

## APPENDIX

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

## 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

dwelling, 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 land 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.

## 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

## 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

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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.

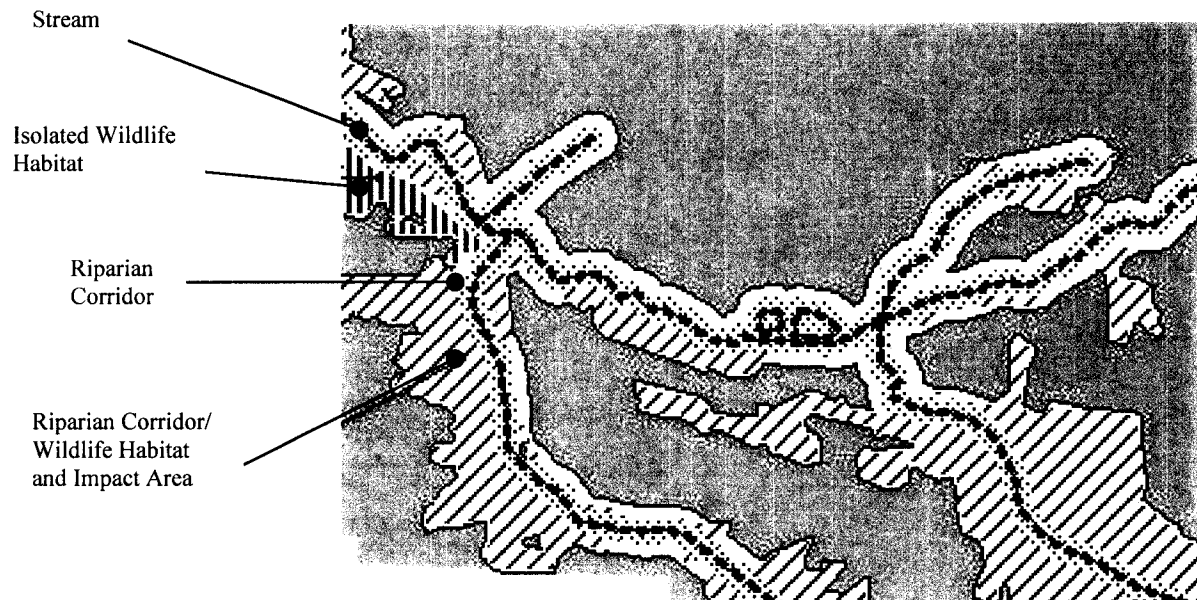
### **Summary of Regulatory Approach**

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.

<b>Area of Regulation</b>	<b>Area on Map (see sample map below)</b>	<b>How Regulated</b>
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**

<b>Common Name</b>	<b>Scientific</b>
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 telemateia</i>
Crane's Bill	<i>Erodium cicutarium</i>
Robert Geranium	<i>Geranium roberianum</i>
English Ivy	<i>Hedera helix</i>
St. John's Wort	<i>Hypericum perforatum</i>
English Holly	<i>Ilex aquafolium</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 officinale</i>
Common Bladderwort	<i>Ultricularia vuigaris</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, whichever 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

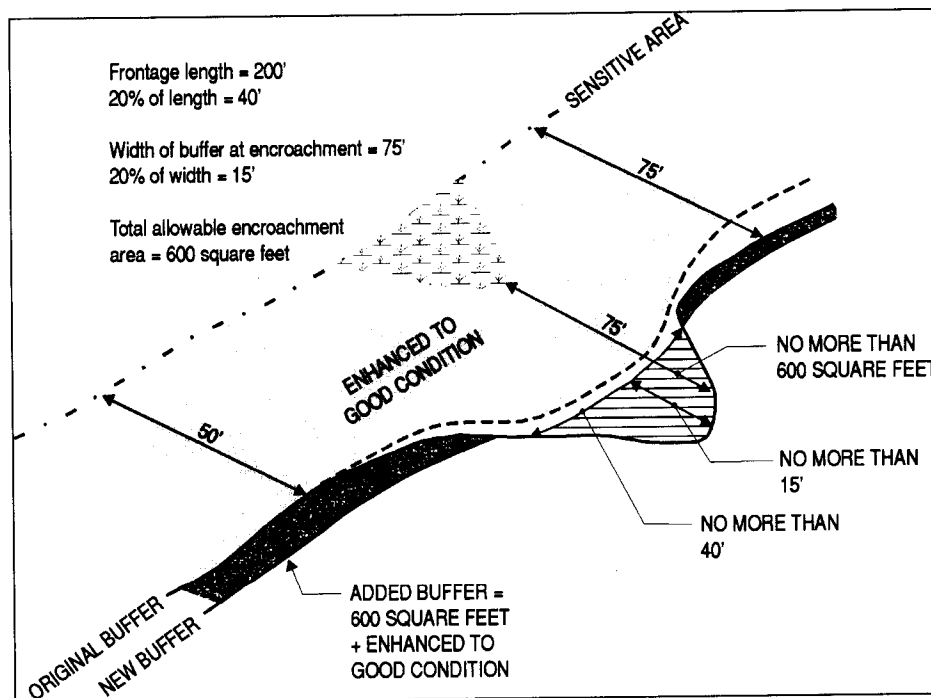
As an option, the County may also wish to allow “buffer averaging”. For example, development activities, which are within a designated SEC-wr, may be allowed to reduce the width of the 200 foot riparian/vegetated corridor and impact area under the following circumstances (see Figure 1 for an illustration):

- 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**

<b>Existing Riparian/Vegetated Corridor Condition</b>	<b>Requirements of Riparian/Vegetated Corridor Protection, Enhancement, and/or Mitigation</b>
<p style="text-align: center;"><b>Good Corridor</b></p> <ul style="list-style-type: none"> <li>Combination of native trees, shrubs, and groundcover covering greater than 80% of the area</li> <li style="text-align: center;">and</li> <li>Greater than 50% tree canopy exists (aerial measure)</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>Remove any invasive non-native or nuisance species and debris and noxious materials within the corridor by hand.</li> <li>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.</li> <li>Revegetate impacted area per approved plan to re-establish "good" corridor conditions</li> </ul>
<p style="text-align: center;"><b>Marginal Corridor</b></p> <ul style="list-style-type: none"> <li>Combination of native trees, shrubs, and groundcovers covering 50%-80% of the area</li> <li style="text-align: center;">and/or</li> <li>26-50% tree canopy exists (aerial measure)</li> </ul> <p>(Enhancement up to "good" corridor required regardless of planned impact or not)</p>	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>Vegetate corridor to establish "good" corridor conditions</li> </ul>
<p style="text-align: center;"><b>Degraded Corridor</b></p> <ul style="list-style-type: none"> <li>Combination of native trees, shrubs, and groundcovers covering is less than 50% of the area</li> <li style="text-align: center;">and/or</li> <li>Less than 25% tree canopy exists (aerial measure)</li> <li style="text-align: center;">and/or</li> <li>Greater than 10% of the area is covered by invasive, non-native species</li> </ul> <p>(Enhancement up to "good" corridor required regardless of planned impact or not)</p>	<ul style="list-style-type: none"> <li>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.</li> <li>Remove any invasive non-native or nuisance species and debris and noxious materials within the corridor by hand or mechanically as appropriate.</li> <li>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.</li> <li>Vegetate corridor to establish "good" corridor conditions</li> </ul>

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.

## 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.

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



# 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

---

## 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.

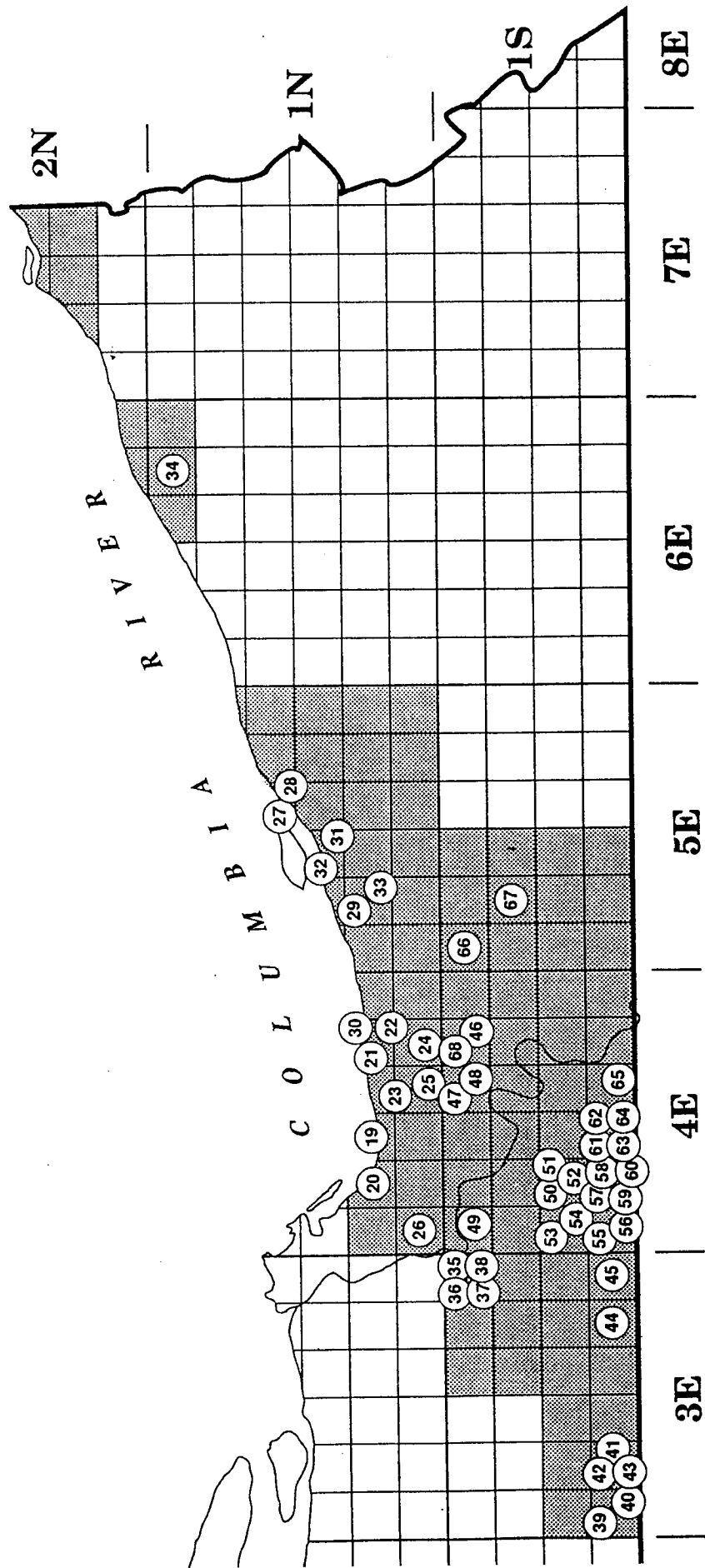
The second factor effecting transportation was the improvement of roads for vehicular traffic. During the latter part of the 19th century, farmers collectively worked to improve roads. In Aside from the obvious advantages for marketing their farm products, the incentive of free mail delivery spurred 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.

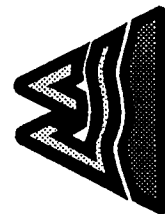
To date fifteen farm complexes or isolated farm buildings have been inventoried and are identified with the Pleasant Home/Orient area. While many are not considered individually significant, as a group they are significant because they represent an important aspect of Multnomah County's agricultural,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

FIGURE III

RESOURCE DISTRIBUTION MAP: EAST COUNTY



8 Resource Number



MULTNOMAH COUNTY



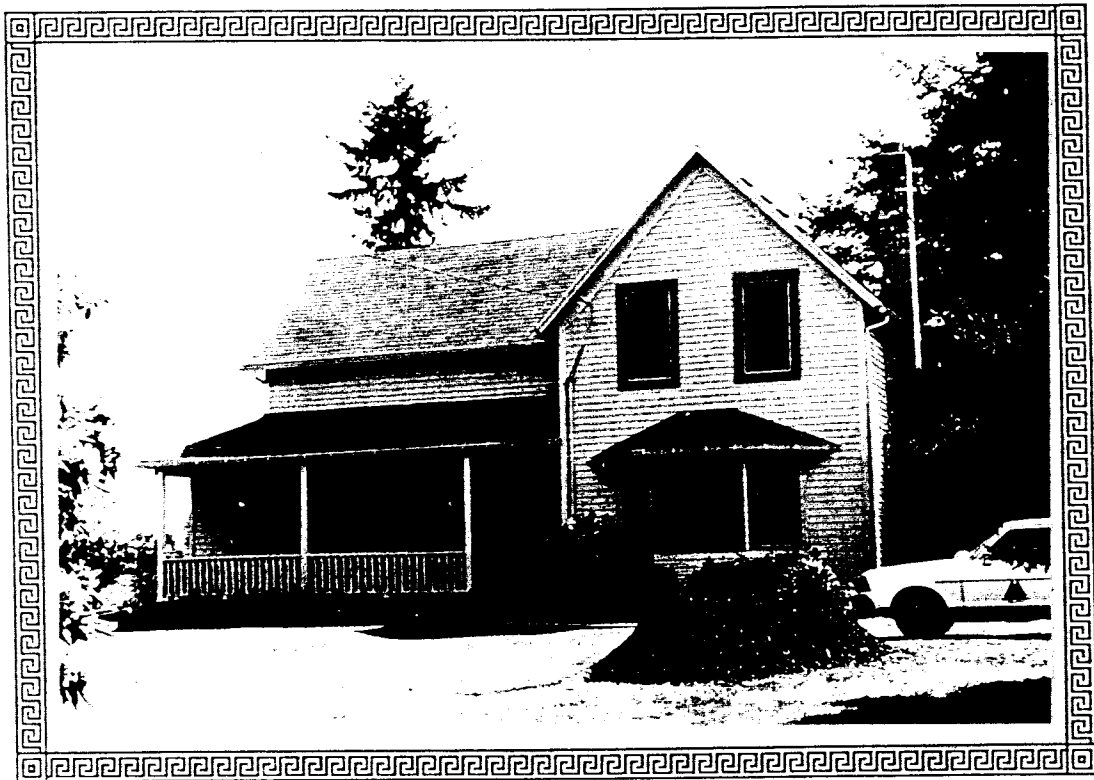
Current Owner: Chiodo

R994170270



Current Owner: Rea

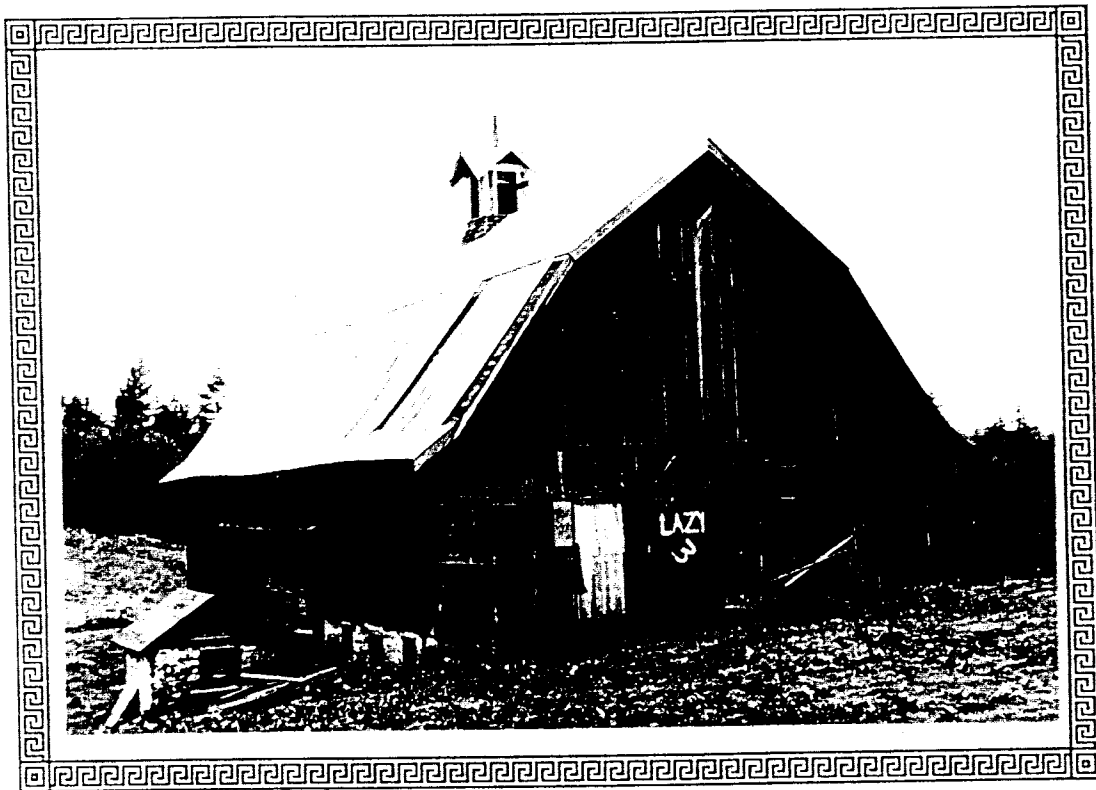
R994170350



Current Owner: Youmans

R994170690





Current Owner: Shattuck

R994180950



Current Owner: Kelly

R994181320



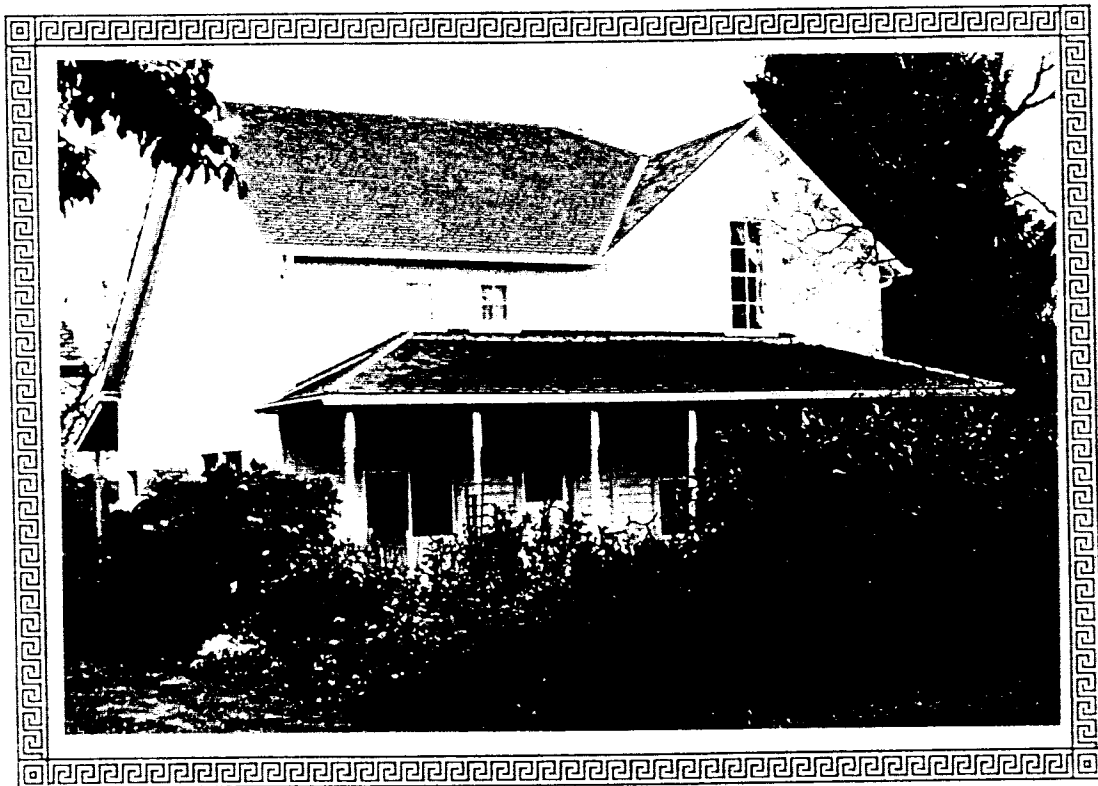
Current Owner: Richards

R994190049



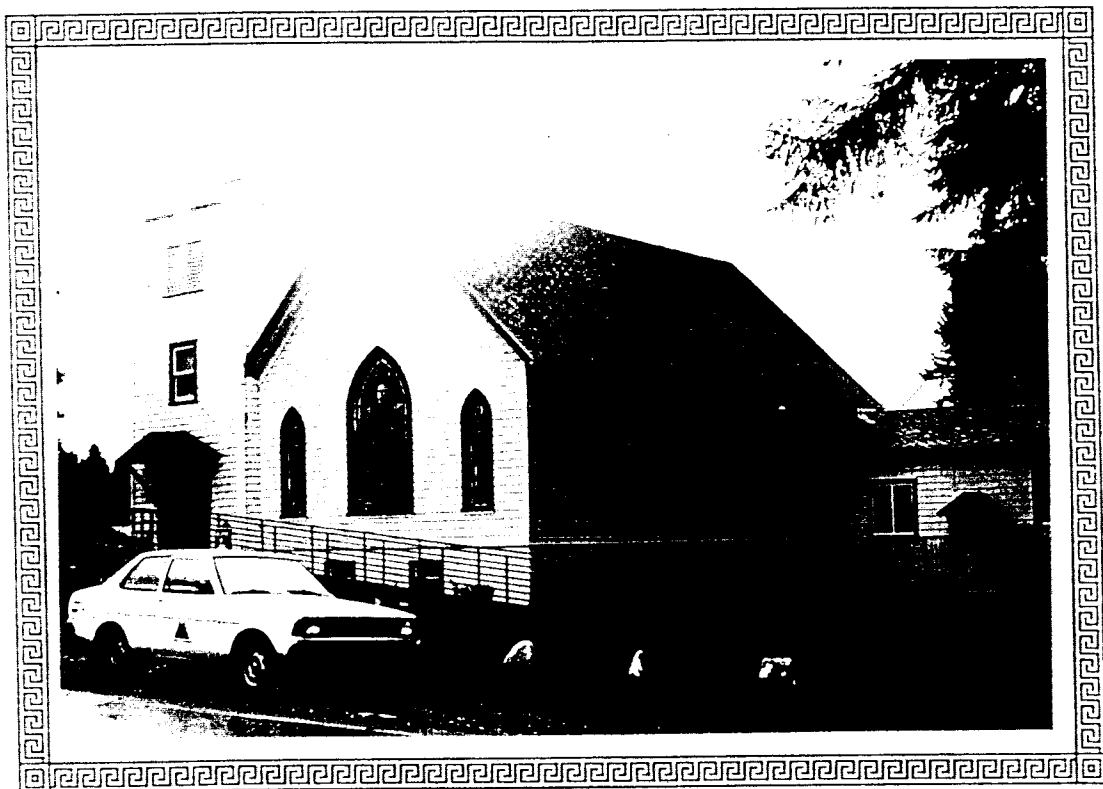
Current Owner: Harris

R994191200



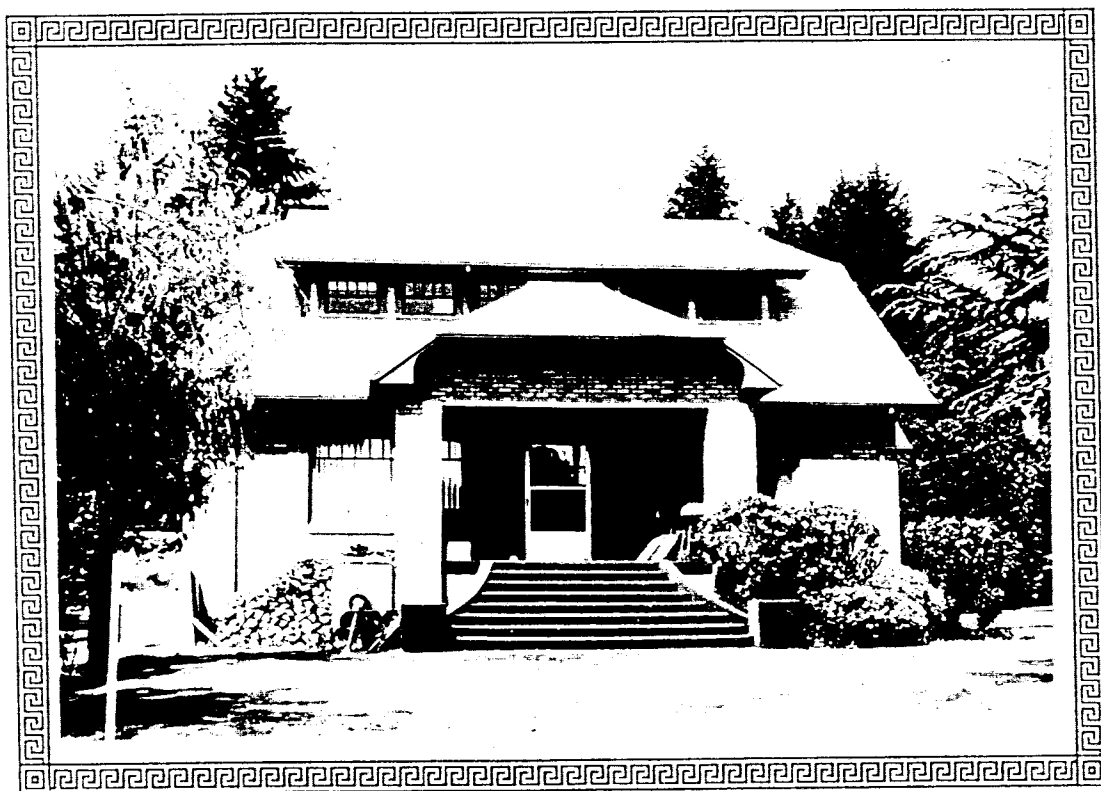
Current Owner: Carpenter and Hardin

R151300190

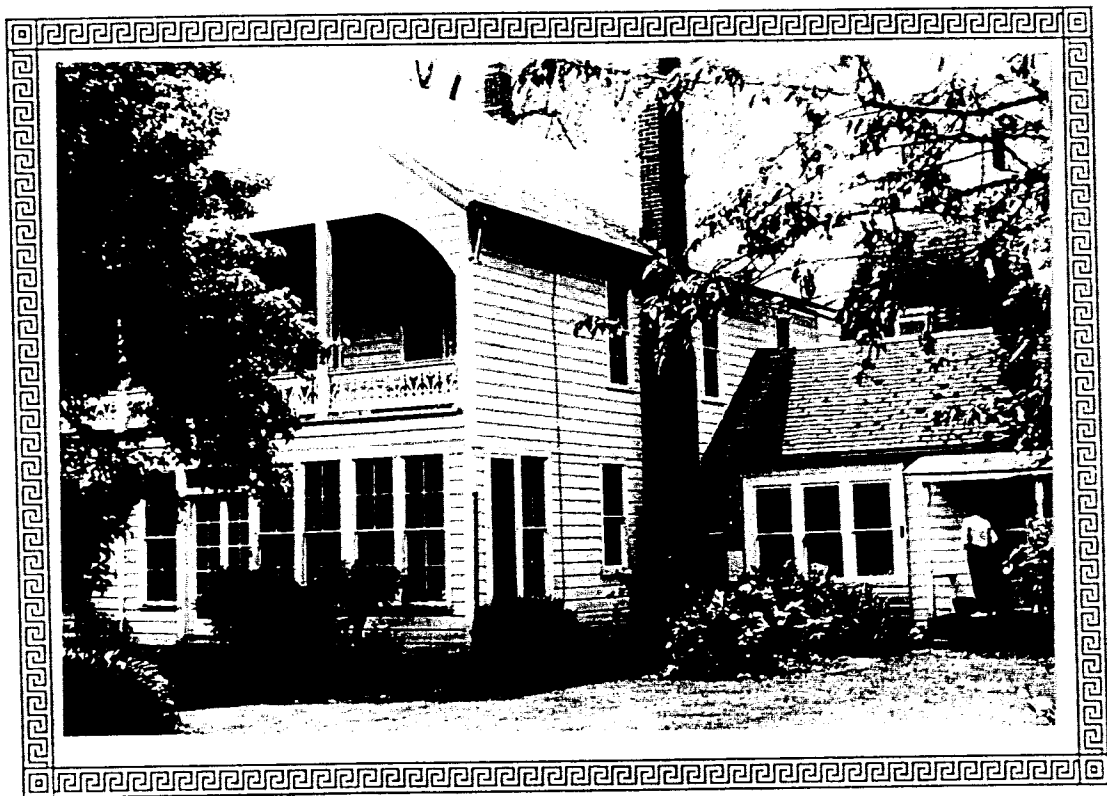


Current Owner: Pleasant <sup>Home</sup>~~Valley~~ Methodist Church

R994200290



Current Owner: Louderback



Current Owner: Bennett

R994202030





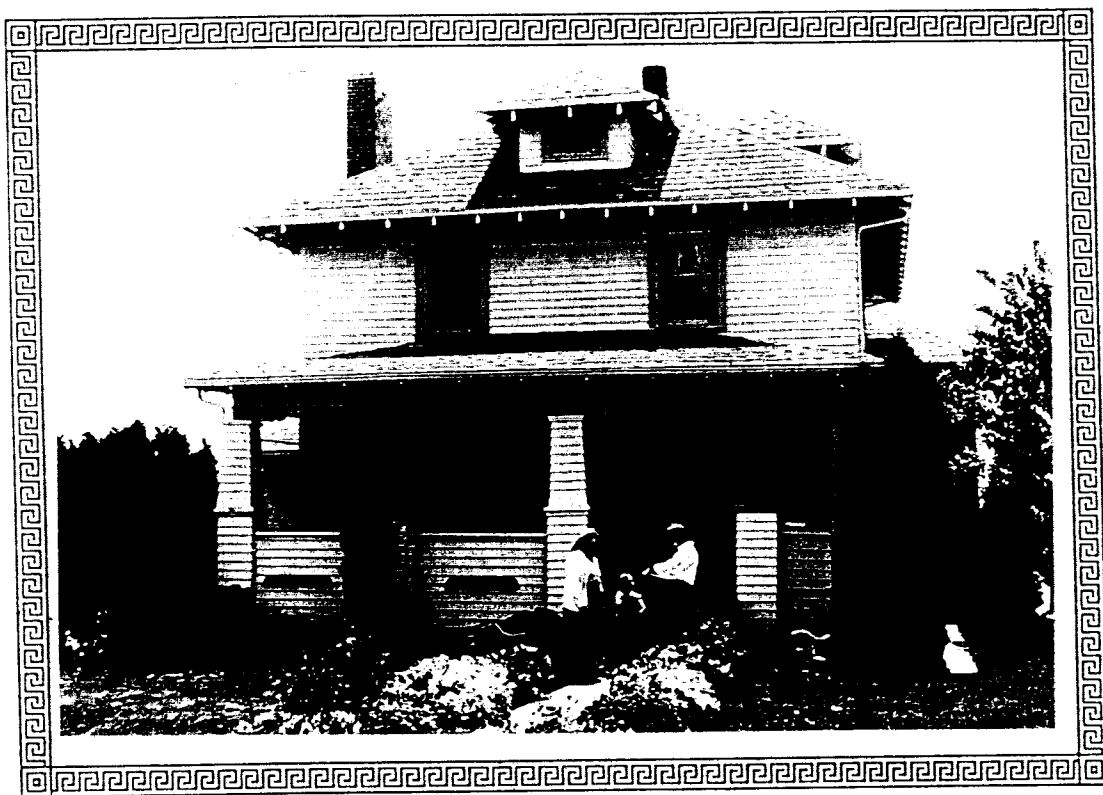
Current Owner: Surface

R994210030



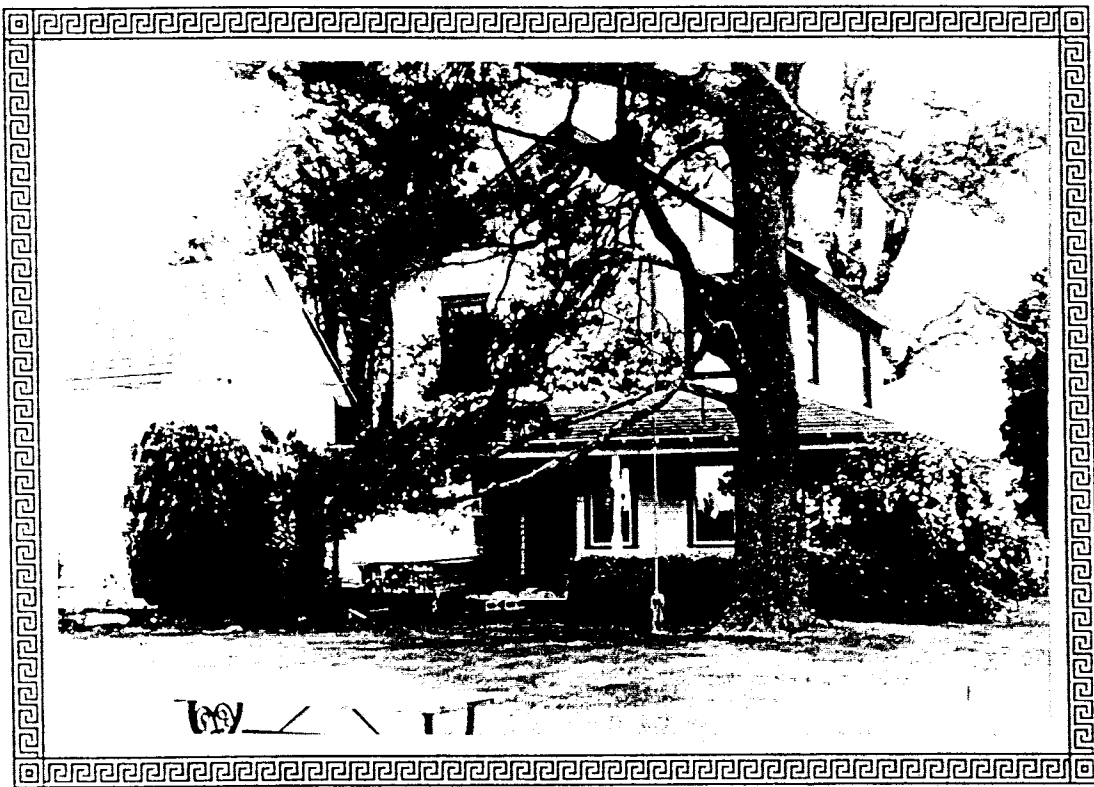
Current Owner: Lamb

R994210170



Historic Name: Adolph Sester House

R994210630



Current Owner: Blankenship

R994220060

## RECOMMENDED TRANSPORTATION IMPROVEMENTS

Key

Conceptual Road Realignment

0 100 200 300 400 Feet

SE Powell Valley Road

Autobody Shop

SE Orient Drive

SE Dodge Park Boulevard

Nursery

SE 282nd Avenue

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

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



Key

Conceptual Road Realignment

X

Remove Roadway Segment  
(westbound bicycle access  
could remain)

SE Troutdale Road

SE Division Drive

SE Division Drive

SE Troutdale Road

Minor Intersection Realignment

Single Family  
Residence

Signalize consolidated intersection when warranted

Increase radius for east bound to south bound right turn

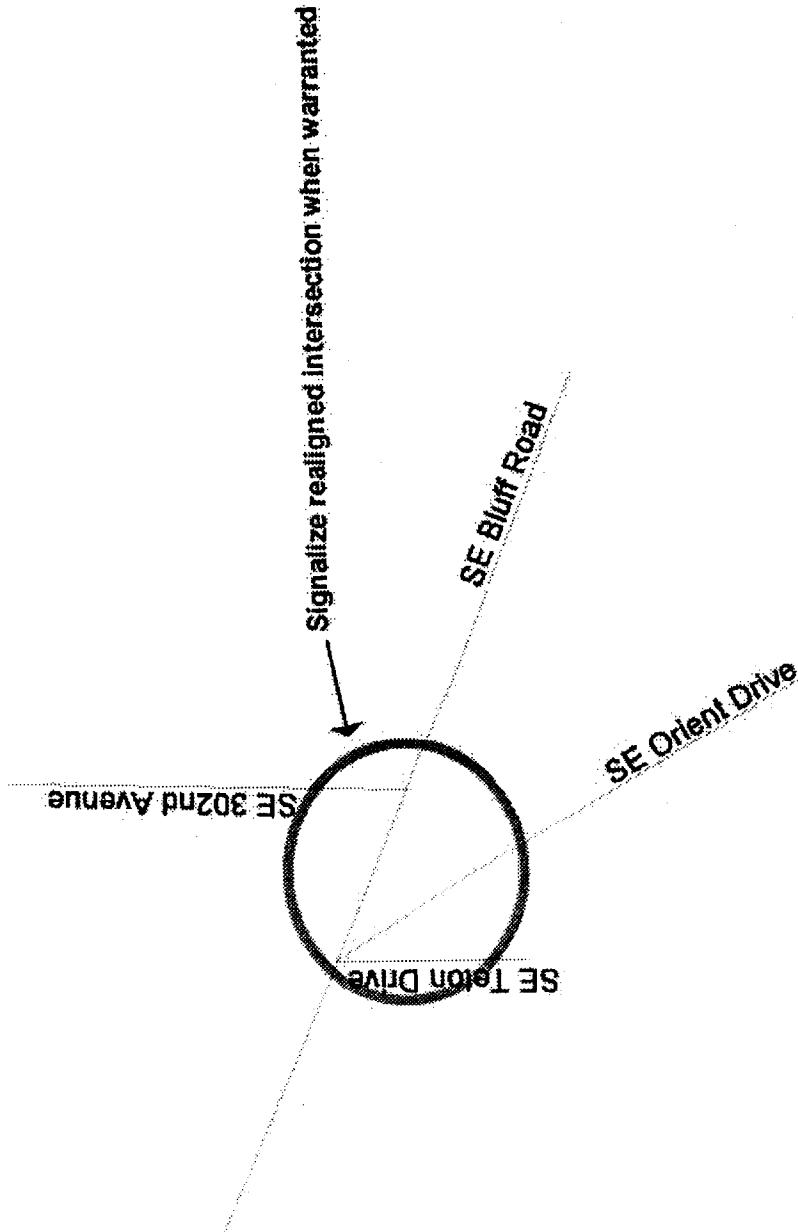
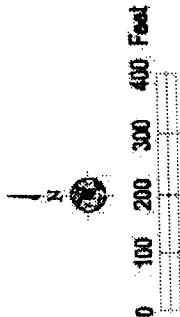
Multnomah County

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

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

**Key**

Area for Evaluation of Roadway Realignment

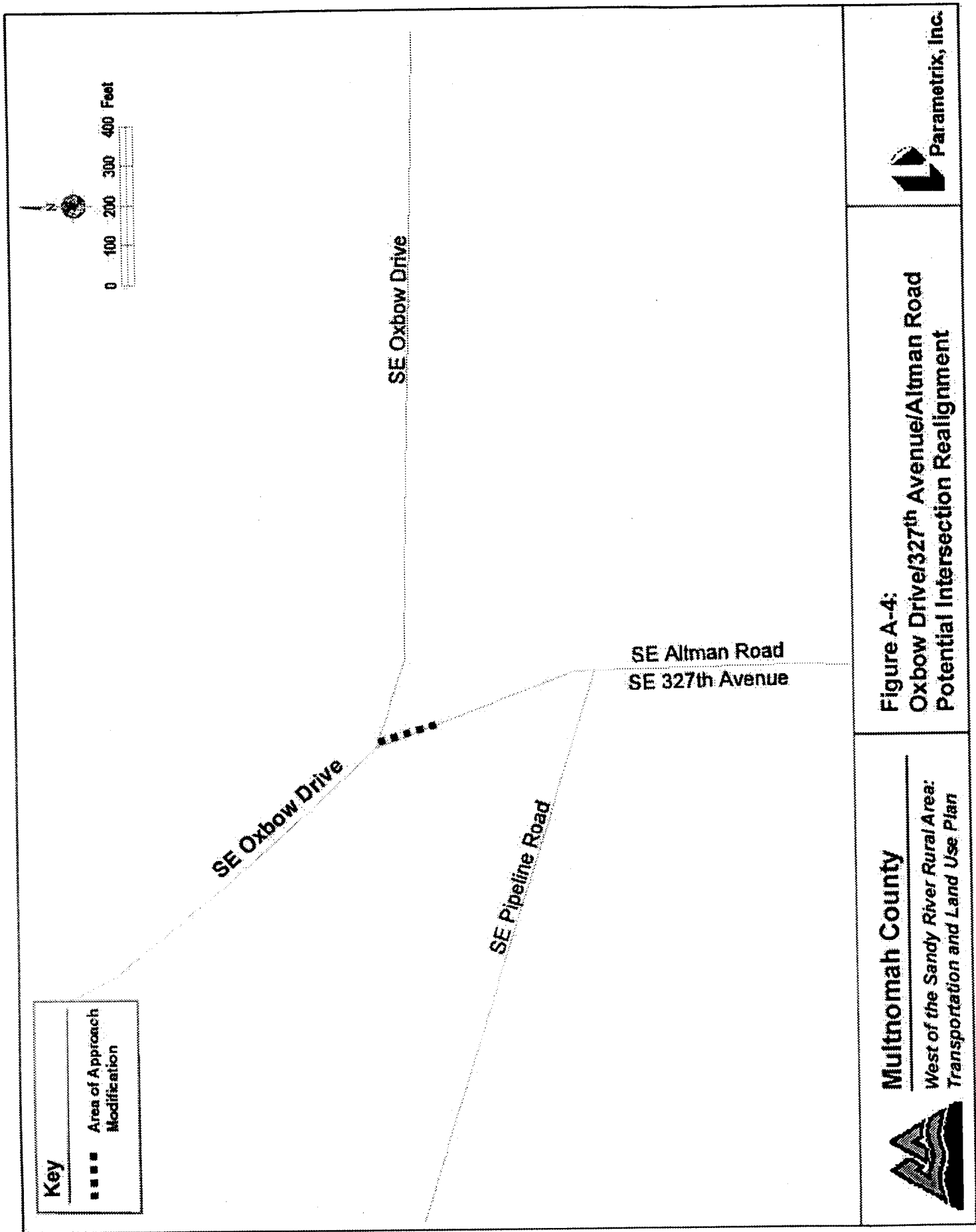


**Multnomah County**  
West of the Sandy River Rural Area:  
Transportation and Land Use Plan

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

Parametrix, Inc.

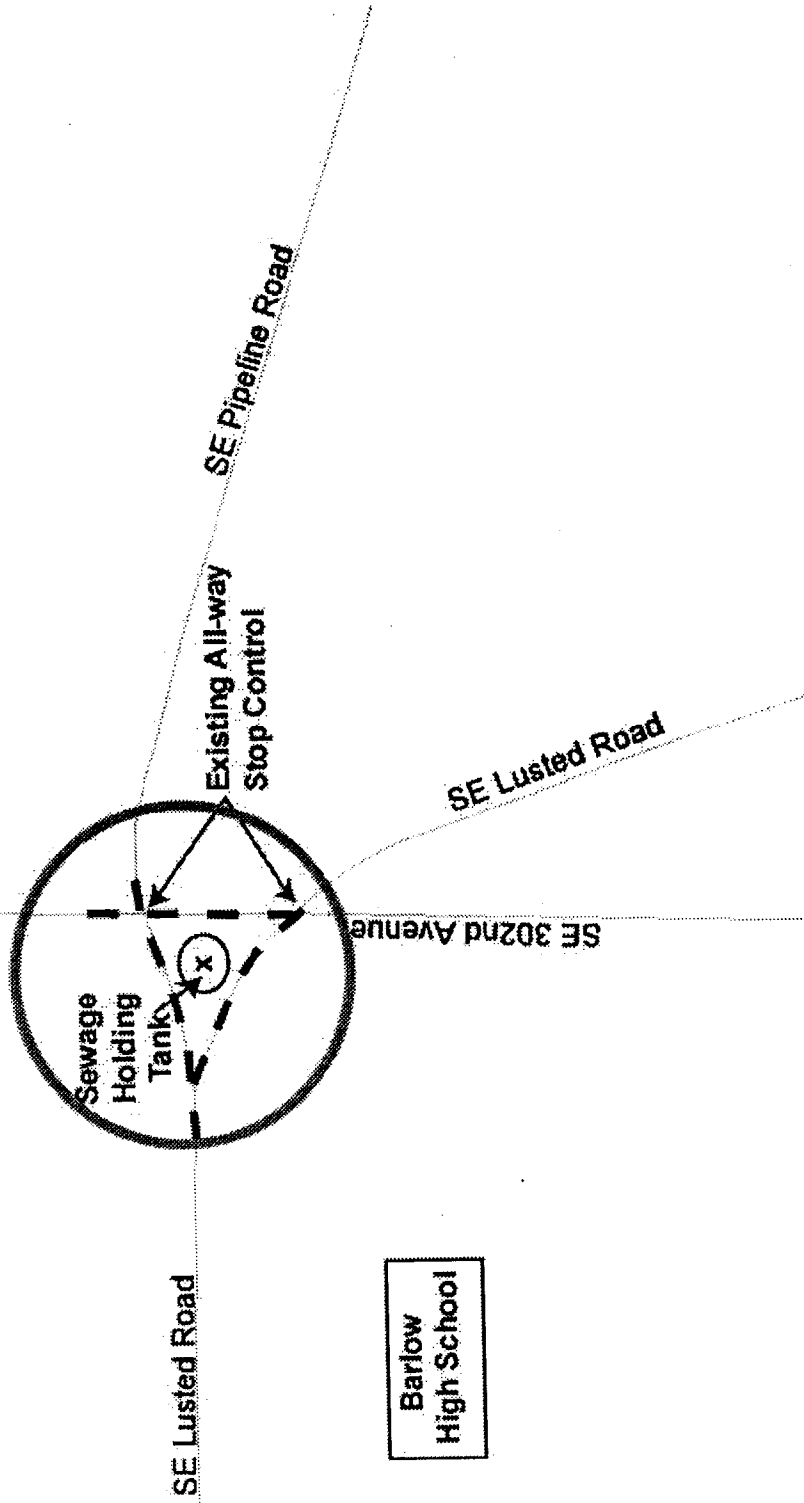
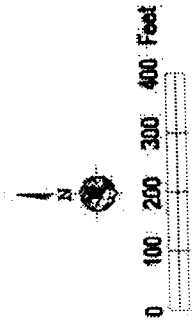




**Key**

— — — — — Parking Restrictions  
in Place

○ Area for Evaluation  
of Roadway Realignment/  
Intersection Consolidation



**Multnomah County**

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




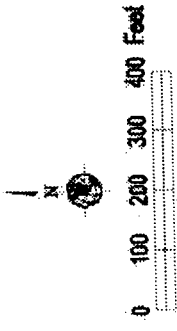
**Figure A-5:  
Lusted Road/302nd Avenue/Pipeline Road  
Potential Improvements**



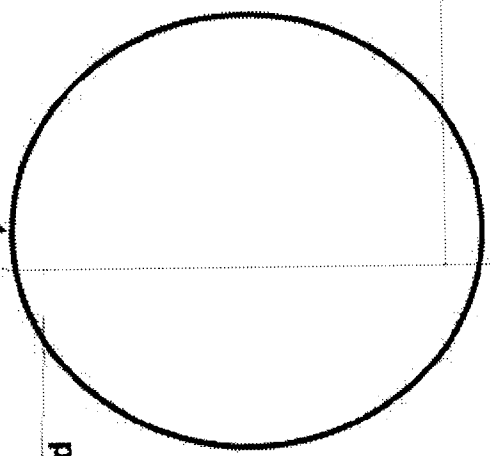
**Parametrix, Inc.**

Key


 Area for Evaluation of Roadway Realignment



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

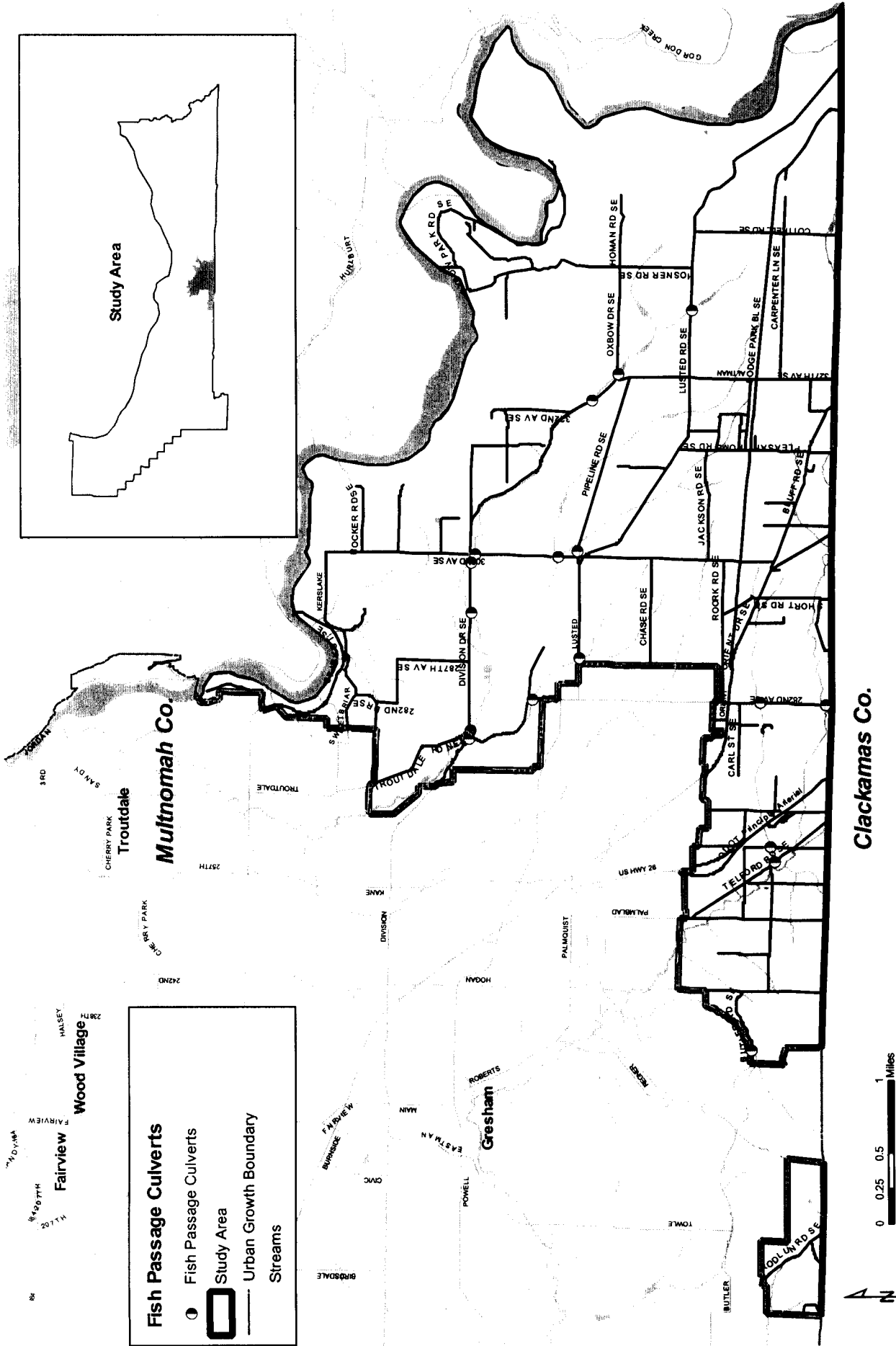
Figure A-6:  
Lusted Road/Powell Valley Road at 282nd  
Avenue Potential Realignment



Parametrix, Inc.



## **SIGNIFICANT FISH PASSAGE CULVERTS**



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



20011119-01

## Fish Passage Culverts

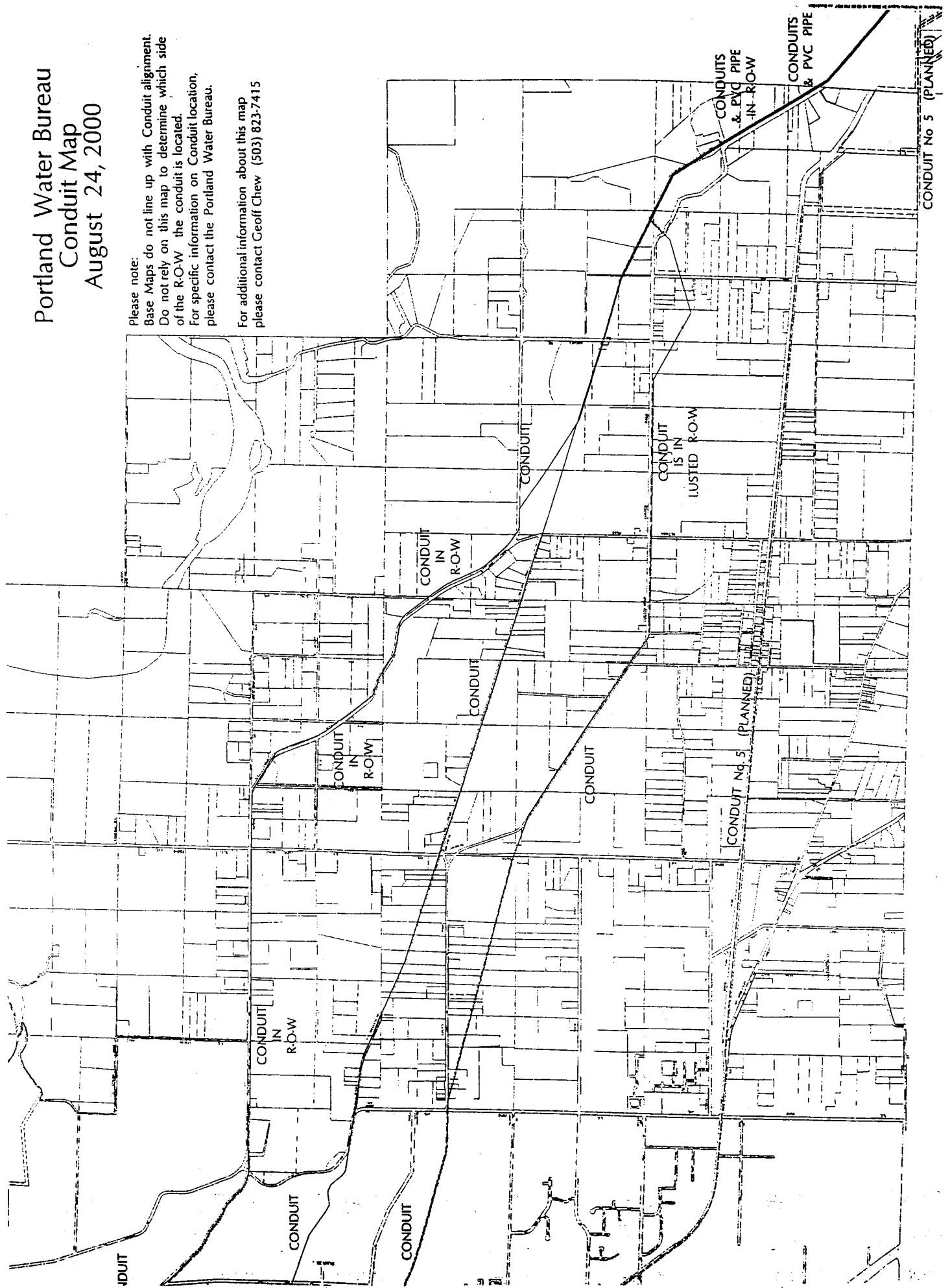
## GENERAL CONDUIT ALIGNMENTS

Portland Water Bureau  
Conduit Map  
August 24, 2000

Please note:

Base Maps do not line up with Conduit alignment.  
Do not rely on this map to determine which side  
of the R-O-W the conduit is located.  
For specific information on Conduit location,  
please contact the Portland Water Bureau.

For additional information about this map  
please contact Geoff Chew (503) 823-7415





## 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  
James Barrett, East Multnomah County Soil and Water Conservation  
Jeff Beiswenger, City of Gresham  
Steve Brutschner, Oregon Parks and Recreation Department  
Ken Burdette, Gresham Fire Bureau  
Catherine Charlo, Bicycle Transportation Alliance  
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 Fedge, USDA Natural Resources Conservation Service  
Bill Fuji, Oregon Water Resources Department  
Jim Galloway, City of Troutdale  
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  
Eric Jacobson, Department of Land Conservation and Development  
Jim Johnson, Oregon Department of Agriculture  
Ross Kevlin, Oregon Department of Transportation  
Steve Kucas, City of Portland Water Bureau  
Ted Leybold, Metro  
Elizabeth McCallum, City of Troutdale  
Juno Pandian, Oregon Water Resources Department  
Ron Papsdorf, City of Gresham  
Rod Park, Metro Councilor  
Mike Powers, Oregon Department of Agriculture/Multnomah County  
Dave Rader, Multnomah County Sheriff's Office  
Greg Robart, Oregon Department of Fish and Wildlife  
Scott Schaeffer, Oregon Farm Bureau  
Charles Sciscione, Oregon Department of Transportation  
Ray Valone, Metro Growth Management  
Ron Weinman, Clackamas County  
Cindy Zinser, Pleasant Home Water District