§ 36.5710 EXEMPTIONS.

(A) The following activities are exempt from the requirements of MCC 36.5700 through 36.5745 and 36.6500 through 36.6536. Operators or land owners have the burden of qualifying for any exemption.

(1) Mining on forest lands auxiliary to forestry operations occurring in compliance with the Forest Practices Act as administered by the Oregon Department of Forestry.

(2) Lawful mining operating under a DOGAMI "Grant of Total Exemption" on December 3, 1994 on property owned or controlled by the operator. Abandonment, restoration, or alteration of this use shall be in compliance with the non-conforming use

provisions of MCC 36.7200 through 36.7215.

(B) Mining less than 1,000 cubic yards of material in conjunction with mining an area of less than one acre is exempt from the requirements of MCC 36.5700 through 36.5745 and 36.6500 through 36.6535, but shall require the approval of a Hillside and Erosion Control Permit and any other permits as may be required in any overlay subdistrict.

(C) Mining a quantity in excess of (B), but mining less than 5,000 cubic yards of material or disturbing less than one acre of land within a period of 12 consecutive months until mining affects five or more acres is exempt from the requirement in MCC 36.6520 and 36.6525 to obtain a DOGAMI operating permit. However, mining at this level of activity shall:

(1) Be on a "protected site" as determined by, and subject to restrictions warranted by, the Goal 5 process;

(2) Be approved as a mining conditional use pursuant to the provisions and requirements of MCC 36.6500 through 36.6535; and

(3) Obtain approval of a Hillside and Erosion Control Permit in conjunction with the mining conditional use approval. The Hillside and Erosion Control permit shall be required in place of all references in the plan and MCC Chapter 36 to obtaining a DOGAMI operating permit in recognition that this level of mining activity is exempted by DOGAMI rules for such a permit.

§ 36.5715 DEFINITIONS.

As used in this subdistrict and MCC 36.6500 through 36.6535, unless otherwise noted, the following words and their derivations shall have the following meanings:

(A) **Conflicting Use** - A use authorized in the underlying zone which, if allowed, could

adversely affect operations at a protected aggregate and mineral resource site. As used in this subsection, a conflicting use is also another inventoried significant Goal 5 resource located on or adjacent to a protected aggregate or mineral site if that resource could force a change in mining or processing at the site.

(B) **Dust Sensitive Use** - A conflicting use which is primarily used for habitation. Residential structures, churches, hospitals, schools, public libraries, and campgrounds are considered dust sensitive uses during their period of use. Forest uses and farm uses are not dust sensitive uses unless determined through the Goal 5 process.

(C) **ESEE Analysis** - The analysis of Economic, Social, Environmental and Energy consequences of allowing mining at a significant site, and allowing conflicting uses to displace mining at a significant site. The ESEE analysis is the basis for determining the level of protection to be given the resource.

(D) **Extraction Area** - The area of a protected aggregate and mineral resource site in which mining and associated processing is permitted.

(E) **Goal 5 Process** - The planning process required by Oregon Administrative Rules Chapter 660, Division 16. The Goal 5 process involves identifying resource sites, determining their significance, identifying conflicting uses, analyzing the economic, social, environmental and energy consequences of conflicting uses, determining the level of protection given to a resource site, and implementing a program to protect significant sites.

(F) **Impact Area** - The area where uses may occur that could adversely affect the resource site or be adversely affected by use of the resource site.

(G) **Mining** - The excavation of sand, aggregate (gravel), clay, rock, or other similar surface or subsurface resources. Mining does not include:

(1) Excavations conducted by a landowner or tenant on the landowner or tenant's property for the primary purpose of reconstructing or maintaining access roads,

(2) Excavation or grading conducted in the process of farm or cemetery operations,

(3) Excavation or grading conducted within a road right-of-way or other easement for the primary purpose of road construction, reconstruction or maintenance, or

(4) Removal, for compensation, of materials resulting from on-site construction for which a development permit and a construction time schedule have been approved by the county.

(H) **Noise Sensitive Use** - A conflicting use which is primarily used for habitation. Residential structures, churches, hospitals, schools, public libraries, and campgrounds are considered noise sensitive uses during their period of use. Forest uses and farm uses are not noise sensitive uses unless determined through the Goal 5 process.

(I) **PAM Overlay Subdistrict** - A special purpose zoning designation for the purposes of MCC 36.5700 that is placed on a zoning map over a base zoning district (ie. EFU). The provisions of the PAM subdistrict shall apply to land uses as specified, notwithstanding the provisions of the underlying zone district.

(J) **Processing** - The washing, crushing, screening, and handling of aggregate and mineral resources. Batching and blending of asphalt or portland cement concrete are included in the definition of processing.

(K) **Protected Site** - Significant resource sites which are identified through the Goal 5 Process as resources that the county will protect from conflicting uses. The special district designation Protected Aggregate and Mineral Resources (PAM) shall only be applied to protected sites.

(L) **Restrictive Covenant** - An enforceable promise, given by the owner of a parcel whose

use and enjoyment of that parcel may be restricted in some fashion by mining occurring on another parcel, not to object to the terms of a permit issued by a local government, state agency or federal agency. The restrictive covenant shall be recorded in the real property records of the county, shall run with the land, and is binding upon the heirs and successors of the parties. The covenant shall state that obligations imposed by the covenant shall be released when the site has been mined and reclamation has been completed.

(M) **Significant Site** - A site containing either significant aggregate resources or significant mineral resources. The county will judge the significance of mineral and aggregate resources on a case by case basis, under the standards and procedures in LCDRC's Goal 5 interpretive rules.

§ 36.5720 PAM OVERLAY SPECIAL SUBDISTRICTS.

The Protected Aggregate and Mineral Resource Subdistrict (PAM) comprises two areas, the Extraction Area (PAM-EA) and the Impact Area (PAM-IA).

(A) The Extraction Area shall be applied to the portion of protected sites where mining and associated processing is to occur. The Extraction Area may consist of one or more parcels or portions of parcels, and may be applied to contiguous properties under different ownership. The Extraction Area boundary may be modified through the Goal 5 process to reduce conflicts with conflicting uses existing when the overlay is applied. The Extraction Area shall be shown on the zoning map with the designation PAM-EA.

(B) The Impact Area shall be applied to parcels or portions of parcels adjacent to the Extraction Area and within the Impact Area deemed appropriate through the Goal 5 process. The Impact Area shall be shown on the zoning map with the designation PAM-IA.

**§ 36.5725 PROCEDURE FOR APPLYING
THE PAM SUBDISTRICT.**

(A) A PAM subdistrict shall be established by amendment of the Comprehensive Framework Plan and Zoning Map. The relevant factors for the establishment of the subdistrict are within the Oregon Administrative Rules Chapter 660, Division 16; Comprehensive Plan Policy 16-B; and the applicable provisions of MCC Chapter 37.

(B) Under the applicable provisions of OAR Chapter 660, Division 16 and Comprehensive Plan Policy 16-B and based upon the analysis of information about the location, quality, and quantity of the aggregate and mineral resource, the county shall make the following determinations regarding the inventory status of the resource site and, if appropriate, continuation of the Goal 5 process:

(1) If the information about the location, quality, and quantity of a resource site is not adequate to allow a determination of significance, the site shall be placed on a plan inventory of "potential sites" and shall remain on that inventory until information is available to determine whether or not the site is significant, or

(2) If the resource site does not meet the definition of a significant site, the site shall be placed on a plan inventory of "not significant sites", or

(3) If the resource site meets the definition of a significant site, the Goal 5 process shall be continued.

(C) Under the applicable provisions of OAR Chapter 660, Division 16 and Comprehensive Plan Policy 16-B and based upon the ESEE analysis, the county shall determine the amount of protection to be given each significant site. Each determination shall be incorporated into the comprehensive plan, and shall be reflected on the zoning maps. One of the following determinations shall be made:

(1) Protect the site fully and allow surface mining as a conditional use. The county shall place the site on the Protected Sites inventory, apply the Protected Aggregate and Mineral Resources Subdistrict, specify the planned use of the site following reclamation, and prohibit the establishment of conflicting uses within the Extraction Area and the Impact Area. Conditional use approval of surface mining shall be pursuant to MCC 36.6500 through 36.6535 and shall not be subject to the conditional use provisions of MCC 36.6305(C), 36.6310, 36.6315, and 36.6325.

(2) Balance protection of the site and conflicting uses, allow surface mining as a conditional use. The county shall place the site on the Protected Sites inventory, apply the Protected Aggregate and Mineral Resources Subdistrict, specify the planned use of the site following reclamation, and identify which uses in the underlying zone are allowed outright, allowed conditionally, or prohibited. Conditional use approval of surface mining shall be pursuant to any site-specific requirements developed through the Goal 5 process and MCC 36.6500 through 36.6536. Review criteria and conditions shall not include the conditional use provisions of MCC 36.6305(C), 36.6310, 36.6315, and 36.6325. Site-specific requirements developed through the Goal 5 process, MCC 36.5730, and 36.5735 shall govern development of conflicting uses.

(3) Allow conflicting uses fully and do not allow surface mining except as exempted in MCC 36.5710. The county shall then place the site on the "Not Protected Sites" inventory in accordance with Framework Plan Policy 16-B, not apply the Protected Aggregate and Mineral Resource Subdistrict, and not protect the site from conflicting uses.

**§ 36.5730 EXTRACTION AREA (PAM-EA) -
- ALLOWED USES.**

Notwithstanding the use provisions of the underlying district, the following use provisions shall apply in the PAM-EA Subdistrict:

(A) Primary Uses, Uses Permitted Outright, Uses Permitted Under Prescribed Conditions, and Conditional Uses allowed in the underlying district may be permitted subject to the underlying district provisions and criteria of approval, except as provided for in this subsection.

(1) Uses identified through the Goal 5 process to be prohibited within the Extraction Area shall not be permitted.

(2) Noise or dust sensitive uses not prohibited in (1) may be permitted under the conditional use procedural provisions of MCC 36.6300 through 36.6350 when found by the Hearing Authority to satisfy the approval criteria of MCC 36.5740 and the approval criteria of the underlying district.

(3) Conflicting uses required by the Goal 5 process to be conditionally approved may be permitted under the procedural provisions of MCC 36.6300 through 36.6350 when found by the Hearing Authority to satisfy the approval criteria of MCC 36.5740 and the approval criteria of the underlying district.

(B) The following uses may be permitted subject to a finding by the Hearing Authority that all standards adopted as part of the Goal 5 process and the provisions of MCC 36.6500 through 36.6535 are met. Review by the Hearing Authority shall be under the procedural provisions of MCC 36.6300; 36.6305(A) and (B); 36.6335 and 36.6340.

(1) Mining;

(2) Processing, except the batching or blending of aggregate and mineral materials into asphalt concrete within two miles of a

planted commercial vineyard existing on the date of conditional use approval;

(3) Stockpiling of aggregate and mineral materials;

(4) Sale of mineral products excavated and processed on-site;

(5) Storage of equipment or vehicles used in on-site mining or processing;

(6) Buildings, structures, and activities necessary and accessory to mining or reclaiming aggregate or mineral resources.

**§ 36.5735 IMPACT AREA (PAM-IA) --
ALLOWED USES.**

Notwithstanding the use provisions of the underlying district, the following use provisions shall apply in the PAM-IA Subdistrict. Primary Uses, Uses Permitted Outright, Uses Permitted Under Prescribed Conditions, and Conditional Uses allowed in the underlying district may be permitted subject to the underlying district provisions and criteria of approval, except as follows:

(A) Uses identified through the Goal 5 process to be prohibited within the Impact Area shall not be permitted;

(B) Noise or dust sensitive uses not prohibited in (A) may be permitted under the conditional use procedural provisions of MCC 36.6300 through 36.6350 when found by the Hearing Authority to satisfy the approval criteria of MCC 36.5740 and the approval criteria of the underlying district; and

(C) Conflicting uses required by the Goal 5 process to be conditionally approved may be permitted under the procedural provisions of MCC 36.6300 through 36.6350 when found by the Hearing Authority to satisfy the approval criteria of MCC 36.5740 and the approval criteria of the underlying district.

§ 36.5740 USE APPROVAL CRITERIA.

(A) In acting to approve a Conditional Use subject to these provisions, the Hearing Authority shall find that:

(1) The proposed use will not interfere with or cause an adverse impact on lawfully established and lawfully operating mining operations;

(2) The proposed use will not cause or threaten to cause the mining operation to violate any applicable standards of this chapter, or the terms of a state agency permit. The applicant for a new noise sensitive use shall submit an analysis prepared by an engineer or other qualified person, showing that applicable DEQ noise control standards are met or can be met by a specified date by the nearby mining operation; and

(3) Any setbacks or other requirements imposed through the Goal 5 process have been met, or can be met by a specified date.

(B) Approval Conditions.

(1) Compliance with the use approval criteria may be satisfied through the imposition of clear and objective conditions of approval.

(2) Approval of any conflicting use in the extraction area or impact area shall be conditioned upon execution of a restrictive covenant in favor of the mining operator. The restrictive covenant shall incorporate all approval conditions, and an agreement not to object to the conduct of lawful operations conducted at the nearby surface mine.

When the aggregate or mineral site has been reclaimed, the county may rezone land to remove the Protected Aggregate and Mineral Resources Overlay Subdistrict (PAM) without revising the ESEE Analysis for the site. Rezoning shall not relieve requirements on the part of the owner or operator to reclaim the site in accordance with ORS 517.750 through 517.900 and the rules adopted thereunder.

§ 36.5745 TERMINATION OF THE PROTECTED AGGREGATE AND MINERAL RESOURCES SUBDISTRICT.

**PART 6 –
STANDARDS FOR COMMUNITY SERVICE
USES and CONDITIONAL USES**

COMMUNITY SERVICE, CS

§ 36.6000- PURPOSE.

MCC 36.6010 through 36.6230 provides for the review and approval of the location and development of special uses which, by reason of their public convenience, necessity, unusual character or effect on the neighborhood, may be appropriate as specified in each district.

§ 36.6005 GENERAL PROVISIONS.

(A) Community Service approval shall be for the specific use or uses approved together with the limitations or conditions as determined by the approval authority.

(B) Uses authorized pursuant to this section shall be subject to Design Review approval under MCC 36.7000 through 36.7060.

(C) A Community Service approval shall not be construed as an amendment of the Zoning Map, although the same may be depicted thereon by appropriate color designation, symbol or short title identification.

§ 36.6010 APPROVAL CRITERIA.

In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for transmission towers, which shall meet the approval criteria of MCC 36.6100 through 36.6125, wireless communications facilities, subject to the provisions of MCC 36.6176, and except for regional sanitary landfills which shall comply with MCC 36.6200 through 36.6230.

(A) Is consistent with the character of the area;

(B) Will not adversely affect natural resources;

(C) Will not conflict with farm or forest uses in the area;

(D) Will not require public services other than those existing or programmed for the area;

(E) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;

(F) Will not create hazardous conditions;

(G) Will satisfy the applicable policies of the Comprehensive Plan;

(H) Will satisfy such other applicable approval criteria as are stated in this Section.

(I) The use is limited in type and scale to primarily serve the needs of the rural area.

§ 36.6015 USES.

(A) Except as otherwise limited in the EFU and CFU districts, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority

Allowed Community Service Uses in the EFU and CFU districts are limited to those uses listed in each respective district.

(1) Church.

(2) Group care facility.

(3) Kindergarten or day nursery.

(4) Library.

(5) Park, playground, sports area, golf course or recreational use of a similar nature.

(6) Utility facilities, subject to the approval criteria in Section 36.6010(A) through (H).

(7) Private club, fraternal organization, lodge.

(8) Radio and television transmission towers.

(a) VHF and UHF television towers, FM radio towers, two-way radio, common carrier, and cellular telephone towers, and fixed point microwave towers are permitted in any district, provided only self-supporting structures are permitted in the Exclusive Farm Use district.

(b) Low-power television towers, satellite ground stations, AM radio towers, and building-mounted towers are permitted in any district except urban residential districts, provided only self-supporting structures are permitted in the Exclusive Farm Use district.

(c) Ham radio, amateur sole source emitters, Citizen Band transmitters, and structures to support them are permitted in any district as an accessory use and do not require a Community Service use designation if used for non-commercial purposes only. Any such tower shall comply with the regulations of the district in which it is located. Non-amateur sole source emitters shall also comply with the registration requirements of MCC 36.6125 (B).

(d) Receive-only facilities in conjunction with a permitted use are exempt from the provisions of this section, but shall comply with all other requirements of MCC 36.6015 (A) (8) and 36.6100 through 36.6125.

(9) Recycling collection center.

(10) Riding academy or the boarding of horses for profit.

(11) School, private, parochial or public; educational institution.

(12) Transit station.

(13) Waste collection, transfer, processing, or recovery facility.

(14) Museum.

(15) Ambulance Service Substation.

(16) Mining and processing of geothermal resources.

(17) Accessory uses to the above.

(B) Approval of a Community Service Use shall be deemed to authorize associated public utilities, including energy and communication facilities.

§ 36.6020 RESTRICTIONS.

A building or use approved under MCC 36.6015 through 36.6050 shall meet the following requirements:

(A) Minimum yards in EFU, CFU, MUA-20, RR, OCL, OR and PH-RC, Districts:

(1) Front yards shall be 30 feet.

(2) Side yards for one-story buildings shall be 20 feet; for two-story buildings, 25 feet.

(3) Rear yards shall be as required in the district.

(B) Minimum yards in other districts shall be as required in the district.

(C) Minimum Site Size:

(1) A day nursery or kindergarten shall provide not less than 100 square feet per child, of outdoor play area located other than in a required front yard.

(2) Primary (kindergarten through fourth grade), private and parochial schools shall be on sites of one acre for each 90 pupils or one acre for each three classrooms, whichever is greater.

(3) Elementary public schools shall be on sites of one acre for each 75 pupils or one acre for each two and one-half classrooms, whichever is greater.

(4) Churches shall be on sites of 15,000 square feet.

(D) Off-street parking and loading shall be provided as required in MCC 36.4100 through 36.4215.

(E) Signs for Community Service Uses pursuant to the provisions of MCC 36.7400 through 36.7505.

(F) Other restrictions or limitations of use or development not required under this subsection shall be provided in the district.

SURPLUS PUBLIC SCHOOL SPACE, CS**§ 36.6050- LIMITED ALTERNATIVE USES OF SURPLUS PUBLIC SCHOOL SPACE LOCATED IN MUA-20, RR, PH-RC, AND OR DISTRICTS.**

(A) Purpose - The purpose of this section is to facilitate the efficient alternative use of vacant or under-utilized public school building space located in MUA-20, RR, PH-RC, and OR districts by authorizing those uses which are beneficial to or compatible with the community.

(1) The school district board having jurisdiction over the school building in question, is hereby designated as the approval authority for the purposes of MCC 36.6050.

(B) Minor Uses - The Board finds that the uses listed in this subsection are so similar to school use in land use impact, that they should be allowed as accessory or alternative uses to approved school use. At the same time, the policy of citizen involvement and open public participation dictates that these listed uses only be permitted after public review by the affected school district board.

Subject to the provisions of MCC 36.6050 (F), (H), and (I), one or more of the following alternative uses may be permitted to occupy vacant or under-utilized space in an existing public school building where the total of such space does not exceed 20 percent of the classroom space in the building:

- (1) Adult, teen or senior center.
- (2) Community food or non-profit hot meals service.
- (3) Day nursery, kindergarten or after-school child care.
- (4) Day or evening classes, such as high school or college level courses, vocational

school, physical fitness, indoor or outdoor recreation.

(5) Health center, including counseling, well-baby clinic, or physical therapy.

(6) Library.

(7) Accessory uses common to the above uses.

The 20 percent-of-the-classroom-space standard shall be interpreted narrowly so as to rule out the applicability of this subsection in the event of doubt.

(C) Other Uses - Subject to the provisions of MCC 36.6050 (G), (H), and (I), the following alternative uses may be permitted to occupy vacant or under-utilized space in the existing public school building:

- (1) Those uses listed in (B) above when occupying more than 20 percent of the building classroom space.
- (2) Arts or crafts gallery or sales.
- (3) Community access cable TV studio.
- (4) Computer or data processing facility.
- (5) Governmental branch office or subcenter.
- (6) Office of non-profit or charitable group or association.
- (7) Professional or business office.
- (8) Accessory uses common to the above uses.

(D) Exceptions - The uses listed in 36.6050 (B) and (C) do not include a corrections center, halfway house or rehabilitation facility.

(E) Pre-existing Uses - A use listed in MCC 36.6050 (B) or (C) which occupied public

school building space on August 19, 1982, shall be deemed to have satisfied the provisions of this section.

(F) Action on Minor Uses - Action on a proposal to locate a use listed in MCC 36.6050 (B) shall be taken by the school district board.

(1) The proposal shall be considered at a regular school board meeting and again at a public hearing called by the school board for the purpose.

(2) Notice of the meetings and purpose shall be given by the school board by first class mail at least 15 days in advance of each meeting to each owner of property within 250 feet of the school site, and to such other persons or groups as have requested notice on such matters.

(3) The school board shall conduct the public hearing generally in accordance with the Rules of Procedure adopted by the Approval Authority under MCC 36.0670 (A).

(4) The decision and the statement of findings of fact and conclusions adopted by the school board at the public hearing shall be filed with the Planning Director within ten days of the action.

(G) Action on Other Uses - Action on a proposal to locate a use listed in MCC 36.6050 (C) shall be taken under the provisions of MCC 36.0700 through 36.0790, modified to substitute School District Board for Approval Authority or Planning Commission, and further modified as follows:

(1) An action may only be initiated by the school district board under MCC 36.0705 (A).

(2) The school district board shall:

(a) Act to give notice of public hearing under MCC 36.0715;

(b) Conduct the required hearing(s) under MCC 36.0725;

(c) Make findings of fact and conclusions under MCC 36.0730;

(d) Make decisions under MCC 36.0735;

(e) Maintain proceeding records under MCC 36.0740; and

(3) The school district board shall file the written decision in accordance with MCC 36.0736. The Planning Director and the Clerk of the Board shall follow the requirements of MCC 36.0720.

(4) The decision of the school district board shall become final on the 12th business day following submittal to the Clerk of the Board of County Commissioners unless the Board of County Commissioners orders review under MCC 36.0760.

(5) Exception - At the option of the school district board, action proceedings may be taken by the Approval Authority.

(H) Approval Criteria - In approving an alternative use listed in 36.6050 (B) or (C), the approval authority shall find:

(1) The approval criteria of MCC 36.6010 are satisfied; and

(2) The use will occupy existing public school building space which is surplus to the current or anticipated need for school purposes; and

(3) The use will provide an appropriate public facility or public non-profit service to the immediate area of community; or

(4) The use is consistent with urban area needs in a location and under circumstances reasonably suitable for the purpose; and

(5) There are safe, convenient and reasonably suitable means of pedestrian,

bicycle and vehicle access to and circulation on the site; and

(6) The applicable development standards of this Chapter are met or can be satisfied through appropriate conditions of approval.

(I) Approval Conditions - The approval authority may impose approval limitations or conditions as listed in MCC 36.6005 (E).

***RADIO and TELEVISION TRANSMISSION
TOWERS, CS***

§ 36.6100- PURPOSE.

The purposes of the Section are to:

- (A) Minimize visual impacts of towers through careful design, siting and vegetative screening.
- (B) Avoid potential damage to adjacent properties from tower failure and falling ice, through engineering and careful siting of tower structures.
- (C) Lessen traffic impacts on surrounding residential areas.
- (D) Ensure that the amount of non-ionizing electromagnetic radiation emitted by antennas does not exceed the amount at which human health has been found to be affected and is the minimum necessary to provide adequate access to the area's broadcasters by requiring compliance with stated emission standards and required separation standards.

§ 36.6105 DEFINITIONS.

The following definitions shall apply to this section:

- (A) **Sole Source Emitter** - An individual piece of property containing one or more radio transmitters, only one of which is normally transmitting at a given instant in time.
- (B) **Intermittent Operation** - An operation where the radio transmitter does not normally continually operate for a period of 15 minutes or more at one time and generally, the transmitter operation is random in time.
- (C) **Vehicular Source** - Transmitters located in vehicles which normally move about.
- (D) **Hand-Held Source** - Transmitters normally held in the hand of, or on the person of, the person operating the transmitters.
- (E) **Portable Sources** - Transmitters and associated antenna which are capable of being

moved from one point to another and operated from a given location for a period of less than one month.

(F) **Regularly Occupied** - Occupied by a given individual on an on-going regular basis and excluding occasional visitors, passersby, etc.

(G) **Source of Non-ionizing Electromagnetic Radiation** - Any source of electromagnetic radiation emanating emissions between 100 kHz and 300 GHz with an effective radiated power greater than 1 watt.

(H) **Height of Antenna Above Ground** - The vertical distance between the highest current point of the antenna and the ground directly below this point.

(I) **General Population** - That segment of the population which is not a member of the immediate family or employee of the owner or operator of source of NIER or, because of occupation, is required to work with sources of NIER.

(J) **The effective radiated power (ERP)** is the power input to the antenna, times the numerical power gain of the antenna relative to an isotropic radiator.

(K) **Point on property line of highest radiation** means for sites with more than one source, the point on the property line where the radiation is predicted to be maximum with all sources of NIER operating.

**§ 36.6110 APPLICATION
REQUIREMENTS.**

An application for approval of a Community Service designation for a radio or television transmission tower shall contain at least the following information before it is complete:

- (A) Site plan or plans to scale specifying the location of towers(s), guy anchors (if any), transmission building and/or other accessory uses, access, parking, fences, landscaped areas, and adjacent land uses. Such plan shall also

demonstrate compliance with MCC 36.6115 (I) and 36.6115 (J).

(B) Landscape plan to the scale indicating size, spacing and type of plantings required in 36.6115 (B).

(C) Report from a professional engineer licensed in the State of Oregon, documenting the following:

(1) Tower height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design. A cross-section of the tower structure shall be included.

(2) Total anticipated capacity of the structure, including number and types of antennas which can be accommodated.

(3) Evidence of structural integrity of the tower structure as required by the Building Official.

(4) Failure characteristics of the tower and demonstration that site and setbacks are of adequate size to contain debris.

(5) Ice hazards and mitigation measures which have been employed, including increased setbacks and/or deicing equipment.

(D) Statements from the F.A.A, O.S.A.D., and F.C.C., that the standards of MCC 36.6115 (G) are met or the required good faith, timely effort it achieve such responses.

(E) Written authorization from adjoining property owners, if needed, under MCC 36.6115 (J).

(F) Responses to the applicable Comprehensive Plan Policies.

New transmission towers in rural districts permitted under MCC 36.6015 (A) (8) (a) or (b) may be allowed, based on findings by the approval authority that the following criteria are met.

(A) The site is of a size and shape sufficient to provide the following setbacks:

(1) For a tower located on a lot abutting an urban residential district or a public property or street, except a building-mounted tower, the site size standards of MCC 36.6115 (I) and 36.6115 (J) are met as to those portions of the property abutting the residential or public uses.

(2) For all other towers, the site shall be of sufficient size to provide the setback required in the underlying district between the base of the tower, accessory structures and uses, and guy anchors, if any, to all abutting property lines.

(B) The required setbacks shall be improved to meet the following landscaping standards to the extent possible within the area provided:

(1) Landscaping at the perimeter of the property which abuts streets, residences, public parks or areas with access to the general public other than the owner of such adjoining property. Such landscaping plan shall demonstrate the following:

(a) For towers 200 feet tall or less, a buffer area no less than 25 feet wide shall commence at the property line. At least one row of evergreen shrubs shall be spaced not more than five feet apart. Materials should be of a variety which can be expected to grow to form a continuous hedge at least five feet in height within two years of planting. At least one row of evergreen trees or shrubs, not less than four feet height at the time of planting, and spaced not more than 15 feet apart, also shall be provided. Trees and shrubs in the vicinity of guy wires shall be of a kind

§ 36.6115 APPROVAL CRITERIA FOR NEW TRANSMISSION TOWERS.

that would not exceed 20 feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities and staff.

(b) For towers more than 200 feet tall, a buffer area not less than 40 feet wide shall be provided at the property line with at least one row of evergreen shrubs spaced not more than five feet apart which will grow to form a continuous hedge at least five feet in height within two years of planting; one row of deciduous trees, not less than 1 1/2 inch caliper measured three feet from the ground at the time of planting, and spaced not more than 20 feet apart; and at least one row of evergreen trees, not less than four feet at the time of planting, and spaced not more than 15 feet apart. Trees and shrubs in the vicinity of guy wires shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities and staff.

(c) In lieu of these standards, the approval authority may allow use of an alternate detailed plan and specifications for landscape and screening, including plantings, fences, walls and other features designed to screen and buffer towers and accessory uses. The plan shall accomplish the same degree of screening achieved in (a) and (b) above, except as lesser requirements are desirable for adequate visibility for security purposes and for continued operation of existing bona fide agricultural or forest uses, including but not limited to produce farms, nurseries, and tree farms.

(C) The applicant shall demonstrate that the tower can be expected to have the least visual impact on the environment, taking into

consideration technical, engineering, economic and other pertinent factors. Towers clustered at the same site shall be of similar height and design, whenever possible. Towers shall be painted and lighted as follows:

(1) Towers 200 feet or less in height shall have a galvanized finish or be painted silver. If there is heavy vegetation in the immediate area, such towers shall be painted green from base to treeline, with the remainder painted silver or given a galvanized finish.

(2) Towers more than 200 feet in height shall be painted in accordance with regulations of the Oregon State Aeronautics Division.

(3) Towers shall be illuminated as required by the Oregon State Aeronautics Division. However, no lighting shall be incorporated if not required by the Aeronautics Division or other responsible agency.

(4) Towers shall be the minimum height necessary to provide parity with existing similar tower supported antenna, and shall be freestanding where the negative visual effect is less than would be created by use of a guyed tower.

(D) A minimum of two parking spaces shall be provided on each site; an additional parking space for each two employees shall be provided at facilities which require on-site personnel, provided additional parking may be required in accordance with MCC 36.4100 to 36.4220 if the site serves multiple purposes.

(E) The applicable policies of the Comprehensive Plan are met.

(F) The NIER standards of MCC 36.6125 are met.

(G) The following agency coordination standards are met:

(1) A written statement provided by the applicant from the appropriate official in the

Federal Aviation Administration that the application has not been found to be a hazard to air navigation under Part 77, Federal Aviation Regulations, or a statement that no compliance with Part 77 is required;

significant additional impacts nor to require construction of additional buildings or facilities exceeding 25 percent of the floor area of other permitted buildings.

(2) A written statement provided by the applicant from the appropriate official in the Oregon State Aeronautics Division that the application has been found to comply with the applicable regulations of the Division, or a statement that no such compliance is required; and,

(3) A written statement provided by the applicant from the appropriate official in the Federal Communications Commission that the application complies with the regulations of the Commission or a statement that no such compliance is necessary.

(4) The statements in (1) through (3) may be waived when the applicant demonstrates that a good faith, timely effort was made to obtain such responses but that no such response was forthcoming, provided the applicant conveys any response received; and further provided any subsequent response that is received is conveyed to the approval authority as soon as possible.

(H) For a proposed tower in the EFU, CFU and MUA-20 districts, the following restrictions on accessory uses shall be met:

(1) Accessory uses shall include only such buildings and facilities necessary for transmission function and satellite ground stations associated with them, but shall not include broadcast studios, offices, vehicle storage areas, nor other similar uses not necessary for the transmission function.

(2) Accessory uses may include studio facilities for emergency broadcast purposes or for other special, limited purposes found by the approval authority not to create

(I) Site size and tower setbacks:

(1) The site shall be of a size and shape sufficient to provide an adequate setback from the base of the tower to any property line abutting an urban residential district, public property, or public street. Such setback shall be sufficient to:

(a) Provide for an adequate vegetative, topographic or other buffer, as provided in MCC 36.6115 (C) and 36.6115 (B),

(b) Preserve the privacy of adjoining residential property,

(c) Protect adjoining property from the potential impact of tower failure and ice falling from the tower by being large enough to accommodate such failure and ice on the site, based on the engineer's analysis required in MCC 36.6110 (C) (4) and (5), and

(d) Protect the public from NIER in excess of the standard of MCC 36.6125 (A).

(2) A site is presumed to be of sufficient size when it:

(a) Meets the requirements of (1) (c) and (d) above,

(b) Provides a setback equal to 20 percent of the height of the tower to any property line abutting an urban residential district, public property, or public street, and

(c) Provides a setback equal to or exceeding the rear yard setback required for the adjoining property where the adjoining property is not in an urban residential district nor a public property or a public street.

(3) Placement of more than one tower on a lot shall be permitted, provided all setback, design and landscape requirements are met as to each tower. Structures may be located

as close to each other as technically feasible, provided tower failure characteristics of the towers on the site described in MCC 36.6110 (C) (4) will not lead to multiple failures in the event that one fails.

(4) Structures and uses associated with the transmission use other than the transmission tower shall be located to meet the setbacks required in MCC 36.6020.

(J) Guy setbacks:

(1) For a guyed structure, the site shall be of a size and shape sufficient to provide an adequate setback from a guy anchor to any property line abutting an urban residential district, public property or public street in addition to the size required to comply with 36.6115 (I). Such setback shall be adequate to provide a vegetative, topographic or other buffer sufficient to obscure view to the anchor from such adjoining properties.

(2) A site is presumed to be of sufficient size when it provides:

(a) A setback of at least 25 feet between a guy anchor and any property line abutting an urban residential district or public property or street, and

(b) A setback equal to or exceeding the rear yard setback required for the adjoining property where the adjoining property is not a public property or street nor in an urban residential district.

(3) A guy anchor may be located on an adjoining property when:

(a) The owner of the adjoining property on which it is to be placed authorizes it in writing, and

(b) The guy anchor meets the requirements of (1) or (2) above as to all other adjoining property lines.

(4) Guy anchors may be located within required landscape areas.

(5) A guy from a tower which was previously approved under any ordinance may be extended to an adjacent site if the guy anchor will comply with MCC 36.6115 (J) (3) as determined by the Planning Director.

§ 36.6120 DESIGN REVIEW.

The use shall comply with the design review provisions of MCC 36.7000 to 36.7060. This may be implemented as a condition of approval.

§ 36.6125 RADIATION STANDARDS.

Non-ionizing electromagnetic radiation standards.

(A) No source of non-ionizing electromagnetic radiation shall hereinafter be operating, which causes the general population to be exposed to radiation levels exceeding the mean squared electric (E2) or mean squared magnetic (H2) field strengths, or their equivalent plan wave free space power density, as specified in Table 1.

(1) For near field exposures, measurements of the mean squared electric and magnetic field strengths are especially important to determine compliance with the standards in columns 2 and 3 of Table 1. For convenience, mean squared electric or magnetic field strengths may be specified as the equivalent plane-wave power density. At higher frequencies (e.g., above 30-300 MHz), measurement of mean-squared magnetic field strength may not be necessary if it can be reliably inferred from measurements of either mean squared electric field strength or equivalent plane-wave power density.

(2) In the event the federal government promulgates mandatory or advisory standards more stringent than those

described herein, the more stringent standards shall apply.

(3) These standards are adapted from the American National Standards Institute's American National Standard C95.1-1982, Safety Levels With Respect to Human Exposure to Electromagnetic Fields (300 kHz to 100 GHz). This ANSI standard's documentation should be consulted to help resolve any future questions about the basis or interpretation of the standards in this section.

(4) Similarly, the latest revision of ANSI's American National Standards Institute's American National Standard C95.3, Techniques and Instrumentation for the Measurement of Potentially Hazardous Electromagnetic Radiation at Microwave Frequencies, is incorporated here by reference as one source of acceptable methods for measuring non-ionizing radiation levels in determining compliance with this standard.

(a) For all measurements made to ensure compliance with this section, evidence shall be submitted showing that the instrument or instruments used were calibrated within the manufacturer's suggested periodic calibration interval; that the calibration is by methods traceable to the National Bureau of Standards; a statement that the measurements were made in accordance with good engineering practice; and a statement or statements as to the accuracy of the results of the measurements.

(5) The standards adopted herein shall be periodically reviewed by the Multnomah County Health Officer, in light of any new scientific knowledge as to the effects on the general population of non-ionizing electromagnetic radiation; and these standards may hereafter be raised, lowered or otherwise changed as the County shall

require by amendment of this section. The first such reports shall be delivered on or before January 1, 1984.

(6) For average times less than 0.5 hour, the allowed power density P in $\mu\text{w}/\text{cm}^2$ as a function of averaging time t in hours is given by $P = k/t$ where in turn K is equal to $1/2$ times the allowed power density for averaging times of 0.5 hour and greater.

(B) All existing sources of non-ionizing electromagnetic radiation in the frequency spectrum, 100 kHz to 300 GHz, except those exempted below, are within 120 days of the enactment of this section, hereby required to register with the County and provide the following information for each individual source on forms provided by the Planning Director.

(1) Name and address of owner of transmitter and/or antenna.

(2) Name and address of owner of property on which the transmitter and/or antenna is located.

(3) Location of transmitter.

(4) Location of antenna by geographic coordinates by either latitude and longitude or state plane coordinates.

(5) Output frequency of transmitter.

(6) Type of modulation and class of service.

(7) Power output of transmitter (average and peak).

(8) Power input to antenna.

(9) Manufacturer, type, manufacturer's model number of antenna and a copy of the antenna radiation patterns.

(10) Gain of antenna with respect to an isotropic radiator.

(11) Polarization of radiation from antenna.

(12) Height of antenna above ground.

(13) Horizontal and radial distance of antenna to nearest point on property line and to nearest habitable space regularly occupied by others than immediate family or employees of transmitter and/or antenna owner and/or operator.

(14) Elevation above mean sea level of ground at the antenna location and the points specified in (B)(13).

(15) The call letters assigned to the source.

(16) Date of installation of present transmitter, and date of installation of the associated antenna, date of installation of the structure, if any, on which the antenna is located.

(17) Any sources not so registered shall be regarded as a new source and any registered source with different essential technical characteristics than those of (B) (3) through (B) (13) above as a changed existing source.

(C) After August 19, 1982, no installation of a new source of non-ionizing electromagnetic radiation or changes in an existing source which in any way causes increases in the NIER or radiation pattern of the NIER source shall occur without first obtaining a Community Service use designation or modification thereof, unless otherwise provided herein.

(D) The application for the use shall be on forms provided by the Planning Director, and shall show:

(1) The information required under (1) through (16) of subpart (B) above.

(2) The measured existing non-ionizing radiation levels at the nearest point on the property lines of the predicted maximum radiation from the source, and the nearest point regularly occupied by other than the immediate family and/or employees of the transmitter owner and/or operator.

(a) These measurements shall be made at a height of 1.5 meters above the ground or at the greater height if habitation occurs at a greater height with lesser radial distance to the source.

(b) If the measured level is equal to or less than $1/5$ of the limits, the measurement shall be made for the continuous period 6 a.m., to 6 p.m., on a regular business day.

(c) If the measured level is greater than $1/5$ of the limits, the measurement shall be made for a continuous period of 168 hours.

(d) If there exists an operational situation which would cause higher levels to occur at some other time than the intervals of (b) or (c) above, the measurement shall be made during that time.

(e) These measurements may be made by whatever means the registered professional engineer under whose direction and supervision they are made deems appropriate. The effects of contributing sources of frequency below the lower frequency limit of broadband instruments may be appropriate separate single instant measurements of the contribution due to these sources. Further, levels below 20 microwatts/cm² or the minimum sensitivity of the instruments used, whichever is lesser, shall be deemed zero for further computational purposes.

(3) The calculated average levels at the three points specified in (D) (2) after installation of the new source, including both the background and the new source.

(4) The calculated levels at the boundaries of other sources at which the new source may cause a detectable increase in level.

(5) The calculated level at the predicted point of maximum radiation off of the property on which the new source is located caused by the new source along with the measured background NIER at this point. This measurement shall meet the requirements of (D) (2).

(6) The geographic coordinates (latitude and longitude or state plane coordinates) of each point of measurement and/or calculation shall be furnished.

(E) A Community Service use designation or modification thereof may be granted if the levels calculated in MCC 36.6125 (D), including the existing measured background, do not exceed the limits set forth in MCC 36.6125 (A), and if a new tower is required, the siting standards of this section are met. However, if the calculated levels, including existing measured background at any point specified in MCC 36.6125 (D) exceed one-third of the maximum levels of MCC 36.6125 (A), then, the approval shall be conditional upon measurements made after the new source is installed showing that the maximum levels of MCC 36.6125 (A) are not exceeded. If the calculated levels exceed the maximum level of MCC 36.6125 (A), the application shall be denied.

(F) All commercial intermittent sole source emitters of less than 1 KW average output are exempt from the measurement requirements of MCC 36.6125 (D) if they comply with the separation requirement of MCC 36.6125 (F) and all other requirements of this section. Prior to issuance of a building permit for a tower to support an antenna associated with one of these uses, the Planning Director shall determine that the antenna meets the following requirements:

(1) For an effective radiated power (ERP) of less than 100 watts the highest current point of the antenna is located at least ten feet and all portions of the antenna three feet from the external surface of any habitable

structure not located on the property containing the source and from habitable space on the same property normally occupied on a regular basis by others than the immediate family and/or employees of the owner and/or operator of the source.

(2) For an ERP greater than 100 watts, but less than 1,000 watts, the highest current point of the antenna is at least 15 feet and all portions of the antenna at least six feet from the external surface of any habitable structure not located on the property containing the source and from habitable space on the same property normally occupied on a regular basis by others than the immediate family and/or employees of the owner and/or operator of the source.

(3) For an ERP equal to or greater than 1,000 watts, but less than 10 kW, the antenna meets the following separation criteria from the external surface of any habitable structure not located on the property containing the source and from habitable space on the same property normally occupied on a regular basis by others than the immediate family and/or employees of the owner and/or operator of the source.

Frequency	Minimum Distance from Highest Current Portion	Minimum Distance from Any Portion
<7 MHz	11 feet	5 feet
7 - 30 MHz	$f/0.67$ feet	$f/1.5$ feet
30 - 300 MHz	45 feet	20 feet
300 - 1500 MHz	$780 / \sqrt{f}$ feet	$364 / \sqrt{f}$ feet
>1500 MHz	20 feet	10 feet
Where f is frequency in megahertz.		

(4) For an ERP equal to or greater than 10 kW, but less than 30 kW, the antenna meets the following separation criteria from the external surface of any habitable structure not located on the property containing the

source, and from habitable space on the same property normally occupied on a regular basis by others than the immediate family and/or employees of the owner and/or operator of the source.

Frequency	Minimum Distance from Highest Current Portion	Minimum Distance from Any Portion
<7 MHz	17.5 feet	8 feet
7 - 30 MHz	$f/0.4$ feet	$f/0.91$ feet
30 - 300 MHz	75 feet	33 feet
300 - 1500 MHz	$1300 / \sqrt{f}$ feet	$572 / \sqrt{f}$ feet
>1500 MHz	34 feet	15 feet

(G) The following uses are exempt from all requirements of this section:

(1) All portable, hand-held and vehicular transmission sources.

(2) Industrial, scientific, and medical equipment operating at frequencies designated for that purpose by the FCC.

(3) Radio frequency machines:

(a) Which have an effective radiated power of 7 watts or less;

(b) Which are designated and marketed as consumer products, such as microwave ovens, citizen band radios, and remote control toys, or

(c) Which are in storage, shipment or on display for sale, provided such machines are not operated.

(4) Amateur intermittent sole source emitters of less than 1 KW average output.

**§ 36.6130 PRE-EXISTING
COMMUNICATION
FACILITIES.**

Communication facilities, including radio and television transmission towers, common carrier and cellular telephone towers, microwave towers, satellite ground stations and accessories thereto (the Facilities) which were legally established prior to August 19, 1982, or any addition to, reconstruction or modification of the facilities shall be deemed conforming and not subject to the provisions of MCC 36.7200 or MCC 36.6005 through 36.6125, provided that:

- (A) The use shall comply with the NIER standard of MCC 36.6125 (A);
- (B) The use shall comply with MCC 36.6115 (D), (G), and (H); and
- (C) Any addition to or modification of the facilities shall not create an unusually onerous visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing towers.

**WIRELESS COMMUNICATIONS FACILITIES,
CS**

§ 36.6175- PURPOSES.

The purpose and intent of 36.6175 through 36.6188 is to provide a process and uniform comprehensive standards for the development and regulation of wireless communications facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare, and the aesthetic quality of unincorporated Multnomah County as set forth within the State-wide Oregon Planning Goals and policies of the Comprehensive Plan; while at the same time not unduly restricting the development of needed wireless communications facilities and encouraging managed development of the evolving wireless communications network.

It is furthermore intended that, to all extent permitted by law, the County shall apply these regulations to specifically accomplish the following:

- (A) Protect the visual character of the County from the potential adverse effects of wireless communications facilities development;
- (B) Insure against the degradation of the County's scenic corridors and ridgelines and rural communities designated under local, state or federal law;
- (C) Retain local responsibility for and control over the use of public rights-of-way to protect citizens and enhance the quality of their lives by requiring a review of any proposed WCF in a public right-of-way;
- (D) Protect the environmental resources of Multnomah County;
- (E) Insure that a competitive and broad range of personal wireless communications services including but not limited to; cellular, personal communications service(PCS), specialized mobile radio(SMR), are provided to serve residential and business communities;

(F) Create and preserve wireless communications facilities that may serve as an important and effective part of Multnomah County's emergency response network;

(G) Simplify and shorten the process for obtaining necessary permits for wireless communications facilities while at the same time protecting legitimate interests of Multnomah County citizens; and

(H) Reconcile established use requirements in EFU zoned lands with Oregon Revised Statutes.

[Added 2001, Ord. 958 § 9]

§ 36.6176 APPLICABILITY.

(A) Siting for a personal wireless communications facility is a use of land, and subject to the County's zoning ordinance and all other applicable ordinances and regulations.

(B) The requirements of 36.6175 through 36.6188 shall apply to all new wireless communications facilities (WCFs).

[Added 2001, Ord. 958 § 10]

§ 36.6177 REVIEW PROCEDURES DISTINGUISHED.

(A) An application for a WCF that employs co-location upon a tower or structure approved under 36.6175 through 36.6188 (Ord. 958) shall be reviewed under a Building Permit Review/Type I process in any zone.

(B) An application for a WCF that employs concealment technology or co-location upon a tower or structure not approved under MCC 36.6175 through 36.6188 (Ord. 958) shall be reviewed under a Planning Director Review/Type II process.

(C) An application for a WCF not employing co-location or concealment technology shall be reviewed under a Community Service Review/Type III and Design Review process unless within an Exclusive Farm Use district. New WCFs within an Exclusive Farm Use district shall be processed under a Planning

Director Review or Building Permit Review as appropriate.

REVIEW PROCESS AND HEIGHT LIMITATION		
TOWER/ANTENNA TYPE	REVIEW PROCESS	HEIGHT LIMIT
Co-location (tower or structure approved under this ordinance)	Building Permit	N/A
Co-location (tower or structure not approved under this ordinance)	Planning Director	N/A
Concealment Technology	Planning Director	See: 36.6183(B)(2)(a)
Screened Tower	Community Service Hearing	See: 36.6183(B)(2)(a)
All Towers within EFU zone	Planning Director	<200 feet

[Added 2001, Ord. 958 § 11]

§ 36.6178 DEFINITIONS.

As used in this section the following words and their derivations shall have the meanings provided below.

Antenna - The surface from which wireless radio signals are sent from and received by a wireless communications facility.

Carrier - A company that provides wireless services.

Co-applicant - All persons and/or entities joining with an applicant in an application for a development permit, including the owners of the subject property and any tenants proposing to conduct a development or activity subject to a development permit.

Co-location - The use of a single mount and/or site by more than one licensed wireless communications carrier. Also, the use by one or more carriers of an existing structure as a telecommunications antenna mount, such as, but not limited to a water tank, fire

station, electrical substation, utility pole, or tower etc.

Commercial mobile radio services - Any of several technologies using radio signals at various frequencies to send and receive voice, data, and video.

Community Service Review (Type III)- Review as a Community Service Use before a Hearings Officer for a new wireless communication facility that is neither co-located nor employs concealment technology.

Concealment technology - The use of technology through which a wireless communications facility is designed to resemble an object which is not a wireless communications facility and which is already present in the natural environment, or designed to resemble or placed within, an existing or proposed structure.

Equipment cabinet - An enclosed structure at the base of the mount within which are housed batteries and electrical equipment necessary for the operation of a WCF. This equipment is connected to the antenna by cable.

FCC - Federal Communications Commission.

FCC guidelines - The Radiofrequency (RF) Performance Standards set forth by the FCC's OET Bulletin 65, Evaluating Compliance with FCC Guidelines for human Exposure to Radiofrequency Electromagnetic Fields, as referenced in A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance or a subsequent FCC publication delineating required radiofrequency performance standards.

Guyed tower - A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

Lattice tower - A type of mount that is self-supporting with multiple legs and cross bracing of either structural steel or diagonal cables, or a combination thereof.

Licensed carrier - A company authorized by the FCC to build and operate a commercial mobile radio services system.

Location - The subject property where a use or development is located or proposed to be located.

Maintenance - Emergency or routine repairs, reconstruction of previously approved facilities, or replacement of transmitters, antennas, or other components of previously approved facilities which do not create a significant change in visual impact or an increase in radio frequency emissions.

Modification - The changing of any portion of a wireless communication facility from its description in a previously approved permit.

Monopole - The type of mount that is self-supporting with a single shaft, typically of wood, steel or concrete.

Mount - The structure or surface upon which antennas are placed including but not limited to:

1. Roof-mounted. Mounted on the roof of a building.
2. Side-mounted. Mounted on the side of a structure including a tower.
3. Ground mounted. Mounted on the ground.

Planning Director Review (Type II)- Expedited review encouraging the co-location of wireless communication facilities onto existing in use tower facilities, existing structures, or the use of concealment technology. Such review is an Administrative decision by the Planning Director.

Radiofrequency engineer - An engineer specializing in electrical or microwave engineering, licensed in Oregon, with a degree in engineering, and experience to perform and certify radiofrequency radiation measurements.

Site - A portion of a subject property.

Siting - The method and form of placement of a use or development on a specific area of a subject property.

Speculation ("Spec") tower - A tower designed for the purpose of providing location mounts for wireless communications facilities without a binding commitment or option to lease a location upon the tower by a service provider at time of initial application.

Subject Property - For the purpose of 36.6175 through 36.6188 subject property shall mean one or more contiguous lots or parcels in the same ownership.

Tower - A mast, pole, or monopole, guyed or free standing lattice tower designed and primarily used to support antennas associated with wireless communication service. A speculation tower may consist of any one of these tower types. As part of the service, the term tower includes but is not limited to microwave towers, common carrier towers, personal communications service (PCS) and cellular telephone towers.

Wireless communications facility (WCF) - An unstaffed facility for the transmission or reception of radiofrequency (RF) signals, usually consisting of an equipment cabinet or other enclosed structure containing electronic equipment, a support structure, antennas, or other transmission and reception devices.

Visually subordinate - The relative visibility of a wireless communication facility, where that facility does not noticeably contrast with the surrounding landscape. Visibly subordinate facilities may be partially visible, but not visually dominate in relation to their surroundings.

[Added 2001, Ord. 958 § 12]

§ 36.6179 EXCLUSIONS.

The following uses and activities shall be exempt from these regulations:

(A) Emergency or routine repairs, reconstruction, or routine maintenance of previously approved facilities, or replacement of transmitters, antennas, or other components of previously approved facilities which do not create a significant change in visual impact or an increase in radiofrequency emissions;

(B) Medical, industrial, and scientific equipment operating at frequencies designated for that purpose by the Federal Communications Commission;

(C) Ham radio, amateur sole source emitters, citizen band transmitters and accessory structures including antennas;

(D) Two-way communication transmitters used on a temporary basis by "911" emergency services. Including fire, police, and emergency aid or ambulance service;

(E) Radio transceivers normally hand-held or installed in moving vehicles, such as automobiles, trucks, watercraft, or aircraft. This includes cellular phones;

(F) Military and civilian radar, operating within the regulated frequency ranges, for the purpose of defense or aircraft safety;

(G) Machines and equipment that are designed and marketed as consumer products, such as microwave ovens and remote control toys; and

(H) Two-way broadband antenna(s) smaller than one (1) meter in any dimension operating at less than 7 watts effective radiated power (ERP) for use by a dwelling unit occupant for personal use or home occupation.

[Added 2001, Ord. 958 § 13]

§ 36.6180 GENERAL REQUIREMENTS

(A) No WCF shall be constructed or operated within unincorporated Multnomah County until all necessary approvals and permits, whether local, state, or federal have been secured.

(B) No more than one ground mount shall be allowed per subject property.

(C) An application for a WCF shall include both the licensed carrier and the landowner of the subject property.

(D) A permit shall be required for the construction and operation of all WCFs. Review

and approval shall be under either a Community Service Review, Planning Director Review, or a Building Permit Review.

(E) Design Review shall be required of all WCF towers regardless of review procedure and may at applicant's option be processed concurrently with the respective review process pursuant to MCC 36.7000 through 36.7020.

(F) A new permit shall be required for all modifications, not constituting maintenance, to an approved permit for any WCF.

(G) If co-location or concealment technology is not feasible, the applicant shall demonstrate that such locations or concealment technology designs are unworkable for the carrier's coverage plan.

(H) All approvals for a WCF shall become null, void, and non-renewable if the facility is not constructed and placed into service within two years of the date of the Community Service Review Decision, Planning Director Review Decision, Building Permit, or superceding decision.

(I) The applicant, co-applicant, or tenant shall notify the Planning Director of all changes in applicant and/or co-applicants or tenants of a previously permitted WCF permitted under this section within 90 days of change. Failure to provide appropriate notice shall constitute a violation of the original permit approval and be processed pursuant to 36.0910.

(J) All WCFs must comply with all applicable Multnomah County codes and regulations, including, but not limited to the Uniform Building Code, Grading and Erosion Control, Flood Hazard, and Significant Environmental Concern.

(K) No on-premises storage of material or equipment shall be allowed other than that used in the operation and maintenance of the WCF site.

(L) Self-supporting lattice towers not employing concealment technology and speculation towers are not permitted in any zone.

[Added 2001, Ord. 958 § 14]

§ 36.6181 REGISTRATION OF WIRELESS COMMUNICATIONS CARRIERS AND PROVIDERS.

(A) Registration Required. All wireless communication carriers and providers that offer or provide any wireless communications services for a fee directly to the public, within unincorporated Multnomah County, shall register each WCF with the County pursuant to this Section on forms to be provided by the Planning Director.

[Added 2001, Ord. 958 § 15]

§ 36.6182 APPLICATION SUBMITTAL REQUIREMENTS.

For an application for a Planning Director Review or Building Permit Review to be deemed complete the following information is required:

(A) Co-location of antennas upon existing towers or structures.

(1) An accurate and to-scale site plan showing the location of the tower, or structure upon which the proposed antenna is to be mounted including guy anchors (if any), antennas, equipment cabinets and other uses accessory to the communication tower or antenna. The site plan shall include a description of the proposed antenna including use of concealment technology if applicable;

(2) A report/analysis from a licensed professional engineer documenting the following for each antenna

(a) Antenna height above ground, design, dimensions, wind load rating, gain and radiation pattern;

- (b) Failure characteristics of the antenna and documentation that the site and setbacks are of adequate size to contain debris; and
 - (c) Ice hazards and mitigation measures that can be employed.
- (3) A statement documenting that placement of the antenna is designed to allow future co-location of additional antennas if technologically possible.
- (4) Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and access easements required.
- (5) Documents demonstrating that necessary easements have been obtained.
- (6) Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified below in the Approval Criteria for lands not zoned Exclusive Farm Use.
- (7) If ancillary facilities will be located on the ground, a landscape plan drawn to scale showing the proposed and existing landscaping, including type, spacing, and size.
- (8) A map of the county showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the county, or extending within the county from a distant location, and any existing detached WCF of another provider within 1,000 feet of the proposed site.
- (9) Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards set forth by the Federal Communications Commission as outlined in A Local Government Official's Guide to Transmitting Antenna RF Emission Safety:
- Rules, Procedures, and Practical Guidance, or a subsequent FCC publication delineating required radiofrequency performance standards.
 - (10) Documentation demonstrating that the FAA has reviewed and approved the proposal, and the Oregon Aeronautics Division has reviewed the proposal.
- (B) Construction of a New Tower. For an application for either a Planning Director Review or Community Service Review to be deemed complete the following information is required:
- (1) An accurate and to-scale site plan showing the location of the tower, guy anchors (if any), antennas, equipment cabinet and other uses accessory to the communication tower or antenna. The site plan shall include a description of the proposed tower including use of concealment technology if applicable;
 - (2) A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed tower, antennas, and ancillary facilities from at least five points within a five mile radius. Such points shall include views from public places including but not limited to parks, rights-of-way, and waterways and chosen by the Planning Director at the pre-application conference to ensure that various potential views are represented.
 - (3) The distance from the nearest WCF and nearest potential co-location site.
 - (4) A report/analysis from a licensed professional engineer documenting the following:
 - (a) The reasons why the WCF must be located at the proposed site (service demands, topography, dropped coverage, etc.)
 - (b) The reason why the WCF must be constructed at the proposed height;

(c) Verification of good faith efforts made to locate or design the proposed WCF to qualify for an expedited review process. To this end, if an existing structure approved for co-location is within the area recommended by the engineers report, the reason for not co-locating shall be provided;

(d) Tower height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design such as, but not limited to, an explanation for the failure to employ concealment technology if applicable;

(e) Total anticipated capacity of the structure, including number and types of antennas which can be accommodated;

(f) Evidence of structural integrity of the tower structure as required by the Building Official;

(g) Failure characteristics of the tower; and

(h) Ice hazards and mitigation measures which can be employed.

(5) Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIE) emissions standards set forth by the Federal Communications Commission as outlined in A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance or a subsequent FCC publication delineating required radio frequency performance standards.

(6) A signed agreement, stating that the applicant will allow co-location with other users, provided all safety, structural, and technological requirements are met. This

agreement shall also state that any future owners or operators will allow co-location on the tower.

(7) A statement documenting a binding commitment to lease or option to lease an antenna mount upon the proposed tower by a service provider.

(8) A landscape plan drawn to scale showing the proposed and existing landscaping, including type, spacing, and size.

(9) Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and easements required.

(10) Documents demonstrating that any necessary easements have been obtained.

(11) Plans showing how vehicle access will be provided.

(12) Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with building permit and land use processes.

(13) Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified below in the Approval Criteria for lands not zoned Exclusive Farm Use.

(14) A map of the county showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the county, or extending within the county from a distant location, and any existing detached WCF of another provider within 1,000 feet of the proposed site.

(15) Documentation demonstrating that the FAA has reviewed and approved the

proposal, and the Oregon Aeronautics Division has reviewed the proposal.

(16) Full response to the Approval Criteria for lands not zoned Exclusive Farm Use specified below as applicable.

[Added 2001, Ord. 958 § 16]

**§ 36.6183 APPROVAL CRITERIA FOR
LANDS NOT ZONED
EXCLUSIVE FARM USE.**

To be approved all applications for Planning Director Review, Community Service Review or Building Permit Review of a wireless communications facility (WCF) shall demonstrate compliance with the following:

(A) General and Operating Requirements

(1) The service provider of the WCF and his or her successors and assigns shall agree to:

(a) Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

(b) Negotiate in good faith for shared use of the WCF by third parties; and

(c) Allow shared use of the WCF if an applicant agrees in writing to pay reasonable charges for co-location.

(2) Radiofrequency Standards. The applicant shall comply with all applicable FCC RF emissions standards (FCC Guidelines).

(3) Noise. Noise levels shall not exceed 5 dBA above ambient levels or 55 dBA Sound Pressure Level (SPL), whichever is greater, on adjacent properties. Operation of a back-up generator in the event of power failure or the testing of a back-up generator between 8 AM and 8 PM are exempt from this standard. No testing of back-up power

generators shall occur between the hours of 8 PM and 8 AM.

(4) Environmental Resource Protection. All wireless communication facilities shall be sited so as to minimize the effect on environmental resources. To that end, the following measures shall be implemented for all WCFs:

(a) The facility shall comply with Significant Environmental Concern regulations when applicable, including the conditions of an SEC permit for any excavation or removal of materials of archaeological, historical, prehistorical or anthropological nature;

(b) The facility shall comply with Grading and Erosion Control regulations of MCC 29.300 through 29.305 when applicable;

(c) The facility shall comply with Flood Hazard regulations of MCC 29.600 through 29.611 when applicable; and

(d) Alteration or disturbance of native vegetation and topography shall be minimized.

(B) Siting Requirements.

(1) Location. WCFs shall be located so as to minimize their visibility and the number of distinct facilities. The ranking of siting preferences is as follows: first, co-location upon an existing tower or existing structure; second, use of concealment technology; and third, a vegetatively, topographically, or structurally screened monopole.

(a) Co-location.

1. All co-located and multiple-user WCFs shall be designed to promote facility and site sharing. To this end wireless communications towers and necessary appurtenances, including but not limited to, parking areas, access roads, utilities and

storage facilities shall be shared by site users when in the determination of the Planning Director or Hearings Officer, as appropriate. This will minimize overall visual impact to the community.

2. Existing sites for potential co-location, may include but are not limited to buildings, water towers, existing WCFs, utility poles and towers, and related facilities, provided that such installation preserves the character and integrity of those sites. In particular, applicants are urged to consider use of existing telephone and electric utility structures as sites for their WCF.

3. No commercial WCF operating at an effective radiated power (ERP) of more than 7 watts shall be located on any residential structure, including accessory buildings.

(b) Use of concealment technology.

1. When demonstrated that it is not feasible to co-locate the antenna(s) on an existing structure or tower, the WCF shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: concealment technology, use of compatible building materials and colors.

(c) A vegetatively, topographically, or structurally screened monopole.

1. A WCF tower or monopole not employing concealment technology shall not be installed on a site unless it blends with the surrounding existing natural and man-made environment in such a manner so as to be visually subordinate. Existing trees or

significant vegetation should be retained to the greatest possible degree in order to help conceal a facility or tower. Vegetation of a similar species and a size acceptable to the approval authority shall be planted immediately following the loss of any vegetation used to conceal a facility or tower. Vegetation used to demonstrate visual subordination shall be under the control of the applicant/co-applicant or tenant.

2. The facility shall make available un-utilized space for co-location of other telecommunication facilities, including space for these entities providing similar competing services.

3. A proposal for a new wireless communication service tower shall not be approved unless the Approving authority finds that the wireless communications equipment for the proposed tower cannot be accommodated on an existing or approved tower or structure due to one or more of the following reasons:

A. The wireless communications equipment would exceed the structural capacity of the existing or approved tower or structure, as documented by a qualified and licensed professional engineer, and the existing or approved tower/structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

B. The planned equipment would cause interference materially impacting the

usability of other existing or planned equipment at the tower or structure as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.

C. Existing or approved towers and structures within the applicant's search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

D. The radiofrequency coverage objective cannot be adequately met.

4. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional facilities if the tower is over 100 feet in height or for at least one additional facility if the tower is between 60 and 100 feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

5. Towers/monopoles shall not be sited in locations where there is no vegetative, structural, or topographic screening available.

6. The County may require independent verification of the analysis at the applicant's expense.

(2) Height. Notwithstanding the maximum structure height requirements of each zoning district, wireless communications

facilities shall comply with the following requirements:

(a) Ground mounted facilities. The maximum height of a tower shall be 120 feet, unless:

1. The tower and facility uses concealment technology; or

2. It is demonstrated by an engineer that a greater height is required to provide the necessary service.

(b) Building or other structure mounted WCF shall not project more than ten additional feet above the highest point on the existing building or structure.

(3) Setback/Yard.

(a) No dwelling on the subject property shall be closer to a ground mounted facility than a distance equal to the total height of the WCF measured from finished grade or according to the yard requirements of the underlying zone, whichever is greater.

(b) All ground mounted towers shall be setback from any property line a minimum distance equal to the total height of the tower.

(c) All equipment shelters shall be set back from property lines according to the required yard of the underlying zone.

(d) A WCF setback and yard requirement to a property line may be reduced as much as fifty percent (50%) of the proposed tower height when it is found that the reduction will allow the integration of a WCF into an existing or proposed structure such as a light standard, power line support device, or similar structure or if the approval authority finds that visual subordination may be achieved.

(e) A reduction of the setback/yard requirement below fifty percent (50%) under (d) of this section may be authorized subject to the variance approval criteria, variance classification and landing field height limitation of this chapter.

(4) Storage.

(a) Wireless communications storage facilities (i.e., vaults, equipment rooms, utilities, and equipment cabinets or enclosures) shall be constructed of non-reflective materials (exterior surfaces only). The placement of equipment in underground vaults is encouraged.

(b) Wireless communications storage facilities shall be no taller than one story (fifteen feet) in height and shall be treated to look like a building or facility typically found in the area.

(5) Color and materials. All buildings, poles, towers, antenna supports, antennas, and other components of each wireless communications site shall initially be colored with "flat" muted tones. The color selected shall be one that in the opinion of the approval authority minimizes visibility of the WCF to the greatest extent feasible.

(6) Fences.

(a) A sight obscuring fence shall be installed and maintained around the perimeter of the lease area of a ground mounted facility not employing concealment technology. The sight-obscuring fence shall surround the tower and the equipment shelter.

(b) A ground mounted facility located in a public right-of-way may be exempted from fencing requirements.

(c) Chain link fences shall be painted or coated with a non-reflective color.

(7) Security. In the event a fence is required, WCFs shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.

(8) Lighting.

(a) A new WCF shall only be illuminated as necessary to comply with FAA or other applicable state and federal requirements.

(b) No other exterior lighting shall be permitted on premises.

(9) Signs. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

(10) Access driveways and parking. All access drives and parking areas shall be no longer or wider than necessary and be improved to comply with the requirements of the local Rural Fire District.

(a) Existing driveways shall be used for access whenever possible.

(b) New parking areas shall whenever feasible, be shared with subsequent WCFs and/or other permitted uses.

(c) Any new parking area constructed shall consist of a durable and dustless surface capable of carrying a wheel load of 4,000 pounds and be no larger than three hundred (350) square feet.

(11) Landscape and Screening. All WCFs shall be improved in such a manner so as to maintain and enhance existing native vegetation and suitable landscaping installed to screen the base of the tower and all accessory equipment, where necessary. To this end, all of the following measures shall be implemented for all ground mounted WCFs including accessory structures.

(a) A landscape plan shall be submitted indicating all existing vegetation, landscaping that is to be retained within the leased area on the site, and any additional vegetation that is needed to satisfactorily screen the facility from adjacent land and public view areas.

Planted vegetation shall be of the evergreen variety and placed outside of the fence. The landscape plan shall be subject to review and approval of the Design Review process. All trees, larger than four inches (4") in diameter and four and a half feet high (4 1/2') shall be identified in the landscape plan by species type, and whether it is to be retained or removed with project development;

(b) Existing trees and other screening vegetation in the vicinity of the facility and along the access drive and any power/telecommunication line routes involved shall be protected from damage, during the construction period.

[Added 2001, Ord. 958 § 17]

§ 36.6184 APPROVAL CRITERIA FOR LAND ZONED EXCLUSIVE FARM USE.

A wireless communications facility located within an Exclusive Farm Use district shall demonstrate that the facility:

(A) Is necessary for public service if the facility must be sited in an exclusive farm use zone in order to provide the service.

(B) To demonstrate that a utility facility is necessary, an applicant for approval under ORS 215.283 (1)(d) must show that reasonable alternatives have been considered and that the facility must be sited in an exclusive farm use zone due to one or more of the following factors:

(1) Technical and engineering feasibility;

(2) The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for exclusive farm use in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands;

(3) Lack of available urban and non-resource lands;

(4) Availability of existing rights of way;

(5) Public health and safety; and

(6) Other requirements of state or federal agencies.

(C) The following standards shall apply in addition to those of ORS 215.283(1)(d) et. seq.

(1) Location pursuant to: 36.6183(B)(1),

(2) Height. The maximum height of any tower shall be 200 feet from finished grade.

(3) Setback pursuant to: 36.6183(B)(3).

(4) Storage pursuant to: 36.6183(B)(4).

(5) Color and materials pursuant to: 36.6183(B)(5).

(6) Fences pursuant to: 36.6183(B)(6).

(7) Security pursuant to: 36.6183(B)(7).

(8) Lighting pursuant to: 36.6183(B)(8).

(9) Signs pursuant to: 36.6183(B)(9).

(10) Access driveways and parking pursuant to: 36.6183(B)(10).

(11) Landscaping and screening pursuant to: 36.6183(B)(11).

[Added 2001, Ord. 958 § 18]

§ 36.6185 MAINTENANCE.

(A) The applicant/co-applicant or tenant shall maintain the WCF. Such maintenance shall include, but shall not be limited to painting, maintaining structural integrity, and landscaping.

(B) In the event the applicant/co-applicant or tenant/carrier fails to maintain the facility in accordance with permit conditions regarding visual impacts or public safety, Multnomah County may undertake the maintenance at the expense of the applicant or co-applicant landowner.

[Added 2001, Ord. 958 § 19]

§ 36.6186 ABANDONMENT.

(A) At such time that a carrier plans to abandon or discontinue, or is required to discontinue, the operation of a WCF, such carrier will notify Multnomah County Land Use Planning Division by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.

(B) In the event that a carrier fails to give such notice, the WCF shall be considered abandoned if the antenna or tower is not operated for a continuous period of twelve months, unless the owner of said tower provides proof of continued maintenance on a quarterly basis.

(C) Upon abandonment or discontinuation of use, the person who constructed the facility, the person who operated the facility, carrier, or the property owner shall physically remove the WCF within 90 days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

(1) Removal of the antenna(s), mounts, equipment cabinets, security barriers, and foundations down to three feet below ground surface.

(2) Transportation of the antenna(s), mount, equipment cabinets, and security barriers to an appropriate disposal site.

(3) Restoring the site of the WCF to its pre-construction condition, except any remaining landscaping and grading. [Added 2001, Ord. 958 § 22]

(4) The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition.

(D) If a party as stated in (C) fails to remove a WCF in accordance with this section, Multnomah County shall have the authority to enter the subject property and physically remove the facility. Costs for the removal of the WCF shall be charged to the landowner of record in the event Multnomah County must remove the facility.

(E) If there are two or more carriers/operators of a single tower, then provisions of this section shall not become effective until all carriers/operators cease using the tower.

(F) Failure to remove an abandoned facility as required by this subsection shall constitute a violation and be subject to the penalties prescribed this chapter.

[Added 2001, Ord. 958 § 20]

§ 36.6187 APPEALS.

Any person aggrieved by a decision of the Approval Authority made pursuant to this section may appeal that decision as provided in MCC 37.0640.

[Added 2001, Ord. 958 § 21]

§ 36.6188 STATUTORY SEVERABILITY.

If any subsection, sentence, clause, phrase, or word of this section is for any reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section. The Multnomah County Board of Commissioners hereby declares that it would have passed and adopted this section and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional.

REGIONAL SANITARY LANDFILLS, CS**§ 36.6200- REGIONAL SANITARY
LANDFILLS - DEFINITIONS****(A) Definitions**

(1) **Regional Sanitary Landfill** shall mean a general purpose landfill facility which, by itself or as a component of a network of such facilities, is designed and operated for the disposal of the region's solid waste and which METRO or its franchisee shall operate.

(2) **METRO** shall mean the Metropolitan Service District or its successor. (County or other authorized unit of government.)

(3) **Suitable** shall mean adapted or adaptable to a use.

(5) **Mitigate** shall mean to make less severe, less painful or less of a loss, to a level provided for in MCC 36.6200 through 36.6225.

(6) **Beneficial Continuation of Existing Uses** shall mean capable of using the property for the purposes already in existence, although there may be minor diminution in the quality of the use.

§ 36.6205 BOARD FINDINGS.**The Board Finds:**

(A) A landfill may need to be located within Multnomah County based on Solid Waste Management Plan and Study by METRO.

(B) There is a need to provide approval criteria and to require reclamation for the benefit of the site and the surrounding area.

(C) There is a need to provide for a review, to determine whether the proposed site is suitable and whether adverse impacts to the surrounding area can be mitigated.

§ 36.6210 PURPOSE.

The purposes of MCC 36.6200 through 36.6230 are to:

- (A) Determine whether a proposed landfill site is suitable and whether it can be reclaimed for uses allowed by the underlying zoning district.
- (B) Mitigate any adverse impacts to the surrounding area by the imposition of conditions on the design, operation and off-site effects of the proposed landfill.
- (C) Assure that the proposed landfill site has been determined preferable to other sites, based on an Alternative Sites Study conducted by METRO.

§ 36.6215 APPLICATION REQUIREMENTS.

- (A) An application for a Community Service Use permit under these provisions shall be filed on forms made available for that purpose. Information, maps, and reports submitted shall be deemed by the Planning Director to be necessary to determine compliance with the criteria.
- (B) The base fee shall be \$2,000 payable at the time of application. An additional fee of not more than \$20,000 may be charged to cover the cost of any technical review and analysis required to evaluate the application, as determined by the Planning Director. Additionally, the Board of County Commissioners may, by order, provide that the fee for technical review and analysis be increased to a total of \$30,000 if the Board determines that such an increase is justified by the complexity of issues raised on a particular application. If charged, the additional fee shall be used to hire technical consultants to supplement the staff. This subsection fees supersedes any conflicting fee schedule in use.
- (C) The applicant shall determine that the proposed landfill is the most appropriate method of disposing of solid waste.

§ 36.6220 CRITERIA FOR APPROVAL.

The Approval Authority shall find that:

(A) METRO or its franchisee has adopted Landfill Site Selection Criteria that addresses environmental, economic, operational and land use factors; they have applied these criteria to a study of alternative landfill sites, that study to have been completed no more than twelve (12) months from the date of Application to the Approval Authority, and have determined that, based on the criteria, a preferred site has been selected for development.

(B) The site is suitable for the proposed landfill, considering each of the factors below. In determining suitability, the Approval Authority shall also apply the following test to the findings for each of the factors; The Approval Authority finds, after any mitigation of impacts, that the impacts of the factor would not prevent the beneficial continuation of existing uses on surrounding property.

(1) Site Size - when the site is of sufficient size for the use and to allow for sufficient buffering of adverse impacts.

(2) Traffic Routes and Capacities - when projected traffic will not create dangerous intersections or traffic congestion, considering road design capacities, existing and projected traffic counts, speed limits and number of turning points. Traffic must have access to collector or arterial streets and not use local streets;

(3) Geologic Conditions - when the site is geologically stable enough to support the landfill; evidence shall include testimony from State of Oregon Certified Engineering Geologists; the Approval Authority shall also request that the Oregon State Department of Geology review and comment on all geological evidence which is submitted;

(4) Surface and Groundwater Conditions - when flooding will not occur, where surface water can be feasibly controlled and diverted away from the landfill, where leachate or other landfill pollutants would not be discharged into adjacent public or private waterways such that State and Federal water quality standards will be exceeded, and where groundwater sources of domestic (human and livestock) water supply would not be contaminated beyond those quality levels of OAR 340-61-040(4) and (5) or OAR 340-41-029, whichever is the most strict. As used in this ordinance, the term discharge shall include both intentional and unintentional escape or release of landfill pollutants;

(5) Soil and Slope Conditions - when soils and topography allow feasible operating conditions for the landfill, and would not result in substantial off-site erosion and sedimentation; on-site soil erosion must be controlled to the extent that the productive capability of on-site land, not utilized directly for landfilling operations, is not reduced. The Approval Authority shall also request that any Soil and Water Conservation District which includes the site within its boundaries review the proposal and offer testimony on potential soil erosion problems;

(6) Leachate and Gas - when site characteristics, such as geology and slope, will permit the safe and effective collection and treatment of these landfill by-products;

(7) Critical Habitat of Endangered Species - where such habitat and species, if found, will be protected pursuant to OAR 340-61-040 (7) and any applicable Federal law;

(8) Historically, anthropologically, and archaeologically significant areas - where such areas, if found, will be protected pursuant to ORS Chapter 358, 16 U.S.C. Sections 461 through 470n, or any other applicable State or Federal law;

(9) Public Facilities and Services - where all such facilities necessary to serve the landfill are either available or programmed for the area; and

(10) Fire Standards Criteria - Fire danger, where the landfill shall not significantly increase the fire danger in any given area and there shall be adequate fire protection systems in place at the site and in the surrounding community, including State systems, if any.

In determining suitability of the above factors, the Approval Authority may place substantial weight on DEQ's Findings for approval or denial of a preliminary application.

(C) The proposed landfill is designed and operated so as to mitigate conflicts with the surrounding uses. Conflicts with regard to the following shall be identified and mitigated (mitigation shall be made to the level of the applicable State standard, if any, and to a level that will not prevent the beneficial continuation of existing uses on surrounding lands):

(1) Visual appearance, including lighting on surrounding property, including OAR 340-61-040 (15) and any other applicable State or Federal standard;

(2) Signing, including OAR 340-61-040 (15) and any other applicable State or Federal standard;

(3) Hours of operation;

(4) Odors;

(5) Safety and security risks, including OAR 340-61-040 (14) and any other applicable State or Federal standard;

(6) Noise levels, including OAR Chapter 340 and any other applicable State or Federal standard;

(7) Dust, and other air pollution, including OAR 340-61-040 (8) and any other applicable State or Federal standard;

(8) Bird and vector problems, including OAR 340-61-040 (23) and any other applicable State or Federal standard; and

(9) Damage to fish and wildlife habitats, including OAR 340-61-040 (7) and any other applicable State or Federal standard.

(D) The proposed landfill site is capable of being reclaimed to a primary use permitted in the underlying zoning district. For resource districts (EFU and MUA), the primary use will be the resource for which the district was created (i.e., farmland in EFU). The soil productivity, if in a natural resource zone, is capable of being brought back to the closest level economically and technically feasible to that which existed on the site prior to the landfill.

(E) Where the Approval Authority finds it appropriate, the approval criteria may be satisfied by the applicant's submission of a statement of intent to provide facilities as necessary to prevent impermissible conflict with surrounding uses. If this evidence is relied on in satisfying any approval criteria, a condition shall be imposed to guarantee the performance of the actions specified.

§ 36.6225 CONDITIONS.

(A) The proposal provides a plan for the reclamation of the site, in compliance with MCC 36.6220 (D). The implementation of the reclamation plan shall be funded by a trust fund deemed sufficient by the Approval Authority.

(B) Approval for all phases of the proposed landfill must be received from all governmental agencies having jurisdiction over sanitary landfills. Such agencies shall be consulted by Multnomah County for the setting and enforcement of permit conditions. Preliminary approval from DEQ is necessary prior to County approval. Final DEQ approval is required prior to the construction and operation of the landfill.

(C) METRO or its franchisee shall provide annual reports, within 90 days of each anniversary of approval date, to the County, describing the landfill operation and compliance with permit conditions.

(D) Other conditions of approval shall be specified in the decision and shall be reasonably imposed to insure compliance with the purposes and criteria of these provisions, and in the public interest.

**§ 36.6230 LIMITATIONS ON
APPLICATION OF ORDINANCE.**

MCC 36.6200 through 36.6230 shall not be applied to any proposed regional or other sanitary landfill site which has previously been the subject of an application for a community service designation as a regional or other sanitary landfill. Such proposal shall be considered under the Multnomah County Ordinance provisions applicable to such landfills which were in effect at the time of the initial application.

CONDITIONAL USES, CU**§ 36.6300- PURPOSES.**

Conditional uses as specified in a district or described herein, because of their public convenience, necessity, unique nature, or their effect on the Comprehensive Plan, may be permitted as specified in the district or described herein, provided that any such conditional use would not be detrimental to the adjoining properties or to the purpose and intent of the Comprehensive Plan.

§ 36.6305 GENERAL PROVISIONS.

(A) Application for approval of a Conditional Use shall be subject to the provisions for Type III decisions in MCC 37.0510 through 37.0800.

(B) A Conditional Use permit shall be issued only for the specific use or uses, together with the limitations or conditions as determined by the Approval Authority.

(C) The findings and conclusions made by the approval authority and the conditions, modifications or restrictions of approval, if any, shall specifically address the relationships between the proposal and the approval criteria listed in MCC 36.6315 and in the district or use provisions.

§ 36.6315 CONDITIONAL USE APPROVAL CRITERIA.

(A) A Conditional Use shall be governed by the approval criteria listed in the district under which the conditional use is allowed. If no such criteria are provided, the approval criteria listed in this section shall apply. In approving a Conditional Use listed in this section, the approval authority shall find that the proposal:

- (1) Is consistent with the character of the area;
- (2) Will not adversely affect natural resources;

(3) Will not conflict with farm or forest uses in the area:

- (a) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and
- (b) Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

(4) Will not require public services other than those existing or programmed for the area;

(5) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;

(6) Will not create hazardous conditions; and

(7) Will satisfy the applicable policies of the Comprehensive Plan.

(8) The use is limited in type and scale to primarily serve the needs of the rural area.

(B) Except for off-site stockpiling, subpart (A) of this subsection shall not apply to applications for mineral extraction and processing activities. Proposals for mineral extraction and processing shall satisfy the criteria of MCC 36.6520.

§ 36.6325 DESIGN REVIEW.

Uses authorized under this section shall be subject to design review approval under MCC 36.7000 through 36.7060.

§ 36.6330 DESIGN REVIEW EXEMPTION.

Exempted from the Design Review criteria of MCC 36.7000 through 36.7070 (A), include:

- (A) Single family residences.

(B) Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure.

§ 36.6335 CONDITIONAL USE PERMIT.

A conditional use permit shall be obtained for each conditional use approved, before development of the use. The permit shall specify any conditions and restrictions imposed by the approval authority or Board of County Commissioners, in addition to those specifically set forth in this Chapter.

ANIMAL KEEPING - DOGS, CU**§ 36.6400- USES.**

Dog kennels, boarding, breeding, keeping or training places or the keeping or raising of four or more dogs over six months of age may be permitted only upon the approval of the approval authority as a conditional use. Such approval shall not include animal hospitals or veterinary clinics as conditional uses.

§ 36.6405 LOCATION REQUIREMENTS.

These uses shall be permitted only in the MUA-20 and RR districts and only where they will not conflict with the surrounding property uses.

§ 36.6410 MINIMUM SITE SIZE REQUIREMENTS.

(A) Area: Two acres.

(B) Width: Two hundred fifty feet.

(C) Depth: Two hundred fifty feet.

§ 36.6415 MINIMUM SETBACK REQUIREMENTS.

These uses shall be located no closer than one hundred feet to any lot line.

§ 36.6420 OTHER REQUIREMENTS.

(A) All kennels, runs or pens shall be constructed of masonry or such other opaque material as shall provide for cleanliness, ease of maintenance, and sound and noise control.

(B) All kennels, runs and other facilities shall be designed, constructed, and located on the site in a manner that will minimize the adverse effects upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to the topography, natural and planted horticultural screening, the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties, and other similar factors.

(C) The owner or operator of a use approved under this section shall maintain the premises in a clean, orderly and sanitary condition at all times. No garbage, offal, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in such a manner that they will not provide a breeding place for insects, vermin or rodents.

(D) A separate housing facility, pen or kennel space may be required for each dog over six months of age kept on the premises over twenty-four hours.

§ 36.6425 OTHER APPROVALS.

The approval authority may request the advice of the County Dog Control Officer, officials of humane societies, and veterinarians before approving an application hereunder.

§ 36.6430 EXEMPTIONS.

Animal facilities for which Animal Control Facility licenses were issued prior to October 31, 1985 shall be exempted from the provisions of MCC 36.6400 through 36.6425 unless:

(A) There is an increase in the number of animals in the facility, or

(B) The use is discontinued for a period of more than two years.

MINERAL EXTRACTION, CU**§ 36.6500- DEFINITIONS.**

As used in this section, the words and their derivations defined in MCC 36.5715 shall have the meanings given therein.

§ 36.6505 BOARD FINDINGS.

(A) There is a need to conserve and protect known mineral and aggregate resources for present and future generations.

(B) There is a need to plan and make allowances for interim, transitional, and secondary use utilization of mineral and aggregate resource extraction areas.

(C) There is a need to promote healthy and visually attractive environments, and to reduce conflicts between different land uses.

(D) There is a need to provide regulations in accordance with LCDC Statewide Planning Goals.

§ 36.6510 PURPOSES.

The purposes of the Mineral Extraction section are to promote the public health, safety and general welfare through the protection of mineral and aggregate resources in accordance with LCDC Statewide Planning Goal #5, and the Multnomah County Comprehensive Plan. The regulations are designed to:

(A) Recognize mineral and aggregate resource extraction as a land use influenced largely by the location of the natural resource and the location of the market;

(B) Provide maximum flexibility for location of the extraction process within a variety of underlying zones, while at the same time minimizing potentially adverse effects on the public and property surrounding the extraction site;

(C) Recognize mineral and aggregate resource sites which receive an ESEE designation for protection as being appropriate for extraction operations when in compliance with MCC 36.6520 through 36.6530; and

(D) Recognize mineral extraction as a temporary use dependent to a large degree upon market conditions and resource size and that reclamation and the potential for future use of the land for other activities must also be considered.

§ 36.6515 EXCEPTIONS.

Exempted from the requirements of this section are those mineral extraction sites and activities as given in MCC 36.5710.

§ 36.6520 CRITERIA FOR APPROVAL.

The approval authority shall find that:

(A) The site is included on the inventory of protected aggregate and mineral resource sites in the Comprehensive Plan.

(B) There is a proposed reclamation plan which will allow the property to be utilized as provided in the Comprehensive Plan and the underlying district.

(C) The applicant has shown that the standards of this section, or site-specific requirements adopted as part of a comprehensive plan amendment, can or will be met by a specified date.

(1) Access and traffic.

(a) Prior to any surface mining activity, all on-site roads used in the mining operation and all roads from the site to a public right-of-way shall be designed and constructed to accommodate the vehicles and equipment which will use them.

(b) All on-site and private access roads shall be paved or adequately maintained to minimize dust and mud generation within 100 feet of a public right-of-way or 250 feet of a dust sensitive land use.

(c) No material which creates a safety or maintenance problem shall be tracked or discharged in any manner onto any public right-of-way.

(d) The applicant shall submit all traffic information and traffic management plans required in any site-specific Comprehensive Plan Program. The County Engineer shall review the submitted plans and shall certify, based on findings relating to the Multnomah County Rules for Street Standards, that the roads appropriately identified in the Plan:

1. Are adequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity, or

2. If the roads are inadequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity that:

- a. The applicant has committed to finance installation of the necessary improvements under the provisions of 02.200 (a) or (b) of the Multnomah County Rules for Street Standards, and

- b. A program has been developed for the numbers and weight of trucks from the site that can safely be accommodated at specific levels of road improvement. Based upon those findings, the Hearing Authority may attach related conditions and restrictions to the conditional use approval.

(e) If there are no traffic management requirements in the site-specific Comprehensive Plan Program requirements, the applicant shall identify the most commonly used routes of travel from the site. The County Engineer shall certify, based on findings relating to the Multnomah County Rules for Street Standards, that the applicant has identified the appropriate roads, and those roads:

1. Are adequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity, or

2. If the roads are inadequate to safely accommodate any additional traffic created by the extraction operation for the duration of the activity that:

- a. The applicant has submitted a traffic management plan that is sufficient for the County Engineer to make relevant findings regarding necessary road improvements;

- b. The applicant has committed to finance installation of the necessary improvements under the provisions of 02.200 (a) or (b) of the Multnomah County Rules for Street Standards; and

- c. A program has been developed for the numbers and weight of trucks from the site that can safely be accommodated at specific levels of road improvement. Based upon those findings, the Hearing Authority may attach related conditions and restrictions to the conditional use approval.

(2) Screening, landscaping and visual appearance.

(a) All existing vegetation and topographic features which would provide screening and which are within 100 feet of the boundary of the proposed area of extraction shall be preserved.

(b) If the site-specific Goal 5 analysis determines that existing vegetation and topography is insufficient to obscure the site from key viewing areas and corridors, then measures as identified in the Goal 5 analysis to reduce or eliminate conflicts shall be implemented. Methods of screening may include landscape berms, hedges, trees, walls, fences or similar features. Any required screening shall be in place prior to commencement of the extraction activities.

(c) The Approval Authority shall grant exceptions to the screening requirements if:

1. The proposed extraction area is not visible from any key viewing areas and corridors identified in (b) above, or
2. Screening will be ineffective because of the topographic location of the site with respect to surrounding properties, or
3. The area is part of the completed portion of a reclamation plan.

(3) Signing.

Only one free standing sign for each point of access to each differently named improved street may be allowed. The free standing signs are allowed one square foot of sign face area per linear foot of site frontage, up to a maximum of 280 square

feet. The maximum height of a free standing sign is 30 feet.

(4) If no hours and days of operation are contained in the site-specific Comprehensive Plan Program, the following shall apply:

(a) Operating hours shall be allowed from 7:00 am to 6:00 pm. No operation shall be allowed on Sundays or on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.

(b) Blasting shall be restricted to the hours of 9:00 am to 5:00 pm. No blasting shall be allowed on Saturdays, Sundays or on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.

(c) Short-term exceptions to the hours and days of operation may be approved pursuant to the provisions of MCC 36.0510.

(5) Air, water, and noise quality.

(a) The applicant shall obtain and comply with the standards of all applicable emission discharge permits from the Department of Environmental Quality. Copies of all required permits shall be provided to the county prior to beginning mining.

(b) The applicant shall obtain and comply with the standards of all applicable waste water discharge permits from the Department of Environmental Quality. Copies of all required permits shall be provided to the county prior to beginning mining.

(c) Sound generated by an operation shall comply with the noise control standards of the Department of Environmental Quality. Compliance

with the standards can be demonstrated by the report of a certified engineer. Methods to control and minimize the effects of sound generated by the operation on noise sensitive uses existing or approved (valid action or administrative decision) on the date of application may include, but not be limited to, the installation of earth berms, equipment location, limitations on the hours of operation, and relocation of access roads.

(6) Fish and wildlife protection.

Fish and wildlife habitat, water bodies, streams, and wetlands inventoried in the Comprehensive Plan shall be protected according to the program contained in the Comprehensive Plan.

(7) Setbacks:

(a) For mineral and aggregate processing activities:

1. 200 feet to a property line, or
2. 400 feet to a noise and dust sensitive land use existing or approved (valid action or administrative decision) on the date of application;

(b) For access roads and residences located on the same parcel as the mining or processing activity, setbacks shall be as required by the underlying district; and

(c) For mineral extraction and all other activities:

1. 100 feet to a property line, or
2. 400 feet to a noise and sensitive land use existing or approved (valid action or administrative decision) on the date of application.

(8) Reclaimed Topography.

All final reclaimed surfaces shall be stabilized by sloping, benching, or other ground control methods. Reclaimed surfaces shall blend into the natural landforms of the immediately surrounding terrain. These reclamation standards shall not apply where the Approval Authority finds that the standards conflict with the reclamation plan provided in the Comprehensive Plan or where DOGAMI finds that the standards are less restrictive than DOGAMI reclamation standards.

(9) Safety and security.

Safety and security measures, including fencing, gates, signing, lighting, or similar measures, shall be provided to prevent public trespass to identified hazardous areas such as steep slopes, water impoundments, or other similar hazard where it is found that such trespass is probable and not otherwise preventable.

(10) Phasing program.

All phases of an extraction operation shall be reclaimed before beginning the next, except where the Approval Authority or DOGAMI finds that the different phases cannot be operated and reclaimed separately.

(11) Reclamation Schedule.

The reclamation plan shall include a timetable for continually reclaiming the land. The timetable shall provide for beginning reclamation within twelve (12) months after extraction activity ceases on any segment of the mined area and for completing reclamation within three (3) years after all mining ceases, except where the Approval Authority or DOGAMI finds that these time standards cannot be met.

(D) The proposed operations will not result in the creation of a geologic hazard to surrounding properties, such as through slumping, sliding, or drainage modifications, and have been certified

by a registered soils or mining engineer, or engineering geologist as meeting this requirement.

(E) Proposed blasting activities will not adversely affect the quality or quantity of groundwater within wells in the vicinity of the operation.

(F) If the site is zoned Exclusive Farm Use (EFU), the proposed operations:

(1) Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(2) Will not significantly increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

(G) If the site is zoned Commercial Forest Use (CFU):

(1) The proposed operations will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands;

(2) The proposed operations will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel; and

(3) A written statement recognizing the rights of adjacent and nearby property owners to conduct accepted forest practices has been recorded with the property deed in accordance with OAR 660-06-025 (1994).

§ 36.6525 SITE RECLAMATION.

(A) No mining shall begin without the operator providing the county a copy of a DOGAMI operating permit and approved reclamation permit or exemption certificate.

(B) When approving an application under this section the county shall determine the post-mining use of the property. The determination of post-mining use shall be coordinated with DOGAMI to ensure technical feasibility. The designated post-mining use shall conform to the Comprehensive Plan.

§ 36.6530 MONITORING.

The Planning Director shall periodically monitor all extraction operations. The beginning dates and frequency of monitoring shall be determined by the Approval Authority based upon any such requirement in the Comprehensive Plan Program and upon the number and type of noise and dust sensitive land uses, and other Goal 5 resources identified in the ESEE Analysis. If the Director determines that an extraction operation is not in compliance with MCC 36.6520 or site-specific requirements of the Comprehensive Plan Program, such enforcement proceedings deemed appropriate by the Multnomah County Legal Counsel shall be instituted to require compliance.

§ 36.6535 EXISTING OPERATIONS.

(A) All mineral extraction uses that have been approved without a time limit under MCC 36.6500 through 36.6535, prior to July 26, 1979, shall continue to comply with the zoning standards and conditions of approval imposed at the time of approval.

(B) Mineral extraction conditional use permits approved with a time limit under MCC 36.6500 through 36.6535 during the time period July 26, 1979 to December 2, 1994, shall be subject to the zoning standards and conditions of approval imposed at the time of approval, including the specified expiration date, except those permits that were valid on December 2, 1994 shall expire two years after the Land Conservation and Development Commission has issued a Periodic Review Final Order regarding the county's Statewide Planning Goal 5 analysis of Mineral and Aggregate Inventory Site #4 (Angell Brothers).

***STORAGE OF VEHICLES OF SPECIAL
INTEREST, CU***

§ 36.6600- DEFINITIONS.

For the purpose of MCC 36.6600 through 36.6615, the following terms are hereby defined:

(A) Collector - A person who owns one or more motor vehicles of special interest who collects, purchases, acquires, trades or disposes of those motor vehicles or parts thereof for the person's own use in order to preserve, restore and maintain a motor vehicle of special interest for hobby purposes.

(B) Motor Vehicle of Special Interest - A motor vehicle satisfying the criteria of paragraph (a) of subsection (4) or paragraph (c) of subsection (6) of ORS 481.205 or otherwise unique due to limited production, original production, mechanical or styling oddities, high intrinsic value or produced by a company no longer in existence.

(C) Parts Car - A motor vehicle generally in inoperable condition that is owned by a collector to furnish parts that are not obtainable from normal sources, thus enabling a collector to preserve, restore and maintain a motor vehicle of special interest.

§ 36.6605 USES.

The following uses may be permitted under MCC 36.6600 through 36.6615, when approved by the approval authority.

(A) The storage by a collector of one or more motor vehicles of special interest.

(B) The storage of parts of motor vehicles of special interest or of a parts car or cars when accessory to the storage of one or more motor vehicles of special interest.

§ 36.6610 APPROVAL CRITERIA.

The approval authority shall find that the proposal will satisfy the approval criteria listed in MCC 36.6315.

§ 36.6615 CONDITIONS AND RESTRICTIONS.

In addition to the conditions and restrictions which may be attached under the provisions of MCC 37.0660, the approval authority:

- (A) Shall specify the location and size of the storage area;
- (B) Shall require the enclosure of the storage area within a sight-obscuring fence and that stored items be maintained in a manner so as not to be visible above the top of the fence; and
- (C) May require some or all of the stored items to be contained within a completely enclosed building or under a roofed structure of a size, location and design which is compatible with other permitted structures in the vicinity.

HOME OCCUPATIONS, CU

§ 36.6650- DEFINITIONS.

- (A) Employee - one full or part time participant, resident or non-resident, in the business shall constitute one employee.
- (B) Customers - Any person visiting the site that is not an employee who is associated with the home.
- (C) Normal deliveries - The home occupation shall not involve the use, parking, storage or repair of any vehicle exceeding a gross vehicle weight of 11,000 pounds, except deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks. These deliveries or pick-ups of supplies or products, associated with business activities, are allowed at the home only between 7 a.m. and 6 p.m.
- (D) Motor vehicles - Vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines).

§ 36.6655 PURPOSES.

The purposes of the type B home occupation section are to address the need for home based business that are small scale businesses (not more than 5 employees) and that fit in with the characteristic of the neighborhood or the area. The regulations are designed to:

- (A) Protect the individual characteristics of areas in unincorporated Multnomah County and maintain the quality of life for all residents of the communities.
- (B) Join in an effort to reduce vehicle miles traveled, traffic congestion and air pollution in the State of Oregon.

§ 36.6660 CRITERIA FOR APPROVAL.

The approval authority shall find that the following standards are met:

- (A) The approval criteria listed in MCC 36.6315.
- (B) The home occupation does not employ more than 5 employees.
- (C) The site has on-site parking as required in MCC 36.4100 to accommodate the total number of employees and customers.
- (D) No deliveries other than those normally associated with a single family dwelling and between the hours of 7 a.m. - 6 p.m.
- (E) No outdoor storage or display.
- (F) No signage (including temporary signage and those exempted under MCC 36.7420) with the exception of those required under the applicable street naming and property numbering provisions in Multnomah County Code.
- (G) No noise above 50 dba at the property lines.
- (H) No repair or assembly of any motor vehicles or motors.
- (I) The application has been noticed to and reviewed by the Small Business Section of the Department of Environmental Quality.
- (J) Each approval issued by a hearings officer shall be specific for the particular home occupation and reference the number of employees allowed, the hours of operation, frequency and type of deliveries, the type of business and any other specific information for the particular application.

LARGE FILLS, CU**§ 36.6700- PURPOSES**

The purpose of the Large Fills section is to address the need for large fill sites in the unincorporated area of Multnomah County while protecting the rural character and natural resources of the County. These regulations are designed to:

- (A) To address the current problem of large fill areas and sites which have been largely unregulated;
- (B) Minimize potentially adverse effects on the public and property surrounding the fill site;
- (C) Acknowledge that natural resources can be impacted by large fill sites;
- (D) Distinguish large fills as a use dependent to a large degree upon market conditions and resource size and that reclamation and the potential for future use of the land for other activities must also be considered;
- (E) Provide clear and objective standards by which these uses will be reviewed;
- (F) Recognize that large fills areas should not impede future uses otherwise allowed under the Comprehensive Framework Plan;
- (G) To be consistent with state rules which do not currently list large fill sites as a use in farm and forest resource zones; and
- (H) To clarify that at the time of adoption of this ordinance, Multnomah County has not made the determination that the use of large fills would or would not be consistent with other uses allowed in the farm and forest zones due to the fact that they are not uses allowed under state rules.

§ 36.6705 EXCLUDED AREAS.

Large fills shall not be allowed in:

- (A) Areas designated SEC- wr;

(B) Other stream areas protected by other local, state and federal agencies;

(C) Jurisdictional wetlands which have not received fill permits from The Army Corp of Engineers and Division of State Lands; or

(D) 100 year floodplains.

§ 36.6710 APPLICATION INFORMATION REQUIRED.

An application for a large fill site shall include the following:

(A) A scaled site plan showing the subject property and all uses, roads, parcels, structures and water features within 1,500 feet of the fill area, when such information can be gathered without trespass;

(B) A contour map at 5' intervals showing both existing and proposed contours with datum;

(C) A geotechnical report for the entire fill area. The report shall include but not be limited to:

- (1) Methods of site preparation;
- (2) Specific fill methods to be used including techniques such as benching and terracing;
- (3) Compaction methods;
- (4) Drainage analysis showing pre and post development runoff conditions;
- (5) Underground drainage systems utilized for fill compaction shall have a hydraulic analysis to determine the amount of water to be accommodated;
- (6) Known landslides and other geologically unstable areas within 1,500 feet surrounding the fill area; and
- (7) An erosion control plan for year round protection of the fill site from erosion. The

plan should include erosion control measures for:

- (a) Winter stabilization;
- (b) Rainy season operations in spring and fall;
- (c) Summer operations;
- (d) Timelines for the various phases;

(D) Written findings demonstrating how the proposal complies with MCC 36.6715;

(E) A copy of the deed(s) to all parcels on which the fill site will be located;

(F) A written description of the project including specific timelines for all phases and proposed hours of operation;

(G) Application materials required to comply with MCC 36.5515 and 36.5520;

(H) A reclamation plan submitted by a licensed landscape architect demonstrating that reclaimed surfaces conform with the natural landforms of the surrounding terrain.

§ 36.6715 CRITERIA FOR APPROVAL.

The approval authority shall find that:

(A) The applicant demonstrates that the property shall be capable of being used as provided in the Comprehensive Plan and the underlying district after the fill operation.

(B) The applicant has shown that the following standards can or will be met by a specified date:

- (1) Access and traffic.
 - (a) Prior to any filling activity, all on-site roads used in the fill operation and all roads from the site to a public right-of-way shall be designed and constructed to accommodate the

vehicles and equipment which will use them.

(b) All on-site and private access roads shall be paved or adequately maintained to minimize dust and mud generation within 100 feet of a public right-of-way.

(c) No material shall be tracked or discharged in any manner onto any public right-of-way.

(d) The applicant shall submit a traffic management plan that identifies impacts to existing County infrastructure and an assessment as to the ability of the existing infrastructure to withstand increased traffic loading and usage. The County Engineer shall review the submitted plan and shall certify, based on findings relating to the Multnomah County Rules for Street Standards, that the road(s) identified in the plan:

1. Are suitable for all additional traffic created by the fill operation for the duration of the activity, or

2. If the roads are unsuitable for all additional traffic created by the fill operation for the duration of the activity that:

- A. The applicant has committed to finance installation of the necessary improvements under the provisions of 02.200 (a) or (b) of the Multnomah County Rules for Street Standards, and

- B. A program has been developed for the number and weight of trucks that can safely be accommodated at specific levels of road improvement. Based upon those findings, the Hearing Authority may attach related conditions and restrictions to the conditional use approval.

(e) Truck movements related to the dumping of materials shall occur entirely on-site and not utilize the public right-of-way or private easements.

(f) Proposals in proximity to state highway facilities need to be reviewed by the Oregon Department of Transportation.

(2) Buffer requirements.

(a) All existing vegetation and topographic features which would provide screening and which are within 100 feet of the proposed area of fill shall be preserved. The applicant shall demonstrate that the existing screening is sufficient to ensure the project site will not noticeably contrast with the surrounding landscape, as viewed from an identified viewing areas, neighboring properties, or accessways, or

(b) If existing vegetation and topography is insufficient to obscure the site from neighboring properties, accessways or identified key viewing areas, the applicant shall propose methods of screening and indicate them on a site plan. Examples of screening methods include landscape berms, hedges, trees, walls, fences or similar features. All required screening shall be in place prior to commencement of the fill activities.

(c) The Approval Authority may grant exceptions to the screening requirements if:

1. The proposed fill area, including truck line-up area and fill areas are not visible from any neighboring properties, key viewing areas and accessways identified in (b) above, or

2. Screening will be ineffective because of the topographic location

of the site with respect to surrounding properties.

(3) Signing.

One directional sign for each point of access to each differently named improved street may be allowed for any operation. Signing shall be specified and controlled by the standards of MCC 36.7490.

(4) Timing of Operation.

(a) Hours of operation shall be specified on each application. At a maximum operating hours shall be allowed from 7:00 am to 6:00 pm. Large fills shall not operate on Sundays or on New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.

(b) The placement of fill materials shall not occur from October 1st - May 1st.

(5) Air, water, and noise quality.

(a) The applicant shall obtain and comply with the standards of all applicable permits from the Department of Environmental Quality. Copies of all required permits shall be provided to Multnomah County prior to beginning filling. If no permits are required, the application shall provide written conformation of that from the Department of Environmental Quality.

(b) Sound generated by an operation shall comply with the noise control standards of the Department of Environmental Quality. Compliance with the standards may be demonstrated by the report of a certified engineer.

(6) Minimum Setbacks.

(a) For filling activities the minimum setback shall be 100 feet to a property line, or if multiple parcels, to the outermost property line of the site.

(b) For access roads and residences located on the same parcel as the filling or processing activity, setbacks shall be as required by the underlying district.

(7) Reclaimed Topography.

All final reclaimed surfaces shall be stabilized by ground control methods as specified by the landscape architect. Reclaimed surfaces shall conform with the natural landforms of the surrounding terrain.

(8) Safety and security.

Safety and security measures, including fencing, gates, signing, lighting, or similar measures, shall be provided to prevent public trespass and minimize injury in the event of trespass to identified hazardous areas such as steep slopes, water impoundments, or other similar hazards.

(9) Phasing program.

Each phase of the operation shall be reclaimed within the time frame specified in subsection (11) or as modified in the decision.

(10) Timeline.

Timelines for Large fill Conditional Use Permits shall be for a 2-year period unless otherwise approved by the Approval Authority. The applicant may request a longer time period for completion as part of the initial application. If an approval has been issued, the applicant may request a longer time period for completion pursuant to the procedures for a Type III permit as described in MCC Chapter 37.

If completion of a large fill project extends beyond 2 years, the applicant shall submit an engineering report prepared and signed by a licensed engineer at least once per year by October 31, or as otherwise specified by the Approval Authority. The engineering report shall describe at a minimum the following:

(a) The amount of fill added to the site since the start of the fill or the last engineering report and stability measures used and planned for the new fill;

(b) Future fill locations within the approved site and stability measures planned both within and outside the fill site;

(c) Incidents of landslide or other instability within and outside the fill site, clean-up efforts for these incidents, and measures used and planned to prevent future incidents.

(11) Reclamation Schedule.

(a) Reclamation shall begin within twelve (12) months after fill activity ceases on any segment of the project area. Reclamation shall be completed within three (3) years after all filling ceases, except where the Approval Authority finds that these time standards cannot be met.

(b) The owner shall provide an acceptable guarantee of financial surety to the County prior to beginning work. The applicant shall provide an estimate of the cost to implement the approved plan. Estimated costs shall be based upon the current local construction costs. The financial guarantee shall be 150 percent of the estimated cost to complete the plan. The financial guarantee may be reduced to 125 percent of the cost in cases where the property owner has a written contract with a contractor to guarantee completion of the work which has been reviewed and approved by the County. All such contracts are subject to review by the County. Prior to release of the financial guarantee, the applicant shall submit a report from a licensed professional engineer whose main area of expertise is geotechnical engineering

to the County, approving the construction and reclamation and certifying its completion.

§ 36.6720 MONITORING

(A) The Planning Director shall periodically monitor all fill operations. The dates and frequency of monitoring shall be determined by the Approval Authority based upon the number and type of surrounding land uses and the nature of the fill operation. If the Director determines that a fill operation is not in compliance with the approval, enforcement proceedings pursuant to MCC 36.0910 or as deemed appropriate by the Multnomah County Attorney shall be instituted to require compliance.

(B) For multiple year projects, prior to commencement of material placement in the spring, an engineers report shall be submitted detailing the condition of the fill after the rainy season. The report shall include any remediation needed and any necessary modifications to fill placement due to failure, slumpage, slides, etc.

**PART 7 –
DESIGN REVIEW; NONCONFORMING USES;
SIGNS; VARIANCES; LAND DIVISIONS**

DESIGN REVIEW

§ 36.7000- PURPOSES.

MCC 36.7000 through 36.7065 provides for the review and administrative approval of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment.

§ 36.7005 ELEMENTS OF DESIGN REVIEW PLAN.

The elements of a Design Review Plan are: The layout and design of all existing and proposed improvements, including but not limited to, buildings, structures, parking and circulation areas, outdoor storage areas, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures.

§ 36.7010 DESIGN REVIEW PLAN APPROVAL REQUIRED.

No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to this section, nor shall such a use be commenced, enlarged, altered or changed until a final design review plan is approved by the Planning Director, under this ordinance.

§ 36.7015 EXCEPTIONS.

The provisions of MCC 36.7000 through 36.7065 shall not be applied to the following:

(A) Single family residences.

(B) Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure.

§ 36.7020 APPLICATION OF REGULATIONS.

Except those exempted by MCC 36.7015, the provisions of MCC 36.7000 through 36.7060 shall apply to all conditional and community service uses in any district.

§ 36.7030 DESIGN REVIEW PLAN CONTENTS.

(A) Any preliminary or final design review plan shall be filed on forms provided by the Planning Director and shall be accompanied by such drawings, sketches and descriptions as are necessary to describe the proposed development.

(B) Contents:

(1) Preliminary Site Development Plan;

(2) Preliminary Site Analysis Diagram;

(3) Preliminary Architectural Drawings, indicating floor plans and elevations;

(4) Preliminary Landscape Plan;

(5) Proposed minor exceptions from yard, parking, and sign requirements; and

(6) Design Review Application Fee, as required under the applicable fee schedule in effect at time of application;

(C) A preliminary site analysis diagram may be in freehand form and shall generally indicate the following characteristics:

(1) Relation to adjacent lands;

(2) Location and species of trees greater than six inches in diameter at five feet;

(3) Topography;

(4) Natural drainage;

(5) Significant wildlife habitat;

(6) Information about significant climatic variables, including but not limited to, solar potential, wind direction and velocity; and

(7) Natural features and structures having a visual or other significant relationship with the site.

(D) A preliminary site development plan may be in freehand form and shall generally indicate the following as appropriate to the nature of the use:

- (1) Access to site from adjacent rights-of-way, streets, and arterials;
- (2) Parking and circulation areas;
- (3) Location and design of buildings and signs;
- (4) Orientation of windows and doors;
- (5) Entrances and exits;
- (6) Private and shared outdoor recreation spaces;
- (7) Pedestrian circulation;
- (8) Outdoor play areas;
- (9) Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;
- (10) Areas to be landscaped;
- (11) Exterior lighting;
- (12) Special provisions for handicapped persons;
- (13) Surface and storm water drainage and on-site waste disposal systems; and
- (14) Other site elements and spaces which will assist in the evaluation of site development.

(E) The preliminary landscape plan shall indicate:

(1) The size, species, and approximate locations of plant materials to be retained or placed on the site; and

(2) Proposed site contouring.

§ 36.7040 FINAL DESIGN REVIEW PLAN.

A final design review plan shall contain the following, :

- (A) Site Development and Landscape Plans drawn to scale, indicating the locations and specifications of the items described in MCC 36.7030 (D) and (E), as appropriate;
- (B) Architectural drawings, indicating floor plans, sections, and elevations;
- (C) Proposed minor exceptions from yard, parking, and sign requirements; and
- (D) A narrative and any other evidence needed to demonstrate compliance with the Design Review Criteria in section .7050, and the applicable Standards in .7055 or Minor Exceptions in .7060 .

§ 36.7050 DESIGN REVIEW CRITERIA.

(A) Approval of a final design review plan shall be based on the following criteria:

- (l) Relation of Design Review Plan Elements to Environment.
 - (a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.
 - (b) The elements of the design review plan should promote energy conservation and provide protection

from adverse climatic conditions, noise, and air pollution.

(c) Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order.

(2) Safety and Privacy - The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.

(3) Special Needs of Handicapped - Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and braille signs.

(4) Preservation of Natural Landscape - The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.

(5) Pedestrian and Vehicular circulation and Parking - The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.

(6) Drainage - Surface drainage and stormwater systems shall be designed so as not to adversely affect neighboring properties or streets. Systems that insure that surface runoff volume after development is no greater than before development shall be provided on the lot.

(7) Buffering and Screening - Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.

(8) Utilities - All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.

(9) Signs and Graphics - The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.

(B) Guidelines designed to assist applicants in developing design review plans may be adopted by the Planning Commission.

§ 36.7055 REQUIRED MINIMUM STANDARDS.

(A) Private and Shared Outdoor Recreation Areas in Residential Developments:

(1) Private Areas - Each ground level living unit in a residential development subject to design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide privacy for unit residents and their guests.

(2) Shared Areas - Usable outdoor recreation space shall be provided for the shared use of residents and their guests in any apartment residential development, as follows:

(a) One or two-bedroom units: 200 square feet per unit.

(b) Three or more bed-room units: 300 square feet per unit.

(B) Storage

Residential Developments - Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be entirely enclosed.

(C) Required Landscape Areas

The following landscape requirements are established for developments subject to design review plan approval:

(1) A minimum of 15% of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subpart 3 of this subsection.

(2) All areas subject to the final design review plan and not otherwise improved shall be landscaped.

(3) The following landscape requirements shall apply to parking and loading areas:

(a) A parking or loading area providing ten or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.

(b) A parking or loading area shall be separated from any lot line adjacent to a street by a landscaped strip at least 10 feet in width, and any other lot line by a landscaped strip at least 5 feet in width.

(c) A landscaped strip separating a parking or loading area from a street shall contain:

1. Street trees spaces as appropriate to the species, not to exceed 50 feet apart, on the average;

2. Low shrubs, not to reach a height greater than 3'0", spaced no more

than 5 feet apart, on the average;
and

3. Vegetative ground cover.

(d) Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.

(e) A parking landscape area shall have a width of not less than 5 feet.

(4) Provision shall be made for watering planting areas where such care is required.

(5) Required landscaping shall be continuously maintained.

(6) Maximum height of tree species shall be considered when planting under overhead utility lines.

(7) Landscaped means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.

(D) When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 36.7010 through 36.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain. (Moved from .7040)

**§ 36.7060 MINOR EXCEPTIONS: YARD,
PARKING, SIGN, AND
LANDSCAPE REQUIREMENTS.**

(A) In conjunction with final design review plan approval, the Planning Director may grant minor exceptions from the following requirements:

(1) Dimensional standards for yards as required in the primary district;

(2) Dimensional standards for off-street parking as required under MCC 36.4170 and 36.4175;

(3) Standards for minimum number of off-street parking spaces as required in the primary district; and

(4) Dimensional standards for signs as required in the primary district;

(5) In the case of a proposed alteration, standards for landscaped areas under MCC 36.7055 (C).

(B) Except under subsection (A) (5) above, no minor exception shall be greater than 25% of the requirement from which the exception is granted.

(C) Approval of a minor exception shall be based on written findings, as required in this subpart.

(1) In the case of a minor yard exception, the Planning Director shall find that approval will result in:

(a) More efficient use of the site;

(b) Preservation of natural features, where appropriate;

(c) Adequate provision of light, air, and privacy to adjoining properties; and

(d) Adequate emergency accesses.

(2) In the case of a minor exception to the dimensional standards for off-street parking spaces or the minimum required number of off-street parking spaces, the Planning Director shall find that approval will provide adequate off-street parking in relation to user demands. The following factors may be considered in granting such an exception:

(a) Special characteristics of users which indicate low demand for off-street parking (e.g., low income, elderly);

(b) Opportunities for joint use of nearby off-street parking facilities;

(c) Availability of public transit;

(d) Natural features of the site (topography, vegetation, and drainage) which would be adversely affected by application of required parking standards.

(3) In the case of a minor exception to the dimensional standards for signs, the Planning Director shall find that approval is necessary for adequate identification of the use on the property and will be compatible with the elements of the design review plan and with the character of the surrounding area.

(4) In the case of a minor exception to the standards for landscaped areas, the Planning Director shall find that approval is consistent with MCC 36.7000, considering the extent and type of proposed alteration and the degree of its impact on the site and surrounding areas.

NONCONFORMING USES

§ 36.7200- NONCONFORMING USES.

(A) The purpose of this section is to establish standards and procedures regulating the continuation, alteration, expansion, and replacement of nonconforming uses. The intent is to allow procedures for considering changes to nonconforming uses that do not increase the level of adverse impacts on the neighborhood, or changes required for the use to comply with State or County health or safety requirements.

(B) Nonconforming uses shall be allowed to continue without additional permission, except that such uses may be replaced, altered or expanded only as provided in MCC 36.7205 or 36.7210.

(C) If a nonconforming use is abandoned or discontinued for any reason for more than two years, it shall not be re-established unless the resumed use conforms with the requirements of this Zoning Code at the time of the proposed resumption.

(D) Notwithstanding any other provisions of this Code, a surface mining use shall not be deemed to be interrupted or abandoned for any period after July 1, 1972, provided:

(1) The owner or operator was issued and continuously renewed a state or local surface mining permit, or received and maintained a State of Oregon exemption from surface mining regulation; and

(2) The surface mining use was not inactive for a period of 12 consecutive years or more.

(3) For purposes of this subsection, inactive means no aggregate materials were excavated, crushed, removed, stockpiled or sold by the owner or operator of the surface mine.

(E) A nonconforming use may be maintained with ordinary care.

(F) A change in ownership or occupancy of a nonconforming use is permitted.

**§ 36.7205 RESTORATION OR
REPLACEMENT DUE TO FIRE,
OTHER CASUALTY OR
NATURAL DISASTER.**

(A) After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC 36.7215, the Planning Director may authorize restoration or replacement of that nonconforming use based on findings that:

(1) The restoration or replacement is made necessary by fire, other casualty or natural disaster, and

(2) The restoration or replacement must be commenced within one year from the date of occurrence of the fire, casualty or natural disaster.

(B) Any decision on restoration or replacement of a nonconforming use due to fire, other casualty or natural disaster shall be processed as a Type II permit as described in MCC Chapter 37.

**§ 36.7210 ALTERATION, EXPANSION OR
REPLACEMENT OF
NONCONFORMING USES.**

(A) Alteration, expansion or replacement of a nonconforming use includes a change in the use, structure, or physical improvement of no greater adverse impact on the neighborhood, or alterations, expansions or replacements required for the use to comply with State or County health or safety requirements.

(B) After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC 36.7215, the Planning Director shall authorize alteration of a nonconforming use when it is demonstrated that:

(1) The alteration, expansion or replacement is necessary to comply with state or local health or safety requirements, or

(2) The alteration is necessary to maintain in good repair the existing structures associated with the nonconformity.

(C) After verification of the status of a nonconforming use pursuant to the applicable provisions of MCC 36.7215, the Planning Director may authorize alteration, expansion or replacement of any nonconforming use when it is found that such alteration, expansion or replacement will not result in a greater adverse impact on the neighborhood. In making this finding, the Planning Director shall consider all of the criteria listed below. Adverse impacts to one of the criterion may, but shall not automatically, constitute greater adverse impact on the neighborhood.

(1) The character and history of the use and of development in the surrounding area;

(2) The comparable degree of noise, vibration, dust, odor, fumes, glare or smoke detectable within the neighborhood;

(3) The comparative numbers and kinds of vehicular trips to the site;

(4) The comparative amount and nature of outside storage, loading and parking;

(5) The comparative visual appearance;

(6) The comparative hours of operation;

(7) The comparative effect on existing flora;

(8) The comparative effect on water drainage or quality; and

(9) Other factors which impact the character or needs of the neighborhood.

(D) Any decision on alteration, expansion or replacement of a nonconforming use shall be

processed as a Type II permit as described in MCC Chapter 37.

**§ 36.7215 VERIFICATION OF
NONCONFORMING USE
STATUS.**

(A) The Planning Director shall verify the status of a nonconforming use upon application for a determination by an owner on application for any land use or other permit for the site, or on finding there is a need for a determination (e.g., on learning of a possible Code violation). The determination shall be based on findings that the use:

(1) Was legally established and operating at the time of enactment or amendment of this Zoning Code, and

(2) Has not been abandoned or interrupted for a continuous two year period.

(B) The Planning Director shall verify the status of a nonconforming use as being the nature and extent of the use at the time of adoption or amendment of the Zoning Code provision disallowing the use. When determining the nature and extent of a nonconforming use, the Planning Director shall consider:

(1) Description of the use;

(2) The types and quantities of goods or services provided and activities conducted;

(3) The scope of the use (volume, intensity, frequency, etc.), including fluctuations in the level of activity;

(4) The number, location and size of physical improvements associated with the use;

(5) The amount of land devoted to the use; and

(6) Other factors the Planning Director may determine appropriate to identify the nature and extent of the particular use.

(7) A reduction of scope or intensity of any part of the use as determined under MCC 36.7215 (B) for a period of two years or more creates a presumption that there is no right to resume the use above the reduced level. Nonconforming use status is limited to the greatest level of use that has been consistently maintained since the use became nonconforming. The presumption may be rebutted by substantial evidentiary proof that the long-term fluctuations are inherent in the type of use being considered.

(C) In determining the status of a nonconforming use, the Planning Director shall determine that, at the time of enactment or amendment of the Zoning Code provision disallowing the use, the nature, scope and intensity of the use, as determined above, was established in compliance with all land use procedures, standards and criteria applicable at that time. A final and effective County decision allowing the use shall be accepted as a rebuttable presumption of such compliance.

(D) Except for nonconforming uses considered under MCC 36.7210 (B), the Planning Director may impose conditions to any verification of nonconforming use status to insure compliance with said verification.

(E) Any decision on verification of nonconforming use status shall be processed as a Type II permit as described in MCC Chapter 37.

(F) An applicant may prove the existence, continuity, nature and extent of the nonconforming use only for the 10-year period immediately preceding the date of application. Evidence proving the existence, continuity, nature and extent of the use for the 10-year period preceding application creates a rebuttable presumption that the use, as proven, lawfully existed at the time the applicable zoning

ordinance or regulation was adopted and has continued uninterrupted until the date of application.

(G) For purposes of verifying a nonconforming use, the Planning Director shall not require an applicant for verification to prove the existence, continuity, nature and extent of the use for a period exceeding 20 years immediately proceeding the date of application.

SIGNS

§ 36.7400- PURPOSE.

(A) This Chapter regulates signs which are visible from the right-of-way and from beyond the property where erected. These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for identification, communication and advertising for all land uses. The regulations for signs have the following specific objectives:

- (1) To ensure that signs are designed, constructed, installed and maintained so that public safety and traffic safety are not compromised;
- (2) To allow and promote positive conditions for meeting sign users' needs while at the same time avoiding nuisances to nearby properties;
- (3) To reflect and support the desired character and development patterns of the various zones; and,
- (4) To ensure that the constitutionally guaranteed right of free speech is protected.

(B) The regulations allow for a variety in number and type of signs for a site. The provisions do not necessarily assure or provide for a property owner's desired level of visibility for the signs.

§ 36.7405 APPLICABILITY AND SCOPE.

This Chapter regulates the number, size, placement and physical characteristics of signs. The regulations are not intended to, and do not restrict, limit or control the content or message of signs. The regulations of this Chapter apply to all zones. The regulations of this Chapter are in addition to all other regulations in the Multnomah County Code and State Building Code applicable to signs.

§ 36.7410 CONFORMANCE.

No sign may be erected unless it conforms with the regulations of this Chapter. Sign permits must be approved prior to erection of the sign.

§ 36.7415 SEVERABILITY.

If any portion of this Chapter is for any reason ruled invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and such ruling shall not affect the validity of the remaining portions of this Chapter, Title or Code.

§ 36.7420 EXEMPT SIGNS.

The following signs are exempt from the provisions of this Chapter, but may be subject to other portions of the County Code:

- (A) Signs not oriented or intended to be legible from a right-of-way, private road or other private property;
- (B) Signs inside a building, except for strobe lights visible from a right-of-way, private road or other private property;
- (C) Signs legally erected in the right-of-way in accordance with MCC 29.500 through 29.583, the Rules For Street Standards adopted thereunder, and Administrative Rules and Regulations pursuant to MCC 15.225 through 15.236;
- (D) Building numbers required by the applicable street naming and property numbering provisions in Multnomah County Code;
- (E) Signs carved into or part of materials which are an integral part of the building;
- (F) Flags on permanent flag poles which are designed to allow raising and lowering of the flags;

(G) Banners on permanent poles which are designed and intended as a decorative or ornamental feature;

(H) Painted wall decorations and painted wall highlights;

(I) Bench advertising signs which have been lawfully erected.

§ 36.7425 PROHIBITED SIGNS.

The following signs are prohibited and shall be removed:

- (A) Strobe lights and signs containing strobe lights which are visible beyond the property lines;
- (B) Signs placed on or painted on a motor vehicle or trailer and parked with the primary purpose of providing a sign not otherwise allowed for by this Code;
- (C) Abandoned signs;
- (D) Balloon signs; and
- (E) Signs in the right-of-way in whole or in part, except signs legally erected for informational purposes by or on behalf of a government agency.

§ 36.7430 DETERMINATION OF FRONTAGES.**(A) Primary Building Frontages**

Primary building frontages are derived from each ground floor occupant's qualifying exterior walls (See MCC 36.7505 Figure 1).

(B) Corner Signs

Corner signs facing more than one street shall be assigned to a frontage by the applicant. The sign must meet all provisions for the frontage it is assigned to.

§ 36.7435 NON-CONFORMING SIGNS.

Non-conforming signs are not subject to the provisions of MCC 36.7200, Non-Conforming Uses. Unless previously approved through an exception process, signs not conforming to the regulations of this Chapter are subject to the following provisions:

(A) Permanent signs in all zones

In all zones lawfully erected non-conforming signs may continue to exist and are subject to the following regulations:

- (1) Maintenance, repairs and changing of sign faces, when no structural alterations are made, are allowed.
- (2) Signs and sign structures which are moved, replaced or structurally altered shall be brought into conformance with the current sign regulations.

(B) Temporary Signs

Non-conforming temporary signs shall be removed.

§ 36.7440 VARIANCES.

Under the provisions of MCC 36.7600, variances may be requested for all sign regulations except as provided herein, and except for prohibited signs.

§ 36.7445 BASE ZONE SIGN REGULATIONS.

Signs are allowed in unincorporated Multnomah County depending on the zoning district in which a property is situated as described in MCC 36.7450. Signs are allowed on properties that are zoned OP, PD, and LF or have CS designations to the extent that signs are allowed in the underlying zoning district except as provided herein. Signs are allowed in the SPA subdistricts to the extent provided for in the regulations for each such subdistrict.

§ 36.7450 SIGNS GENERALLY IN THE EFU, CFU, MUA-20, RR, PH-RC, AND OR ZONES.

For all uses and sites in the above listed zones, the following types, numbers, sizes and features of signs are allowed. All allowed signs must also be in conformance with the sign development regulations of MCC 36.7460 through 36.7500.

(A) Free Standing Signs:

- (1) Allowable Area - Free standing signs are allowed .25 square feet of sign face area per linear foot of site frontage, up to a maximum of 40 square feet.
- (2) Number - One free standing sign is allowed per site frontage.
- (3) Height - The maximum height of a free standing sign is 16 feet.
- (4) Extension into the Right-Of-Way - Free standing signs may not extend into the right-of-way.

(B) Signs Attached to Buildings:

- (1) Total Allowable Area - The total allowable area for all permanent signs attached to the building is determined as follows:

Eighteen square feet of sign face area is allowed, or .25 square feet of sign face area per linear foot of the occupant's primary building frontage, whichever is more.

- (2) Individual Sign Face Area - The maximum size of an individual sign within the total allowable area limit is 50 square feet.
- (3) Types of Signs - Fascia, marquee, awning and painted wall signs are allowed. Projecting roof top and flush pitched roof signs are not allowed.

(4) Number of Signs - There is no limit on the number of signs if within the total allowable area limit.

(5) Extension into the Right-Of-Way - Signs attached to buildings may not extend into the right-of-way.

(C) Sign Features

Permanent signs may have the following features:

- (1) Signs may be indirectly or internally illuminated.
- (2) Electronic message centers are not allowed.
- (3) Flashing signs are not allowed.
- (4) Rotating signs are not allowed.
- (5) Moving parts are not allowed.

(D) Additional Signs Allowed - In addition to the sign amounts allowed based on the site and building frontages, the following signs are allowed in all zoning districts for all usages:

- (1) Directional signs pursuant to MCC 36.7490.
- (2) Temporary lawn, banner and rigid signs.
- (3) Subdivisions may have a free standing sign at each entrance, up to a total of four, each of which may be up to ten feet in height and 50 square feet in area.

§ 36.7455 BILLBOARD REGULATIONS.

Billboards are allowed in unincorporated Multnomah County as described in MCC 36.7400 et. seq.

(A) Number of Billboards within Unincorporated Multnomah County

- (1) No billboard, other than as provided in this ordinance, may be erected in unincorporated Multnomah County.
- (2) The Planning Director shall prepare an inventory of all billboards in existence in the unincorporated area of Multnomah County on the effective date of this

ordinance. A billboard shall be considered to be in existence if it meets the definition criteria of MCC 36.7505 and is currently being adequately maintained or has been issued a building permit prior to the effective date of this ordinance. The inventory shall be known as the Total Billboard Allowance for Unincorporated Multnomah County.

(3) After the inventory has been established, one permit shall be established for each poster face billboard and two permits shall be established for each paint face billboard.

(4) Each permit shall reflect the location, size and height of each billboard as well as any other information deemed pertinent by the County.

(5) The size, shape, orientation or height of any billboard in existence on the effective date of this ordinance shall not be changed unless such modifications bring the billboard closer to or into, conformance with the provisions of this ordinance, except that "cut-out" extensions may be temporarily added to any billboard in order to conform to an advertiser's specifications.

(6) An existing billboard may be upgraded by substituting two permits authorizing two poster face billboards for one paint face billboard, and likewise may substitute one paint face for two poster face, provided the upgraded billboard(s) meets the requirements of this ordinance.

(7) As areas are annexed to Cities, the number of billboards located in the annexed area will be subtracted from the Total Billboard Allowance for Unincorporated Multnomah County.

(B) Limitation on the Relocation of Existing Billboards

(1) An existing billboard may be relocated to a new location, as described in this ordinance, only in the event that such relocation is necessitated because:

(a) the owner is unable to continue the existing lease for the premises upon which the existing billboard is located;

(b) the billboard structure has been destroyed by other than the owner or has deteriorated and is no longer in safe condition;

(c) the economic viability of the existing location has been substantially impaired solely as a result of the full or partial obstruction of the billboard or changes in the automobile traffic pattern moving past the existing location; or

(d) the owner has lost a billboard site or sites as a result of acquisition of real property by a public entity for a public purpose.

(2) The owner shall notify the County prior to the removal or relocation of any billboard.

(3) Regardless of the number of billboards which are eligible for relocation at any time, within one calendar year the owner shall not relocate more than five percent of the total number of billboards that it maintains, provided however, that the owner shall have sole discretion in accordance with (B) (1) above which billboards are to be relocated and when a particular relocation shall occur.

(4) The owner of a billboard shall not maintain any greater number of billboards on interstate highways in unincorporated Multnomah County than were established prior to the effective date of this Ordinance. However, in the event that the owner is unable to continue the lease for the property upon which the existing billboard is located, the owner may relocate that billboard to another location on an interstate highway, except that any relocated billboard structure must be a minimum of two thousand feet from any other billboard structure subject to this subparagraph and in no event shall the owner relocate more than one billboard

subject to this subparagraph within a calendar year.

(5) The owner of a billboard may, upon notice to the County, interchange two existing side-by-side poster face billboards with one paint face billboard and likewise may interchange one paint face with two side-by-side poster faces.

(6) No billboard relocated pursuant to this Ordinance shall be required to go through design review.

(7) Upon removal of an existing billboard, the permit for such billboard shall be deemed a relocation permit authorizing relocation of a billboard to a new site. There shall be no time limit on the owner's eligibility to utilize such relocation permits and the owner shall have the right to accumulate the number of permits for billboards to be relocated.

(8) When the owner elects to construct a relocated billboard, he/she may select from the size and height of those permits available to it and may interchange size and height among permits; however, the owner may not accumulate height by adding heights from more than one permit.

(C) Standards Governing the Relocation of Billboards

(1) There shall not be more than four billboard faces in either direction within any 660 lineal feet on the roadway measured to include streets intersecting the initially measured roadway.

(2) A single billboard structure cannot be located within less than 330 lineal feet of zoning in which billboards are permitted in this ordinance. There shall be a minimum of 660 feet of contiguous zoning to allow two or more billboards.

(3) The zoning on the opposite side of the street from the proposed relocation also must permit billboards.

(4) There shall be at least 100 feet from any billboard to any residential zone fronting on the same side of the street.

(5) No painted billboard shall be relocated on a thoroughfare with less than two lanes utilized for traffic in one direction at all times.

(6) Districts in Which Billboards are Permitted, pursuant to the other requirements of this ordinance:

C-3 Retail Commercial
C-2 General Commercial
LM Light Manufacturing
GM General Manufacturing
HM Heavy Manufacturing

(7) Sign free areas

No billboard shall be relocated on any lot approved for a Community Service land use.

(D) Development Standards

(1) When a billboard is erected, its maximum height shall be determined by available relocation permits. A permit may be used for the height of the prior billboard or for a lesser height. However, in no case may a billboard be erected which is above the allowable height of the zone where located, or 50 feet, whichever is lower.

(2) All height measurements are measured from the top of the sign to the grade below the middle of the sign. Height measurements do not include temporary cutouts.

(3) No billboard shall have an area less than 288 square feet nor more than 672 square feet, except that cutout extensions may be

temporarily added to any billboard from time to time in order to conform to an advertiser's specifications.

(4) Billboards shall be maintained in safe condition and all maintenance and reconstruction as may be necessary shall be in conformance with applicable County building regulations.

(5) No billboard shall be located on a roof.

(6) No billboard shall be located so that any portion of it extends over a property line and/or a public right-of-way.

(7) Billboards located within 45 feet of an intersection shall comply with Section 8.14 of the Administrative Rules and Regulations under MCC 15.229 (A) (14).

(8) No single billboard structure shall support more than two painted billboards or four poster faces.

(9) No billboard shall contain moving parts or flashing or intermittent lights.

(10) No permit shall be required to change the message on a billboard or to add or remove a cutout.

(11) Billboard lights shall be placed so the light is not directed toward a street or adjacent residential unit.

(12) Access to solar radiation for an existing solar energy collector shall be protected from encroachment by placement of a billboard.

(13) No billboard shall be located in a landscape area as required by design review on an approved site plan.

(14) V-shaped faces shall be allowed if located on a single billboard structure and the angle is less than 90 degrees.

(15) In addition to the Sign Free Areas listed above, relocated billboards must be

positioned with care and consideration of the preservation of panoramic views of the rivers, the mountains and downtown Portland.

(E) Variances - No variances are allowed pursuant to the provisions of MCC 36.7455.

§ 36.7460 APPLICABILITY.

All signs allowed under the base zone provisions must comply with the development regulations of the following Sections.

§ 36.7465 SIGN PLACEMENT.

(A) Placement

All signs and sign structures shall be erected and attached totally within the site except when allowed to extend into the right-of-way.

(B) Frontages

Signs allowed based on the length of one site frontage may not be placed on another site frontage. Signs allowed based on a primary building frontage may be placed on a secondary building frontage.

(C) Vision Clearance Areas

(1) No sign may be located within a vision clearance area as defined in subsection (C) (2) below. No support structure(s) for a sign may be located in a vision clearance area unless the combined total width is 12 inches or less and the combined total depth is 12 inches or less.

(2) Location of vision clearance Areas - Vision clearance areas are triangular shaped areas located at the intersection of any combination of rights-of-way, private roads, alleys or driveways. The sides of the triangle extend 45 feet from the intersection of the vehicle travel area (See MCC 36.7505 Figure 2). The height of the vision clearance area is from three feet above grade to ten feet above grade.

(D) Vehicle Area Clearances

When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign structure shall be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking lots, and loading and maneuvering areas.

(E) Pedestrian Area Clearances

When a sign extends over private sidewalks, walkways or other spaces accessible to pedestrians, the bottom of the sign structure shall be at least 8-1/2 feet above the ground.

(F) Required Yards and Setbacks

Signs may be erected in required yards and setbacks.

(G) Parking Areas

(1) Unless otherwise provided by law, accessory signs shall be permitted on parking areas in accordance with the provisions specified in each district, and signs designating entrances, exits or conditions of use may be maintained on a parking or loading area.

(2) Any such sign shall not exceed four square feet in area, one side. There shall not be more than one such sign for each entrance or exit to a parking or loading area.

§ 36.7470 FASCIA SIGNS.**(A) Height**

Fascia signs may not extend more than six inches above the roof line.

(B) Extensions

No point on the face of a fascia sign may extend more than 18 inches from the wall to which it is attached, except for electronic message signs which may be up to 24 inches in thickness.

Fascia signs may not extend beyond the corner of buildings.

§ 36.7475 PROJECTING SIGNS.**(A) Height**

The face of projecting signs may not extend more than six inches above the roof line.

(B) Placement

Projecting signs are not allowed on roof tops or on pitched roofs.

(C) Support Structures

Support structures shall be designed so that there is the minimum visible support structure above the sign face. There shall be no more than one foot of support structure between the building wall and the sign.

§ 36.7480 FLUSH PITCHED ROOF SIGNS.**(A) Height**

The face of flush pitched roof signs may not extend more than six inches above the roof line.

(B) Placement

Flush pitched roof signs shall be parallel to the building face. They may not extend beyond the building wall.

(C) Visual Backing

When viewed straight on, flush pitched roof signs shall have a visual backing formed by the roof.

(D) Support Structures

Support structures shall be designed so that there is no visible support structure above the sign.

§ 36.7485 MARQUEES AND AWNINGS.

Signs may be placed on or incorporated into marquees and awnings provided they do not extend above the upper surfaces of the structure. Signs may be hung below marquees and awnings if the sign clears the sidewalk by at least 8-1/2 feet.

§ 36.7490 DIRECTIONAL SIGNS.

Directional signs shall comply with the following provisions:

Maximum Sign Face Area: Six Square Feet

Types of Signs Allowed: Free Standing, Fascia, Projecting, Painted Wall

Maximum Height: Free Standing 42 Inches
Fascia and Projecting 8 Feet

Extensions into R/W: Not Allowed

Lighting: Indirect or Internal

Flashing Lights: Not Allowed

Electronic Message Centers: Not Allowed

Moving or Rotating Parts: Not Allowed

§ 36.7495 TEMPORARY SIGNS.**(A) Time Limit**

Temporary signs and support structures, if any, must be removed within six months of the date of erection.

(B) Attachment

Temporary signs may not be permanently attached to the ground, buildings, or other structures.

(C) Lawn Signs

Lawn signs may not be greater than three square feet in area and may not be over 42 inches in height.

(D) Banners

One banner is allowed per primary building frontage and may not exceed 60 square feet. Additional temporary flags and pennants are allowed, but may not extend into the right-of-way.

(E) Temporary Rigid Signs

(1) Type - Rigid signs may be free-standing or placed on building sides.

(2) Size - The maximum size of a rigid sign is 32 square feet.

(3) Number - One rigid sign is allowed per site frontage.

(4) Height - Rigid signs on buildings may not be placed above roof lines. The maximum height free standing is eight feet.

(5) Extensions into the Right-of-Way - Rigid signs may not extend into the right-of-way.

(6) Lighting and Movement - Rigid signs may not be illuminated or have moving or rotating parts.

§ 36.7500 APPLICABILITY IN THE EVENT OF CONFLICTS.

The provisions of MCC 36.7400 through 36.7505 supersede all conflicting provisions in the Multnomah County Code Chapter 36.

§ 36.7505 SIGN RELATED DEFINITIONS AND FIGURES.

(A) **Abandoned Sign** - A sign structure not containing a sign for 120 continuous days or a sign not in use for 120 continuous days.

(B) **Awning Sign** - A sign incorporated into or attached to an awning.

(C) **Balloon Sign** - An inflatable temporary sign anchored by some means to a structure or developed parcel.

(D) **Banner** - A temporary sign made of fabric or other non-rigid material with no enclosing framework.

(E) **Bench Advertising Sign** - An outdoor advertising sign that is placed on a stationary object that is used primarily for sitting.

(F) **Billboard** - Billboard shall mean a sign face supported by a billboard structure.

(1) A painted billboard shall mean a 14' x 48' billboard.

(2) A poster billboard shall mean a 12' x 24' billboard.

(G) **Billboard Structure** - Billboard structure shall mean the structural framework which supports a billboard.

(H) **Building Frontage** -

(1) **Primary** - Primary building frontages are exterior building walls facing a right-of-way or private roadway, and any other exterior building wall facing a parking lot which contains a public entry to the occupant's premises.

(2) **Secondary** - Secondary building frontages are exterior building walls which are not classified as primary frontages.

(I) **Cutout** - Every type of display in the form of letters, figures, characters or other representations in cutout or irregular form attached to or superimposed upon a billboard.

(J) **Directional Sign** - A permanent sign which is designed and erected solely for the purpose of

traffic or pedestrian direction and placed on the property to which the public is directed.

(K) **Electronic Message Center** - Signs whose message or display is presented with patterns of lights that may be changed at intermittent intervals by an electronic process.

(L) **Fascia Sign** - A single faced sign attached flush to a building.

(M) **Flush Pitched Roof Sign** - A sign attached to a roof with a pitch of one to four or greater and placed parallel to the building wall.

(N) **Free Standing Sign** - A sign on a frame, pole or other support structure which is not attached to any building.

(O) **Interstate Highway** - Every state highway that is part of the National System of Interstate and Defense Highways established pursuant to Section 103(d), Title 23, United States Code.

(P) **Lighting Methods:**

(1) **Direct** - Exposed lighting or neon tubes on the sign face.

(2) **Flashing** - Lights which blink on and off randomly or in sequence.

(3) **Indirect** - The light source is separate from the sign face or cabinet and is directed so as to shine on the sign.

(4) **Internal** - The light source is concealed within the sign.

(Q) **Maintenance** - Normal care needed to keep a sign functional such as cleaning, oiling and changing of light bulbs.

(R) **Marquee Sign** - A sign incorporated into or attached to a marquee or permanent canopy.

(S) **Moving Parts** - Features or parts of a sign structure which through mechanical means are intended to move, swing or have some motion.

(T) **Non-Conforming Sign** - A sign or sign structure lawfully erected and properly maintained that would not be allowed under the sign regulations presently applicable to the site.

(U) **Painted Wall Decorations** - Painted wall decorations are displays painted directly on a wall and are designed and intended as a decorative or ornamental feature.

(V) **Painted Wall Sign** - A sign applied to a building wall with paint and which has no sign structure.

(W) **Permanent Sign** - A sign attached to a building, structure, or the ground in some manner requiring a permit and made of materials intended for more than short-term use.

(X) **Projecting Sign** - A sign attached to and projecting out from a building face or wall and generally at right angles to the building. Projecting signs include signs projecting totally in the right-of-way, partially in the right-of-way or fully on private property.

(Y) **Repair** - Fixing or replacement of broken or worn parts. Replacement is of comparable materials only. Repairs may be made with the sign in position or with the sign removed.

(Z) **Right-of-Way** - Any way, street, alley or road dedicated to the use of the public.

(AA) **Rigid Sign** - A temporary sign, other than a lawn sign, made of rigid materials such as wood, plywood, plastic.

(BB) **Roof Line** - The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys or other minor projections.

(CC) **Roof Top Sign** - A sign on a roof with a pitch of less than one to four.

(DD) **Rotating Sign** - Sign faces or portions of a sign face which revolve around a central axis.

(EE) **Secondary Building Wall** - Exterior building walls or faces which are oriented toward another lot, not a right-of-way or private roadway.

(FF) **Sign** - Materials placed or constructed primarily to convey a message or other display and which can be viewed from a right of-way, private roadway or another property.

(GG) **Sign Face Area** -

(1) The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face (see MCC 36.7505 Figure 3). Sign area does not include foundations, supports, and other essential structures which are not serving as a backdrop or border to the sign. Only one side of a double faced sign is counted.

(2) When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used unless it is clear that part of the base contains no sign, related display or decoration.

(3) When signs are constructed of individual pieces attached to a building wall, sign area is determined by a perimeter drawn (the greatest height multiplied by the greatest width) around all the pieces (See MCC 36.7505 Figure 4).

(4) For sign structures containing multiple modules oriented in the same direction, the modules together are counted as one sign face (See MCC 36.7505 Figure 5).

(5) The maximum surface area visible at one time of a round or three dimensional sign is counted to determine sign area.

(6) When signs are incorporated into awnings, the entire panel containing the sign is counted as the sign face unless it is clear that part of the panel contains no sign, related display or decoration.

(HH) **Sign Height** - The vertical distance from the natural ground elevation at the midpoint of the sign to the highest point of the sign display surface, including cutouts.

(II) **Sign Structure** - A structure specifically intended for supporting or containing a sign.

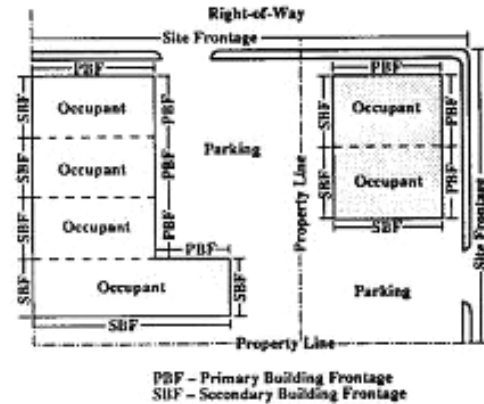
(JJ) **Site** - A plot, parcel or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership.

(KK) **Site Frontage** - That portion of a lot on one side of a street between two intersecting streets, accessways, or other rights-of-way (crossing or terminating) measured along the line of the street or for a dead-end street or accessway, all the property between an intersecting street or other right-of-way and the dead-end of the street or accessway.

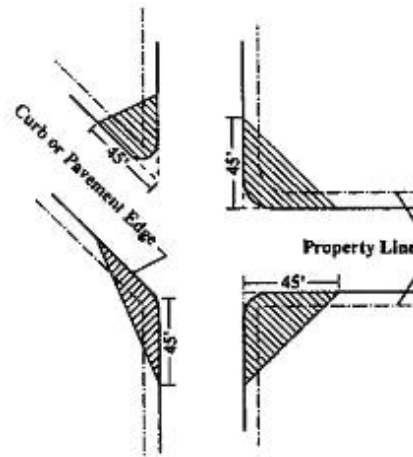
(LL) **Structural Alteration** - Modification of the size, shape, or height of a sign structure. Also includes replacement of sign structure materials with other than comparable materials, for example metal parts replacing wood parts.

(MM) **Temporary Sign** - A sign not permanently attached to a building, structure, or the ground.

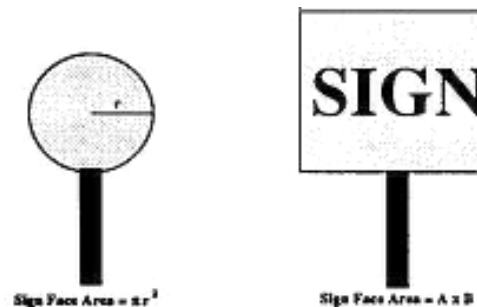
(NN) **Vision Clearance Area** - Those areas near intersections of roadways and ingress and egress points where a clear field of vision is necessary for public safety.



36.7505 Figure 1 – Building Frontage Measurement



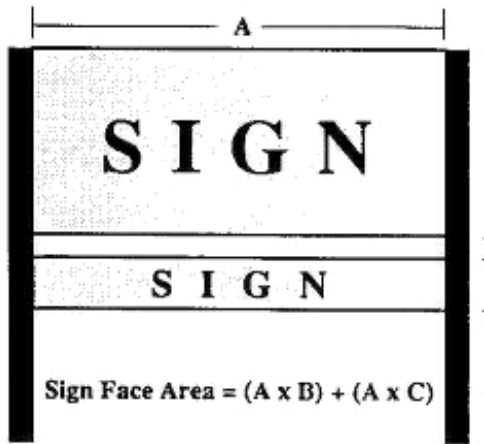
36.7505 Figure 2 – Visibility Triangle
Visibility Triangle Areas at Typical Intersections



36.7505 Figure 3 – Sign Face Measurements



36.7505 Figure 4 – Sign Face Measurements



36.7505 Figure 5 – Sign Face Measurements

VARIANCES**§ 36.7600- VARIANCE APPROVAL CRITERIA.**

(A) The Approval Authority may permit and authorize a variance from the requirements of this Chapter only when there are practical difficulties in the application of the Chapter. A Major Variance shall be granted only when all of the following criteria are met. A Minor Variance shall meet criteria (3) and (4).

(1) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district. The circumstance or condition may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses.

(2) The zoning requirement would restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district.

(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or adversely affects the appropriate development of adjoining properties.

(4) The granting of the variance will not adversely affect the realization of the Comprehensive Plan nor will it establish a use which is not listed in the underlying zone.

§ 36.7605 VARIANCE CLASSIFICATION.

(A) A Major Variance is one that is in excess of 25 percent of an applicable dimensional requirement. A Major Variance must be found to comply with MCC 36.7600 (A).

(1) A Major Variance must be approved at a public hearing except when all owners of record of property within 100 feet of the subject property grant their consent to the variance according to the procedures of MCC 36.7605 (B) (1) and (2).

(B) A Minor Variance is one that is within 25 percent of an applicable dimensional requirement. The approval authority is authorized to grant a Minor Variance in accordance with the following conditions:

(1) Application shall be accompanied by the written consent of the owner or owners of each lot adjoining and across any street from the subject property;

(2) The form to be presented to each owner must include the zoning requirement, the amount of relief requested by the applicant and a declaration by the owner that the granting of the variance shall not harm the value and livability of his property.

§ 36.7615 HILLSIDE RESIDENTIAL VARIANCES BY ADMINISTRATIVE ACTION.

(A) Notwithstanding the limitation of MCC 36.7600 (A), the approval authority may approve reductions in the required front setback for hillside residential properties when the following conditions exist:

(1) Application of the required setback will necessitate extraordinary cutting or filling of the land, resulting in potentially unsafe banks; and

(2) The reduction of the required setback would not permit the development of the property in a manner that would be more hazardous or detrimental to the public safety than development within the required setback.

(B) For the purposes of this subsection, a hillside residential property is any legally

created lot or parcel with an average grade from the front to the rear property line of more than five percent.

**§ 36.7620 LANDING FIELD HEIGHT
 LIMITATION.**

(A) In acting on an application for a variance from the height limitations of the Airport Landing Field District, under MCC 36.4035 (A), the approval authority shall consider statements from the Federal Aviation Administration and the Port of Portland as to the effect of the variance on the operation of air navigation facilities or the safe and efficient use of navigable air space.

(B) In the event a variance is granted from the height limitation of MCC 36.4035 (A), a condition of such action shall be that such markings or lights shall be installed and maintained at the owner's expense, as are necessary to indicate to aircraft operators the presence of such structure or natural growth.

LAND DIVISIONS**§ 36.7700- TITLE.**

This part of Chapter 36 shall be known as the Multnomah County Land Division Ordinance and may be so pleaded and referred to.

§ 36.7705 DEFINITIONS.

As used in this Chapter, unless the context requires otherwise:

(A) **Cul-de-sac** means a short public street which is open to traffic at one end and is terminated by a vehicle turnaround at the other.

(B) **Development** permit means any permit required by this or other Multnomah County Ordinances as a prerequisite to the use or improvement of any land and includes a building, land use, occupancy, sewer connection or other similar permit.

(C) **Frontage street** means a minor street substantially parallel and adjacent to an arterial street, providing access to abutting properties and separation from through traffic.

(D) **Half street** means a portion of the standard width of a street along the boundary of a land division, where the remaining portion of the street width could be provided from the adjoining property.

(E) **Land Division** means a subdivision or partition. For the purposes of this Chapter, land divisions are further classified as Category 1, Category 3, and Category 4 Land Divisions, as provided in MCC 36.7765 through 36.7780.

(F) **Land Feasibility Study** means a Site Evaluation Report as defined in OAR 340-71-150(1) which is the first step in obtaining a construction permit for an on-site sewage disposal system.

(G) **Lot**, as used in this land division section, means a unit of land that is created by a subdivision of land.

(H) **Parcel** means a unit of land that is created by a partitioning of land.

(I) **Partition** means either an act of partitioning land or an area or tract of land partitioned as defined in this Chapter.

(J) **Partition land** means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partition land does not include:

(1) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(2) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment is not reduced below the minimum lot size established by the base zone of the property; or

(3) A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies, in the case of a county road, with the Street Standards Code and Rules, or, in the case of other right of way, the applicable standards of the agency to which the sale or grant is made. However, any property divided by the sale or grant of property for state highway or county road or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or

(4) The sale of a lot in a recorded subdivision, even though the lot may have

been acquired prior to the sale with other contiguous lots or property by a single owner.

(K) **Partition Plat** means a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

(L) **Pedestrian path and bikeway** means a right-of-way or easement for pedestrian, bicycle or other non-motorized traffic.

(M) **Person** means a natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

(N) **Plat** includes a final subdivision plat or partition plat.

(O) **Private driveway** means a private street which is a part of and provides access only to one lot or parcel.

(P) **Private street** means a street which is either a private driveway or an accessway, which is under private ownership and which passes through or alongside the full length or width of, a separate lot or parcel, either existing or proposed.

(Q) **Property Line** means the division line between two units of land.

(R) **Property Line Adjustment** means the relocation of a common property line between two abutting properties.

(S) **Public street** means a street dedicated for public use or proposed to be dedicated for public use in a land division.

(T) **Right-of-way** means the area between boundary lines of a public street or other area dedicated for pedestrian or vehicular circulation.

(U) **Rural Area** means the unincorporated area of Multnomah County located outside of the

Urban Growth Boundary as designated by the Multnomah County Comprehensive Plan.

(V) **Sale or sell** includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

(W) **Sidewalk** means a pedestrian walkway with all weather surfacing.

(X) **Street**, as used in this land division section, means a public or private way that is created to provide access to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide access to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

(Y) **Street classifications** such as Arterial, Collector, Minor Arterial, etc., shall have the meanings stated in the Multnomah County Street Standards Code and Rules.

(Z) **Street lighting** means the total system of wiring, poles, arms, fixtures and lamps, including all parts thereof that are necessary to light a street or pedestrian path and bikeway.

(AA) **Subdivide land** means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

(BB) **Subdivision** means either an act of subdividing land or an area or a tract of land subdivided as defined in this Chapter.

(CC) **Subdivision Plat** means a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a subdivision.

(DD) **Tentative plan** means the applicant's proposal for subdivision or partition and consists of the drawings, written information and supplementary material required by this Chapter.

(EE) **Urban Area** means the unincorporated area of Multnomah County located within the Urban Growth Boundary as designated by the Multnomah County Comprehensive Plan.

§ 36.7710 PURPOSE.

This Chapter is adopted for the purposes of protecting property values, furthering the health, safety and general welfare of the people of Multnomah County, implementing the Statewide Planning Goals and the Comprehensive Plan adopted under Oregon Revised Statutes, Chapters 197 and 215, and providing classifications and uniform standards for the division of land and the installation of related improvements in the unincorporated area of Multnomah County.

§ 36.7715 INTENT.

In the regulation of the division of land, it is intended that this Chapter shall minimize street congestion, secure safety from fire, flood, geologic hazards, pollution and other dangers, provide for adequate light and air, prevent the overcrowding of land and facilitate adequate provisions for transportation, water supply, sewage disposal, drainage, education, recreation and other public services and facilities, all in accord with Oregon Revised Statutes, Chapter 92.

§ 36.7720 SCOPE.

Chapter 36 shall apply to the subdivision and partitioning of all land within the area of the West of Sandy River Rural Area Plan.

§ 36.7725 COMPLIANCE REQUIRED.

No land may be divided in the area of the West of Sandy River Rural Area Plan of Multnomah County except in accordance with this Chapter.

(A) No person shall create a street for the purpose of dividing land without the approval of a subdivision or partition as provided by this Chapter.

(B) No development permit shall be issued for the improvement or use of any land divided in violation of the provisions of this Chapter, regardless of whether the permit applicant created the violation. A division of land which is contrary to an approved subdivision plat or partition map is a violation of this Chapter.

(C) The requirements of this Chapter shall apply to the applicant for a land division and to the applicant's successors in interest in the land division or any portion thereof.

§ 36.7735 BOARD FINDINGS CONCERNING LAND DIVISION CLASSIFICATIONS.

The Board of County Commissioners finds that:

(A) The Comprehensive Framework Plan, adopted in accordance with the Statewide Planning Goals, classifies certain County lands as within the Urban Area and therefore suitable for intensive development, and other lands as within the Rural Area and therefore suitable for agricultural, forest, natural resource and other non-intensive uses.

(B) Land division proposals, consisting of subdivisions, and partitions are steps in the land development process which should be encouraged in the Urban Area where supportive services exist, subject to review for conformance with the Comprehensive Plan and other legal requirements.

(C) Under ORS 92.044 and 92.046, it is the Board's policy to delegate the review and approval function over certain land division proposals to the Hearings Officer or Planning Commission and over certain other proposals to an administrative official, provided that decisions in either instance shall be guided by the procedures and standards established by this Chapter.

(D) Determination of whether administrative or public hearing review should be required depends on the size, location and foreseeable

impacts on the community of a given land division proposal. Category 3 and 4 Land Division proposals, as defined in this Chapter, are appropriate for administrative review and decision due to their minor impacts on nearby properties and their consistency with the objectives of facilitating development in accordance with the Statewide Planning Goals, particularly Nos. 9, 10, 11, 13 and 14, and with the Comprehensive Plan.

§ 36.7765 LAND DIVISION CATEGORIES DISTINGUISHED.

For the purposes of this Chapter, the land division classifications listed in sections MCC 36.7770 through 36.7780 are established.

§ 36.7770 CATEGORY 1 LAND DIVISIONS.

The following proposals are designated Category 1 Land Divisions:

- (A) A Rural Area subdivision;
- (B) A Rural Area partition which creates a new street when the Planning Director determines that:
 - (1) The proposal includes the continuation of an existing or planned street to adjacent property, or,
 - (2) The proposal either eliminates or makes impractical the continuation of an existing street or the provision of needed access to adjacent property.
- (C) A subdivision or partition associated with an application affecting the same property for any action proceeding requiring a public hearing under MCC Chapter 36 or for a variance under the Land Division part of this Chapter; and
- (D) Any other land division proposal which, as determined by the Planning Director, will have a substantial impact on the use or development of nearby property such that determination at a public hearing is required, considering:

(1) The nature of nearby land uses or the pattern of existing land divisions in relation to the applicable elements of the Comprehensive Plan;

(2) Plans or programs for the extension of the street or utility systems on or near the proposed division; or

(3) Physical characteristics of the tract or nearby area such as steep slopes, a history of flooding, poor drainage, land slides or other existing or potential hazards.

§ 36.7775 CATEGORY 3 LAND DIVISIONS.

A land division proposal under any of the following circumstances is designated a Category 3 Land Division:

- (A) A partition located at the end of a street;
- (B) A partition abutting a street which has a centerline to property line width less than one-half the width specified for that functional street classification according to the Multnomah County Street Standards Code and Rules;
- (C) A partition which will result in a flag lot;
- (D) A partition which will result in one or more parcels with a depth-to-width ratio exceeding 2.5 to 1;
- (E) A partition which will result in a proposed parcel with an area four or more times the area of the smallest proposed parcel; and
- (F) A partition of land classified as Significant Environmental Concern (SEC), Exclusive Farm Use (EFU), or Special Plan Area (SPA) under MCC Chapter 36.
- (G) A partition resulting in the creation of a lot for which an Exception or Variance is required under another part of MCC Chapter 36.

§ 36.7780 CATEGORY 4 LAND DIVISION.

Partitions not listed in MCC 36.7770 to 36.7775 are designated Category 4 Land Divisions.

(A) The Planning Director may approve a Category 4 Land Division based on findings that:

(1) The proposed parcels comply with the area and dimensional requirements of the zoning district in which the land division site is located; and

(2) The proposed parcels satisfy the applicable General Standards and Requirements of MCC 36.7885 through 36.7965.

(B) The procedure and forms for review and approval of a Category 4 Land Divisions shall be as provided for by the Planning Director.

§ 36.7800 CRITERIA FOR APPROVAL, CATEGORY 1 TENTATIVE PLAN.

In granting approval of a Category 1 tentative plan, the approval authority shall find that:

(A) The tentative plan is in accordance with the applicable elements of the Comprehensive Plan;

(B) Approval will permit development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances;

(C) The tentative plan complies with the applicable provisions, including the purposes and intent of this Chapter, and the applicable General Standards and Requirements of MCC 36.7885 through 36.7965. .

(D) The tentative plan complies with the Zoning Ordinance or a proposed change thereto associated with the tentative plan proposal;

(E) If a subdivision, the proposed name has been approved by the County Surveyor and does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Multnomah County,

except for the words town, city, place, court, addition or similar words, unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name or unless the applicant files and records the consent of the party that platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed.

(F) The streets are laid out and designed so as to conform, within the limits of MCC 36.7905 and 36.7910 and the Street Standards Code and Rules, to the plats of subdivisions and maps of partitions already approved for adjoining property unless the approval authority determines it is in the public interest to modify the street pattern; and,

(G) Streets held for private use are laid out and designed so as to conform with MCC 36.7905 and 36.7910 and the Street Standards Code and Rules, and are clearly indicated on the tentative plan and all reservations or restrictions relating to such private streets, including ownership, are set forth thereon.

(H) Approval will permit development to be safe from known flooding and flood hazards. Public utilities and water supply systems shall be designed and located so as to minimize or prevent infiltration of flood waters into the systems. Sanitary sewer systems shall be designed and located to minimize or prevent:

(1) The infiltration of flood waters into the system; and

(2) The discharge of matter from the system into flood waters.

§ 36.7805 CONTENTS OF CATEGORY 1 TENTATIVE PLAN.

A tentative plan shall consist of maps, written information and supplementary material adequate to provide the information required in MCC 36.7810 through 36.7825.

**§ 36.7810 CATEGORY 1 TENTATIVE
PLAN MAP SPECIFICATIONS.**

The tentative plan map shall be drawn on a sheet 18 x 24 inches or 11 x 17 inches in size or a size approved by the Planning Director. The scale of the map shall be 10, 20, 30, 40, 50, 60, 100 or 200 feet to the inch or multiples of ten of any of these scales. The map shall include one copy of a scaled drawing of the proposed subdivision, on a sheet 8.5 x 11 inches, suitable for reproduction, mailing and posting with the required notices.

**§ 36.7815 CATEGORY 1 TENTATIVE
PLAN MAP CONTENTS.**

The tentative plan map shall indicate the following:

(A) General information:

(1) In the case of a subdivision, the proposed name which shall be in accord with subsection (E) of MCC 36.7800.

(2) Date, north point and scale of drawing.

(3) Description of the proposed land division sufficient to define its location and boundaries.

(4) Identification as a tentative plan map.

(B) Existing conditions:

(1) Streets: the location, name and present width of each street, alley or right-of-way in or serving the tract.

(2) Easements: location, width and nature of any easement of record on or serving the tract.

(3) Utilities: location and identity of all utilities on or serving the tract.

(4) Contour lines at ten foot intervals. The map shall state the source of the contour information.

(5) The location of at least one temporary bench mark within the land division.

(6) Any natural features such as rock outcroppings, marshes, wooded areas, major vegetation, etc., which may affect the proposal.

(7) Water courses on and abutting the tract, including their location, width and direction of flow.

(8) The approximate location of areas subject to periodic inundation and all areas covered by water.

(9) The location of any harbor line.

(10) Scaled location and size of all existing driveways and pedestrian walkways, and the scaled location and size and present use of all existing buildings or other structures, and designation of any existing buildings or structures proposed to remain on the property after division.

(C) Proposed improvements:

(1) Streets: location, proposed name, right-of-way width and approximate radii of curves of each proposed street.

(2) Any proposed pedestrian path or bikeway.

(3) Easements: location, width and nature of all proposed easements.

(4) Lots or parcels: location and approximate dimensions of all lots or parcels, the minimum lot or parcel size and, in the case of a subdivision, the proposed lot and block numbers.

(5) Water supply: the proposed domestic water supply system.

(6) Sewage disposal: the proposed method of sewage disposal.

(7) Drainage: proposed methods for surface water disposal and any proposed drainage easements.

(8) Other utilities: the approximate location and nature of other utilities including the location of street lighting fixtures.

(9) Railroad rights-of-way, if any.

(10) Changes to navigable streams, if any.

(11) A street tree planting plan and schedule.

**§ 36.7820 WRITTEN INFORMATION:
CATEGORY 1 TENTATIVE
PLAN.**

Written information shall include:

(A) Name, address and telephone number of the record owner(s), owner's representative, and designer(s) of the proposed land division and the name of the engineer(s) or surveyor(s) and the date of the survey, if any.

(B) Proof of record ownership of the tract and the representative's authorization.

(C) Legal description of the tract.

(D) Present and proposed uses of the tract including all areas proposed to be dedicated to the public.

(E) Statements of the manner in which the criteria for approval listed in MCC 36.7800 are satisfied.

(F) Statement of the improvements to be made or installed, including street tree planting, and the time such improvements are to be made or completed.

**§ 36.7825 SUPPLEMENTARY MATERIAL:
CATEGORY 1 TENTATIVE
PLAN.**

The following supplementary material may be required by the Planning Director:

(A) A survey of the tract.

(B) A vicinity map showing existing divided and undivided land adjacent to the proposed land division, the existing uses and structures thereon, and an indication of the manner in which the proposed streets and utilities may be extended to connect to existing streets and utilities or to serve future land divisions.

(C) Proposed deed restrictions and methods of proposed ownership.

(D) Such other material as the Planning Director deems necessary to assist in the review and assessment of the land division proposal according to the provision of this Chapter.

**§ 36.7855 CRITERIA FOR APPROVAL:
CATEGORY 3 TENTATIVE
PLAN.**

In granting approval of a Category 3 tentative plan, the Planning Director shall find that the criteria listed in subsections (B), (C) and (H) of MCC 36.7800 are satisfied and that the tentative plan complies with the area and dimensional requirements of the underlying zoning district.

**§ 36.7860 CONTENTS OF CATEGORY 3
TENTATIVE PLAN.**

A tentative plan for a Category 3 Land Division shall consist of maps, written information and supplementary material adequate to provide the following:

(A) Type 3 tentative plan map contents. A tentative plan map of a sheet size and scale as specified in MCC 36.7810 shall indicate the following:

(1) Date, north point and scale of drawing.

(2) Description of the proposed land division sufficient to define its location and boundaries.

(3) Identification as a tentative plan map.

and assessment of the land division proposal according to the provisions of this Chapter.

(4) Location, names or purpose and width of all streets, rights-of-way or easements on or abutting the tract.

(5) Natural features, water courses or areas covered by water.

(6) The location and use of any buildings or structures proposed to remain after division.

(7) The proposed parcels, their dimensions and areas.

(8) Contiguous property under the same ownership.

(B) Written information; Category 3 tentative plan. Written information shall include:

(1) Name, address and telephone number of the record owner(s), owner's representative, designer(s), engineer(s) or surveyor(s), and the date of survey, if any.

(2) Proof of record ownership of the tract and the representative's authorization.

(3) Legal description of the tract.

(4) Present and proposed uses.

(5) Description of the water supply, methods of sewage disposal and storm water disposal, and the availability of other utilities.

(6) Statements of the manner in which the criteria for approval listed in MCC 36.7855 are satisfied.

(7) Statement of the improvements to be made or installed and the time scheduled therefore.

(C) Supplementary material; Category 3 tentative plan. The Planning Director may require such additional information, listed in sections MCC 36.7805 through 36.7825, as the Director deems necessary to assist in the review

**§ 36.7865 TENTATIVE PLAN APPROVAL
TIME LIMITS; STAGED
DEVELOPMENT.**

Tentative plan approval expiration and extension shall be in accordance with MCC 37.0690 through 37.0700.

**§ 36.7885 APPLICATION OF GENERAL
STANDARDS AND
REQUIREMENTS.**

Every land division proposal shall comply with the applicable provisions of MCC 36.7890 through 36.7965.

§ 36.7890 LAND SUITABILITY.

A land division shall not be approved on land found by the approval authority to be both unsuitable and incapable of being made suitable for the intended uses because of any of the following characteristics:

- (A) Slopes exceeding 20%;
- (B) Severe soil erosion potential;
- (C) Within the 100-year flood plain;
- (D) A high seasonal water table within 0-24 inches of the surface for three or more weeks of the year;
- (E) A fragipan or other impervious layer less than 30 inches from the surface; or
- (F) Subject to slumping, earth slides or movement.
- (G) Pre-existing field drains or other subsurface drainage systems.

§ 36.7895 LOTS AND PARCELS.

The design of lots and parcels shall comply with the following:

- (A) The size, shape, width, orientation and access shall be appropriate:

(1) To the types of development and uses contemplated;

(2) To the nature of existing or potential development on adjacent tracts;

(3) For the maximum preservation of existing slopes, vegetation and natural drainage;

(4) To the need for privacy through such means as transition from public to semi-public to private use areas and the separation of conflicting areas by suitable distances, barriers or screens; and

(5) To the climactic conditions including solar orientation and winter wind and rain.

(B) The side lot lines shall be perpendicular to the front lot line or radial to the curve of a street, to the extent practicable.

(C) Double frontage or reverse frontage lots or parcels shall be provided only when essential for separation of land uses from arterials or to overcome specific disadvantages of topography or orientation.

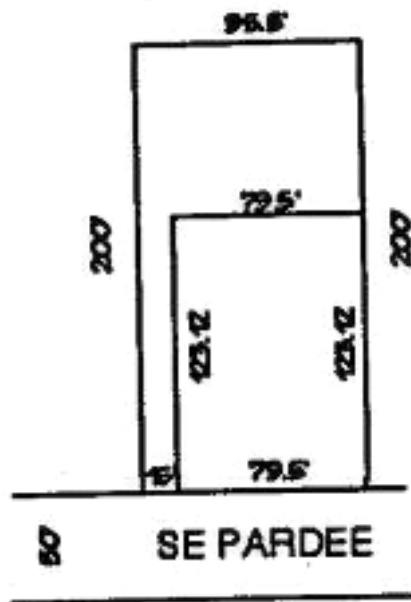
(D) A land division may include creation of a flag lot with a pole that does not satisfy the minimum frontage requirement of the applicable zoning district, subject to the following:

(1) When a flag lot does not adjoin another flag lot, as shown in MCC 36.7895 Figure 1, the pole portion of the flag lot shall be at least 16 feet wide.

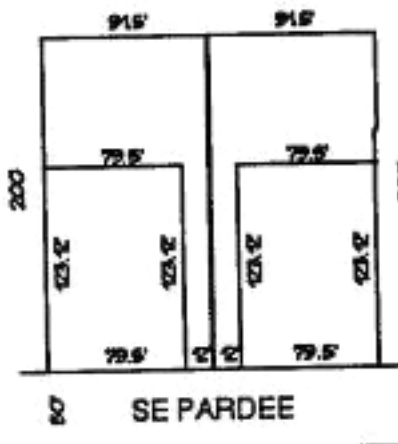
(2) Where two flag lots are placed back to back as shown in MCC 36.7895 Figure 2, the pole portion of each flag lot shall be at least 12 feet wide.

(E) Within a land division, flag lots shall not be stacked one behind the other as shown in MCC 36.7895 Figure 3. Instead, a private accessway

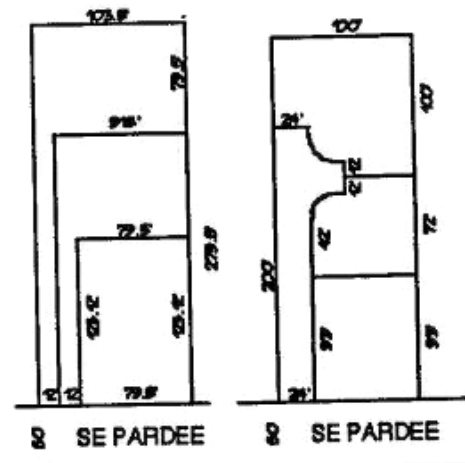
shall be used as shown in MCC 36.7895 Figure 4.



MCC 36.7895 Figure 1



MCC 36.7895 Figure 2



MCC 36.7895 Figure 3 MCC 36.7895 Figure 4

§ 36.7900 ACREAGE TRACTS.

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this or any other ordinance, the approval authority shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future rights-of-way or building sites.

§ 36.7905 STREET LAYOUT.

(A) Except as otherwise provided in subsections (B) and (C) of this section, the arrangement of streets in a land division shall be designed:

- (1) To conform to the arrangement established or approved in adjoining land divisions;
- (2) To continue streets to the boundary of any adjoining undivided tract where such is necessary to the proper development of the adjoining land;
- (3) To assure the maximum possible preservation of existing slopes, vegetation and natural drainage;

(4) To limit unnecessary through traffic in residential areas;

(5) To permit surveillance of street areas by residents and users for maximum safety;

(6) To assure building sites with appropriate solar orientation and protection from winter wind and rain;

(7) To assure storm water drainage to an approved means of disposal; and

(8) To provide safe and convenient access.

(B) Where topography or other conditions make conformance to the existing street pattern or continuance to an adjoining tract impractical, the street layout shall conform to an alternate arrangement authorized by the approval authority.

(C) Where a street layout affecting the proposed land division has been established by the Comprehensive Plan, or as an element of a Special Plan Area under MCC 36.5010, the arrangement of streets in the land division shall conform to the established layout.

(D) A half street may be permitted only where appropriate to the future division of adjoining undeveloped property, provided that when possible, additional dedicated right-of-way exceeding one-half of a street may be required to provide adequate width to accommodate two-way vehicle traffic.

(E) When necessary for adequate protection of existing or proposed land uses or to afford separation of through and local traffic, a land division abutting or containing an existing or proposed arterial may be required to include, among other things, a frontage street, reverse frontage lots with extra depth, or screen plantings in a non-access reservation along a property line.

§ 36.7910 STREET DESIGN.

The width, design and configuration of all streets in or abutting the land division shall comply with applicable ordinance standards as follows:

(A) For a public street - in accordance with the Street Standards Code and Rules; and

(B) For a private street - in accordance with the Street Standards Code and Rules, subject to the following additional requirements:

(1) Accessways shall be designed in accordance with Permit Requirements for Accessway Construction published by the Multnomah County Department of Environmental Service. Accessways shall have a maximum length of 300 feet.

(C) A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a turnaround having a radius of 50 feet.

§ 36.7915 STREET RESERVE STRIPS.

The land division shall provide for the appropriate extension or widening of streets serving the division or for allocating the improvement costs among future land divisions. A reserve strip or street plug may be required for such purposes. The control and disposition of reserve strips or plugs shall be placed within the jurisdiction of the County.

§ 36.7920 TEMPORARY TURNAROUNDS.

A temporary turnaround shall be provided on any street that is appropriate for continuation, either within the land division or beyond, when the street serves more than six interior lots.

§ 36.7925 STREET NAMES.

Names for public streets shall conform to the street naming system of Multnomah County. In order to discourage unnecessary traffic, the nature of a private street, a dead end street or a cul-de-sac shall

be identified by a sign approved as to design, content and placement by the County Engineer.

§ 36.7930 SIDEWALKS, PEDESTRIAN PATHS AND BIKEWAYS.

(A) A sidewalk shall be required along any private street serving more than six dwelling units.

(B) A pedestrian path located outside a street right-of-way may be substituted for a required sidewalk when it serves the same circulation function.

(C) Where a pedestrian path and bikeway is part of an approved plan for the area or has been approved on adjoining property, the approval authority may require the provision of a pedestrian path or bikeway within the land division.

(D) In order to provide for an appropriate circulation system, the approval authority may require a pedestrian path and bikeway across an unusually long or oddly-shaped block.

(E) The width, design and configuration of sidewalks and pedestrian paths and bikeways shall comply with applicable ordinance standards, as follows:

(1) In a public right-of-way - in accordance with the Street Standards Code and Rules; and

(2) On private property - as approved by the Planning Director in accordance with the Design Review provisions of this Chapter.

§ 36.7935 EASEMENTS.

Easements shall be provided and designed according to the following:

(A) Easements for utilities and storm or sanitary sewers may be required where appropriate to serve abutting lots or parcels. Such easements shall be not less than 10 feet in width, centered on side or rear property lines or five feet in width along front property lines.

(B) Where a tract is traversed by a water course such as a drainage way, channel or stream, a storm water easement or drainage right-of-way adequate to conform substantially with the lines of the water course shall be provided. In a drainage district or water control district, such easement or right-of-way shall be approved by the district board, in accordance with ORS 92.110. If not within such District, approval shall be by the County Engineer.

(C) Easements for pedestrian paths and bikeways shall be not less than 10 feet in width.

§ 36.7940 STREET TREES.

Street trees shall be planted by the applicant according to the street tree planting plan and schedule approved by the County Engineer as an element of the tentative plan. Trees which have not survived for one year after initial planting shall be replaced by the applicant within four months of loss.

§ 36.7950 WATER SYSTEM.

The provision of domestic water to every lot or parcel in a land division shall comply with the requirements of subsections (4) (a), (b), or (c) of ORS 92.090 and MCC 36.7985 of this Chapter.

§ 36.7955 SEWAGE DISPOSAL.

The provision for the disposal of sewage from every lot or parcel in a land division shall comply with the requirements of subsection (5) (c) of ORS 92.090 and MCC 36.7990 of this Chapter.

Each parcel or lot shall contain adequate land area to accommodate both a primary and reserve septic system drainfield area, and for surface and storm drainage systems.

§ 36.7960 SURFACE DRAINAGE.

Surface drainage and storm water control systems shall be provided as required by section MCC 36.7995. On -site water disposal or retention facilities shall be adequate to insure that surface runoff rate or volume from the new parcels after

development is no greater than that before development.

§ 36.7965 ELECTRICAL AND OTHER WIRES.

Wires serving within a land division, including but not limited to electric power, communication, street lighting and cable television wires, shall be placed underground. The approval authority may modify or waive this requirement in acting on a tentative plan upon a finding that underground installation:

- (A) Is impracticable due to topography, soil or subsurface conditions;
- (B) Would result in only minor aesthetic advantages, given the existence of above-ground facilities nearby; or
- (C) Would be unnecessarily expensive in consideration of the need for low-cost housing proposed on the lots or parcels to be served.

§ 36.7970 PROPERTY LINE ADJUSTMENT (LOT LINE ADJUSTMENT)

A property line adjustment is the relocation of a common property line between two abutting properties.

- (A) The Planning Director may approve a property line adjustment between two properties, in the Rural Area, where an additional lot or parcel is not created and where the existing lot or parcel reduced in size by the adjustment is not reduced below the minimum lot size established by the applicable zoning designation.
- (B) The Planning Director may approve a property line adjustment between two properties in the Rural Area where an additional lot or parcel is not created but where one or both of the adjusted properties are below the minimum lot size established by the applicable zoning district designation. Such an adjustment shall comply with any applicable zoning district

standards for a Property Line Adjustment or Lot Line Adjustment.

(C) Property line adjustments approved under subsections (A) and (B) above shall meet the following additional standards:

- (1) No additional lot or parcel shall be created from any parcel by the property line adjustment; and
- (2) Owners of both properties involved in the property line adjustment shall consent in writing to the proposed adjustment and record a conveyance or conveyances conforming to the approved property line adjustment; and
- (3) The adjusted properties shall meet all dimensional requirements in the underlying zoning district designation except for lot area.
- (4) The right-of-way width between the front line of each adjusted property and the centerline of any adjacent County road shall comply with the applicable provisions of the Street Standards Code and Rules as determined by the County Engineer.

(D) The procedure and forms for obtaining approval of a property line adjustment shall be as provided for by the Planning Director.

§ 36.7975 REQUIRED IMPROVEMENTS.

Improvements in a land division shall be made in accordance with the provisions of MCC 36.7980 through 36.8000 and 36.8010.

§ 36.7980 STREETS, SIDEWALKS, PEDESTRIAN PATHS AND BIKEWAYS.

Any street, pedestrian path or bikeway shall be improved as follows:

(A) In a public street - in accordance with this Chapter and the Street Standards Code and Rules; and,

(B) In a private street - in accordance with the Street Standards Code and Rules.

(C) Underground utilities and street lighting facilities, storm drains and water mains located in a street shall be installed prior to the surfacing of the street.

§ 36.7985 WATER SYSTEM.

Water mains, service and fire hydrants shall meet the requirements of the Water District and shall be located as follows:

(A) In a public street - in accordance with the Street Standards Code and Rules; and

(B) In a private street - as approved by the approval authority.

§ 36.7990 SEWAGE DISPOSAL.

(A) A sewage disposal system approved by the State Department of Environmental Quality, shall be provided. All lots or parcels in a proposed land division which will utilize private subsurface sewage disposal system shall apply for and obtain approval of a Land Feasibility Study confirming the ability to utilize the system prior to tentative plan approval. In such cases, the approval authority may require that a sanitary sewer line, with branches to the right-of-way line for connection to a future sewer system, be constructed and sealed.

§ 36.7995 SURFACE DRAINAGE AND STORM SEWER SYSTEMS.

Drainage facilities shall be constructed as follows:

(A) In a public street - in accordance with the Street Standards Code and Rules; and

(B) In a private street and on lots or parcels - in accordance with the plans prepared by an Oregon licensed and registered professional

engineer and approved by the approval authority.

§ 36.8000 OTHER UTILITIES.

Other utilities, including electric, gas, street lighting and cable television facilities shall be provided as required by this Chapter and as follows:

(A) In a public street - in accordance with the Street Standards Code and Rules; and

(B) In a private street - as approved by the approval authority.

§ 36.8005 VARIANCES.

(A) A variance from the provisions of MCC 36.7885 through 36.8000 of this Chapter may be authorized by the Hearings Officer or the Planning Commission, as appropriate. Such a variance may be authorized only when substantially all of the following factors exist:

(1) Special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity;

(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the ordinance requirements;

(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity;

(4) The granting of the variance will not adversely affect implementation of the Comprehensive Plan; and

(5) The circumstances of any hardship are not of the applicant's making.

(B) Application for a variance shall be filed with the Planning Director, on the forms provided, at the time of application for tentative

plan approval. The application shall be accompanied by the required fee. Notice of the hearing on the tentative plan shall include notice of the proposed variance.

(C) A variance authorized under the provisions of MCC 36.8005 shall expire upon expiration of the tentative plan approval or of the phase of an approved staged development associated therewith.

(D) A variance from the provisions of the Street Standards Code and Rules may be authorized as provided therein.

established by the Oregon Revised Statutes (ORS), Chapters 92 and 209.

(B) Notwithstanding optional provisions in ORS Chapter 92, all parcels created shall be surveyed, monumented and platted, regardless of parcel area.

§ 36.8010 IMPROVEMENT AGREEMENT.

Prior to approval of a subdivision plat or partition plat by the County Engineer, the applicant shall execute and file with the County Engineer an agreement with the County, which shall include:

(A) A schedule for the completion of required improvements;

(B) Provision that the applicant file with the County Engineer a maintenance bond, on forms provided by the Engineer, guaranteeing the materials and workmanship in the improvements required by this Chapter against defects for a period of 12 months following the issuance of a certificate of acceptance by the County Engineer; and

(C) A surety bond, executed by a surety company authorized to transact business in the State of Oregon, or a certified check or other assurance approved by the County Attorney, guaranteeing complete performance. Such assurance shall be for a sum equal to 110% of the actual costs of the improvements as estimated by the County Engineer.

§ 36.8015 FINAL DRAWING AND PRINTS.

(A) Two prints of the subdivision or partition plat shall accompany the final drawing, conforming to all applicable requirements as

**§ 36.8020 INFORMATION REQUIRED ON
SUBDIVISION PLAT OR
PARTITION PLAT.**

In addition to the information required to be shown on the tentative plan, the following shall be shown on the subdivision plat or partition plat:

- (A) Corners of adjoining subdivisions or partitions.
- (B) The location, width and centerline of streets and easements abutting the boundaries of the land division.
- (C) Normal flood plain or high water line for any creek or other minor body of water or natural drainageway and the 100-year flood line of any major water body.
- (D) The ownership of each private street shall be shown.
- (E) Other certifications required by law.

**§ 36.8025 SUPPLEMENTAL
INFORMATION WITH
SUBDIVISION PLAT OR
PARTITION PLAT.**

The following shall accompany the subdivision plat or partition plat, as appropriate:

- (A) A copy of any deed restrictions applicable to the subdivision or partition.
- (B) A copy of any dedication requiring separate documents.
- (C) As used in this section, "lot" means a unit of land that is created by a subdivision of land, and a "tract" will be considered a lot, except for street plugs.

**§ 36.8030 TECHNICAL REVIEW AND
APPROVAL OF SUBDIVISION
PLAT OR PARTITION PLAT.**

(A) The subdivision plat or partition plat and all required material shall be filed with the Planning Director for final approval. Within 10 business days of filing, the Planning Director shall determine whether the material conforms with the approved tentative plan and with the applicable requirements of this Ordinance. If the Planning Director determines that there is not such conformity, the applicant shall be so advised and afforded an opportunity to make corrections. When the plat is found to be in conformity, it shall be signed and dated by the Planning Director.

(B) On a subdivision plat, the approval signature of the Chair of the Board of County Commissioners or the Chair's delegate, shall be required to certify that the plat is approved.

(C) No building permit shall be issued or parcel sold, transferred or assigned until the partition plat has been approved by the Planning Director and County Surveyor and recorded with the public office responsible for public records.

§ 36.8035 FINAL APPROVAL EFFECTIVE.

Subdivision and partition approvals shall become final upon the recording of the approved plats, under ORS 92.120, any required street dedications and other required documents with the public office responsible for public records.

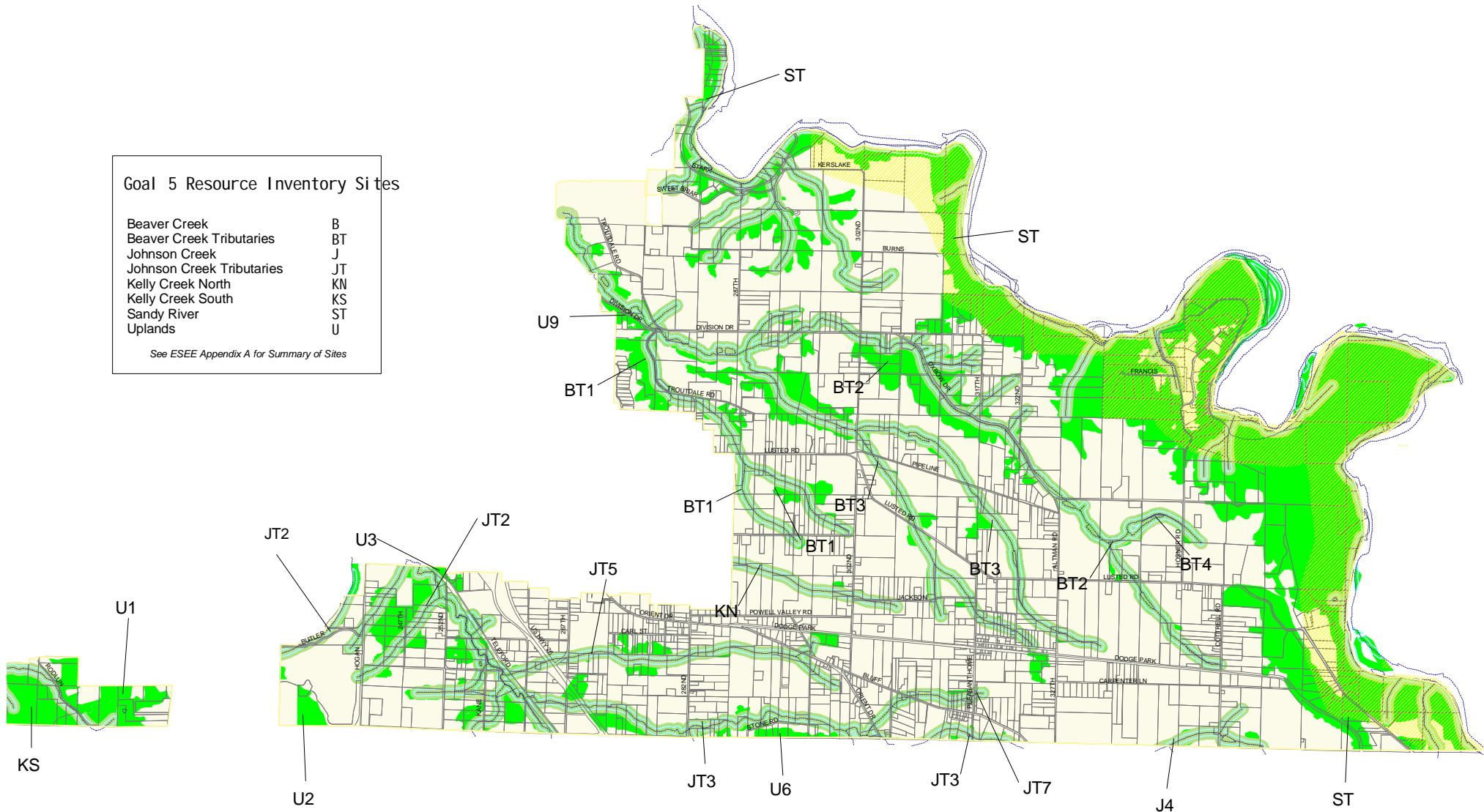
West of Sandy River

Significant Environmental Concern Overlay Zones

Goal 5 Resource Inventory Sites

Beaver Creek	B
Beaver Creek Tributaries	BT
Johnson Creek	J
Johnson Creek Tributaries	JT
Kelly Creek North	KN
Kelly Creek South	KS
Sandy River	ST
Uplands	U

See ESEE Appendix A for Summary of Sites



Land Use
Planning
Division

1600 SE 190th Ave
Portland, OR 97233
(503) 988-3043
Fax (503) 988-3389
land.use.planning@co.multnomah.or.us

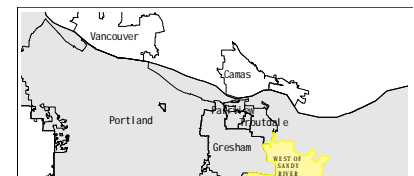
Significant Environmental Concern Zones

- SEC-wr Water Resource
(200 ft each side of stream)
- SEC-h Wildlife Habitat
- SEC-sw Scenic Waterways

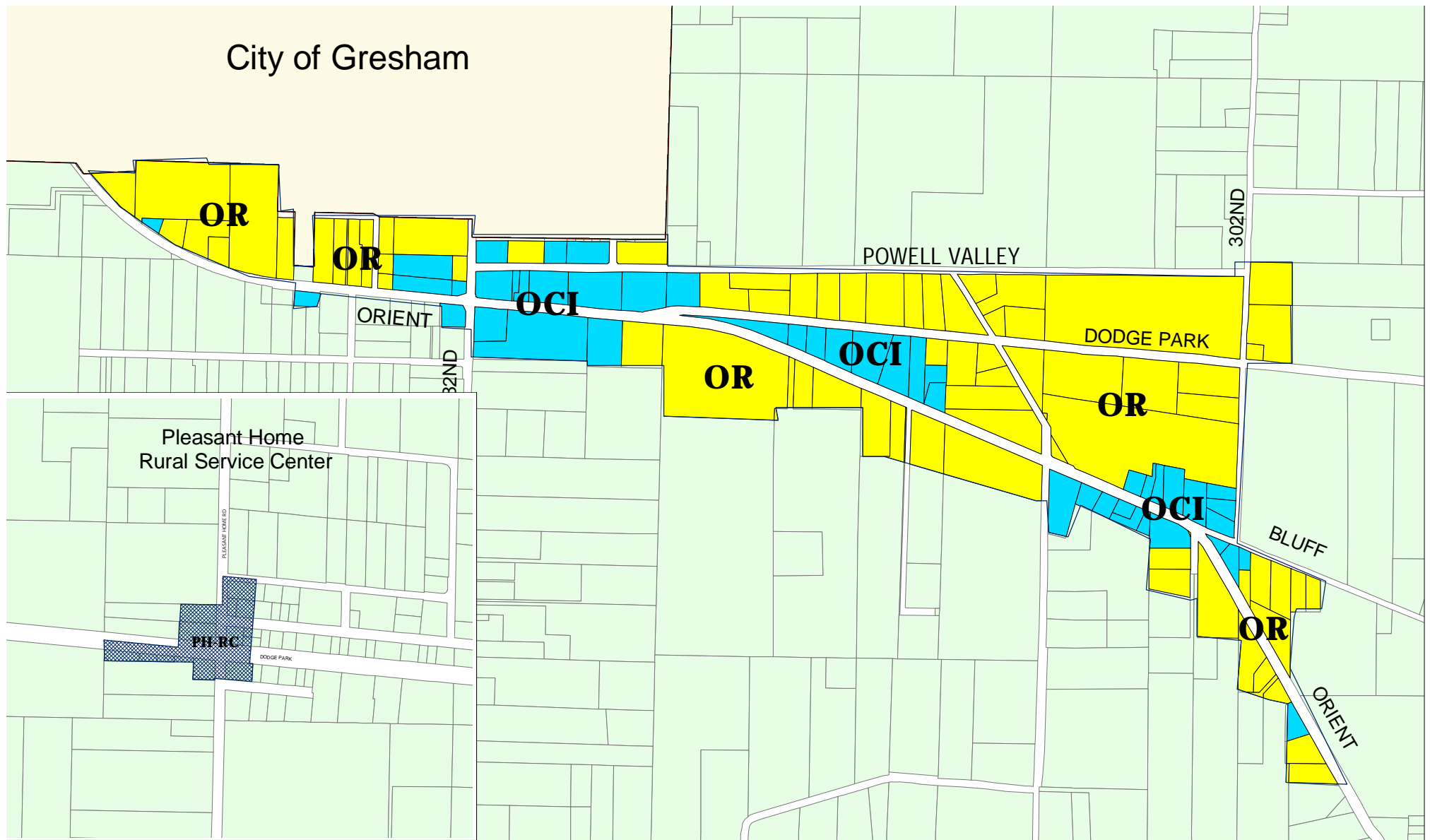
- Riparian Corridors
(100 ft each side of stream)
- West of Sandy River Plan Area
- Tax Lot Boundaries
- Streams



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City of Gresham

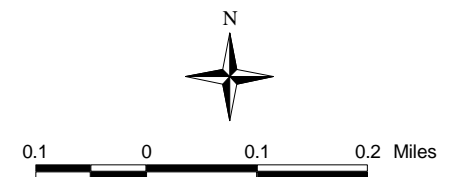


- Orient Rural Community Zones
- Commercial and Industrial
 - Public Facilities and Residential
 - Pleasant Home Rural Service Center Zone

West of Sandy River Rural Area Plan

Figure 9

Rural Center Zoning Concept



Map by Parametrix. Data source: Metro RLIS
Revised April 5, 2002
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