
NOTICE OF DECISION

Case File: T2-2018-11281

Permit(s): Significant Environmental Concern for Water Resources and Lot of Record Verification

Applicant(s): Terry Buchholz, Integrated Water Solutions **Owner(s):** City of Portland Water Bureau

Location: Just south of 3812 SE Troutdale Road, Gresham
Tax Lot 1300 and 1200 (easement only), Section 12D, Township 1S, Range 3E, W.M.
Tax Account #R993121820 Property ID #R339693

Zoning: Multiple Use Agriculture – MUA-20

Overlays: Significant Environmental Concern for Water Resources (SEC-wr), Wildlife Habitat (SEC-h), and Geologic Hazards (GH).

Proposal Summary: The proposed project consists of repairing existing pipes and replacing eleven (11) existing pipe supports in their same locations to improve seismic and erosion deficiencies for the Bull Run distribution conduits. The applicant has applied for a Significant Environmental Concern permit for water resources to allow the repairs in and adjacent to Beaver Creek. A Lot of Record Verification is included in this decision.

Decision: Approved with Conditions

This decision is final and effective at the close of the appeal period, unless appealed. The deadline for filing an appeal is July 5, 2019, at 4:00 pm.

Opportunity to Review the Record: The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review at the Land Use Planning office. Copies of all documents are available at the rate of \$0.30/per page. For further information, contact Katie Skakel, Senior Planner at 503-988-0213 or at katie.skakel@multco.us.

Opportunity to Appeal: An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.

Issued By: Katie Skakel
Katie Skakel, Senior Planner

For: Adam Barber, Interim Planning Director

Date: June 20, 2019

Vicinity Map

N↑



For this application to be approved, the proposal will need to meet the applicable approval criteria below:

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 39.1515 Code Compliance and Applications

Lot of Record: MCC 39.3005 Lot of Record – Generally, MCC 39.3080 Lot of Record Multiple Use Agriculture - 20

Multiple Use Agriculture (MUA-20): MCC 39.4315 Review Use Uses (D) Protection of essential public services, MCC 39.4325 Dimensional Requirements and Development Standards (C) Yards, MCC 39.4345 Access.

Significant Environmental Concern (SEC): MCC 39.5510 Uses; SEC Permit Required, MCC 39.5560 General Requirements for Approval in Area Designated as SEC-wr or SEC-h, MCC 39.5800 Criteria for Approval of SEC-wr Permit.

Geologic Hazards (GH): MCC 39.5080(N) (exemptions)

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link *Chapter 39: Multnomah County Zoning Code*.

Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
 2. Permit Expiration –
 - a) This land use permit shall expire as follows:
 - i. When construction has not commenced within two (2) years of the date of the final decision, or; [MCC 39.1185(B)(1)]
 - ii. When the structure has not been completed within four (4) years of the date of commencement of construction, or; [MCC 39.1185(B)(2)]
 - b) For purposes of Condition 2.a.i, notification of commencement of construction shall be given to Multnomah County Land Use Planning Division a minimum of seven (7) days prior to date of commencement. Work may commence once notice is completed. For utilities and developments without a frame or foundation, commencement of construction shall mean actual construction of support structures for an approved above ground utility or development or actual excavation of trenches for an approved underground utility or development. For roads, commencement of construction shall mean actual grading of the roadway.
 - c) For purposes of Condition 2.a.ii, completion of the structure shall mean completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the land use approval. Upon completion of construction, notice shall be given to Multnomah County Land Use Planning within 30 days after date of completion.
- Note:** The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 39.1195, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.
3. Prior to and during construction, the property owner or their representative shall ensure that:
 - a) Flag, fence, or otherwise mark, the project area as described in applicant narrative and City of Portland Water Bureau Plan. These measures shall remain undisturbed except as otherwise allowed in the project. Such flagging, fencing and/or markings shall be maintained until construction is complete. [MCC 39.5800(E)(7)]
 - b) Shall replace any trees removed at a rate of one removed for one replaced. The replacement trees shall be a comparable native species. [MCC 39.5800 (E)(2)]
 4. At the completion of the proposed development and construction activities, the applicant(s), owner(s) or their representatives shall:

- a) Apply and implement all of the recommended Mitigation and Monitoring actions, as required by the in applicant narrative, planting plan, and Portland Water Bureau Mitigation Plan [MCC 39.5800(E)(2)]
 - b) Seed, mulch, and cover all disturbed soils to prevent erosion and sedimentation. [MCC 39.5800(D)(6)]
6. The applicant or their representative shall monitor all project sites to determine whether 80% of each type of vegetation (trees, shrubs, ground cover) planted continues to live, thrive, and grow for a minimum period of 5 growing seasons after completion of all the initial plantings. Annual monitoring reports are required. [MCC 39.5800(E)(4)]
- a) For any replanted area that falls below the 80% threshold, that area shall be replanted during the next planting season. [MCC 39.5800(E)(2)(6)]
 - b) Annual Monitoring Report Due Date: Annual monitoring reports are due by November 30th of each year. [MCC 39.5860(C)(5)]
 - c) Extension of the Monitoring Period: The monitoring period may be extended, at the discretion of Land Use Planning for failure to provide monitoring reports, failure of the site to meet performance standards for two consecutive years (without irrigation or replanting), or when needed to evaluate replanting or other corrective or remedial actions. [MCC 39.5800 Table 2]
 - d) The annual monitoring report shall include the following information:
 - i. The permit number, monitoring date, report year, and a determination of whether the site is meeting performance standard of Condition No. 8.
 - ii. Post construction photographs of each monitoring area taken within the last 30 day prior to the report date.
 - iii. A brief narrative that describes maintenance activities and recommendations to meet performance standard. This includes when irrigation occurred and when the above ground portion of the irrigation system was or will be removed from the site.
 - iv. Any other information necessary or required to document compliance with the performance standard listed in Condition No. 7. [MCC 39.5800 (E)(4)]
7. The applicant or their representative shall monitor all of the project site to ensure that MCC 39.5800(E)(4) is met and that the site is restored to “good condition” and maintained forever. The plantings be maintained in a healthy living state and prior to removal of mitigation plantings the applicant must contact LUP to discuss removal and planting.
8. As an on-going condition, the property owner shall:
- a) Ensure that the following nuisance plants, the latest edition of the Metro Nuisance Plant List, the Prohibited Plant List, and State of Oregon Noxious Weed List shall not be planted on the subject property or used as landscape plantings. The following nuisance plants, the latest edition of the Metro Nuisance Plant List, the Prohibited Plant List, and State of Oregon Noxious Weed List shall be removed and kept removed from cleared areas of the subject property. [MCC 39.5560(C)(5)(m)]

Common Name	Scientific
Lesser celandine	<i>Chelidonium majus</i>

Common Name	Scientific
Fall Dandelion	<i>Loentodon autumnalis</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>
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>

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, Portuguese 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>

9. Within 30 days of this decision becoming final, the property owner shall record the SEC-wr mitigation plan in the deed records of Multnomah County. Evidence of recording shall be provided to MC within 15 days of recording the document. [MCC 39.5800(F)(2)(g)]

Note: Once this decision is final, application for building permits may be made with the City of Gresham. When ready to have building permits signed off by land use planning, the applicant shall complete the following steps:

1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, "Prior to land use sign-off for building plan check..." Be ready to demonstrate compliance with the conditions.
2. Contact Right-of-Way Permits at row.permits@multco.us, or schedule an appointment at <https://multco.us/transportation-planning/webform/right-way-appointment-request/>, or at 503-988-3582 for an appointment to review your plans, obtain your access permit, and satisfy any other requirements. Failure to make an appointment with County Right-of-Way will result in delaying your building plan review and obtaining building permits.
3. Contact Katie Skakel, Senior Planner, at 503-988-0213 or katie.skakel@multco.us, for an appointment for review of the conditions of approval and to sign the building permit plans.

Land Use Planning must sign off on the plans and authorize the building permit before you can go to the Building Department. At the time of this review, Land Use Planning will collect additional fees.

The above must be completed before the applicant can obtain building permits from the City of Gresham. Three (3) sets each of the site plan and building plans are needed for building permit sign off. At the time of building permit review, a fee will be collected. In addition, an erosion control inspection fee may be required.

Notice to Mortgagee, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

Findings of Fact

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

1.0 PROJECT DESCRIPTION:

Staff: The applicant is requesting a Significant Environmental Concern for Water Resources (SEC-wr). The project will repair existing pipes and replace eleven (11) pipe supports (bents) with new pipe supports that are founded deeper, below scour depth of the stream to improve the water system for seismic and erosion deficiencies. The new bents will be located at the same locations as the existing bents. Three of the eleven pipe bents are located below Ordinary High Water (OHW).

The proposed project consists of rehabilitating and retrofitting the Beaver Creek Pipe Trestles for seismic and erosion deficiencies. Design and construction of the Project will eliminate these deficiencies and increase the overall resiliency and reliability of the pipe crossing. The Beaver Creek pipe trestle is located on the City of Portland Water Bureau (PWB) Tax Lot 1300 where Conduit No. 2 is situated and on Tax Lot 1200 in an existing easement on the northern portion of the tax lot. In order to access the pipe for construction, there will be temporary bridges trucked into the site and set in place. There is a portion of the easement on Tax Lot 1200 that will be utilized to access pipeline. The temporary bridges are used to minimize impact to the tributary of Beaver Creek as the must be crossed during construction to access the pipe bents.

2.0 PROPERTY DESCRIPTION & HISTORY:

Staff: The subject property is a 1.2 acre site which is crossed by the City of Portland's water conduits transporting the city's water supply from the Bull Run Watershed. The project site is heavily wooded and slopes on the property range from 0-10 % and 10-25%. Almost the entire property is located within the County's Significant Environmental Concern for Water Resources overlay. The property, also has a small triangular area within the County's Significant Environmental Concern for Wildlife Habitat overlay in its southwest corner. The entire property is shown within the County's Geologic Hazard overlay.

As submitted by the applicant, the primary source of water supply for the City of Portland is the Bull Run Watershed, approximately 25 miles east of Portland near Mt. Hood. The water supply from the Bull Run Watershed is disinfected and transported through two (2) large-diameter conduits by gravity flow to distribution reservoirs in and around Portland. The proposed application is to retrofit Conduit No. 2, the Beaver Creek pipe trestle which was built in 1911 and has a capacity of 50 MGD.

There is an existing access road at the site that starts at SE Troutdale Road. There are two perennial tributaries to Beaver Creek in Project Area. The tributaries to Beaver Creek are naturally occurring perennial streams with a significant nexus to downstream waters. The project narrative, outlines that there are no wetlands within the study area and there is 0.09 acres of waterways within the study area. The area is mostly forested but also contain landscaped yards. Aside from fences and rock slope reinforcement, the water pipeline is the only structure on site.

3.0 INITIATION OF ACTION:

MCC 39.1115 Initiation of Action, Except as provided in MCC 39.1200 and 39.9700, Type I - IV applications may only be initiated by written consent of the owner of record or contract purchaser, or by a government agency that has the power of eminent domain. PC (legislative) actions may only be initiated by the Board, Planning Commission, or Planning Director.

Staff: The applicant, Terry Buchholz, and the owner, City of Portland Water Bureau, have provided documentation through Title Report (Exhibit A.7) documenting easement language on Tax Lot 1200 for ingress, egress and utilities and a waiver of remonstrance and consent to Local Improvement District. *Criteria met.*

4.0 CODE COMPLIANCE AND APPLICATIONS CRITERIA

MCC 39.1515 CODE COMPLIANCE AND APPLICATIONS

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

- (A) A permit or other approval, including building permit applications, may be authorized if:
- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Zoning Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or
 - (2) It is necessary to protect public safety; or
 - (3) It is for work related to and within a valid easement over, on or under an affected property.
- (B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Staff: There are no active code compliance issues associated with the properties; therefore, the County has the authority to make a land use decision. *These criteria are met.*

5.0 Multiple Use Agriculture-20 Approval Criteria

MCC 39.4315 REVIEW USES. (D) Placement of structures necessary for continued public safety, or the protection of essential public services or protection of private or public services or protection of private or public existing structures. 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.

Staff: The applicant/property owner (City of Portland Water Bureau) has applied for a permit to allow the retrofitting of existing infrastructure (pipes and pipe bents) for seismic and scour protection of an

essential public service for the public water supply to City of Portland. The “*protection of essential public services*” is the second subcategory of uses allowed under MCC 39.4315(D). *This criterion is met.*

§ 39.4325 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

All development proposed in this base zone shall comply with the applicable provisions of this section.

(C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

Staff: The subject project is to replace existing support structures to Bull Run Conduit No. 2. The support structures are new but do not need to meet the Minimum Yard Dimensions listed above under (C) as the pipeline qualifies as nonconforming to the above yards. The conduit and support structure are approximately 12 ft off ground level and do not exceed height limitations. MCC 39.8315(B)(1) allows for the alteration, expansion or replacement when necessary to comply with state or local health or safety requirements. The replacement of the support structures is for seismic safety.

6.0 LOT OF RECORD VERIFICATION:

MCC 39.3005- LOT OF RECORD – GENERALLY.

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

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

(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.

(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.

(Ord. 1270, Amended, 03/14/2019)

MCC 39.3080 LOT OF RECORD – MULTIPLE USE AGRICULTURE-20 (MUA-20).

(A) In addition to the standards in MCC 39.3005, for the purposes of the MUA-20 district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

(1) July 10, 1958, SR zone applied;

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

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

(4) October 6, 1977, MUA-20 zone applied, Ord. 148 & 149;

(5) October 13, 1983, zone change from EFU to MUA-20 for some properties, Ord. 395;

(6) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.

(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 39.4345, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(C) Except as otherwise provided by MCC 39.4330, 39.4335, and 39.5300 through 39.5350, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

(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

Staff: According to Multnomah County Department of Assessment, Records, and Taxation records, the subject parcel was created in 1986 through Exempt Minor Partition 86-002. It was created when Deed 1884-1502 was recorded on 2-10-1986 (Exhibit B.8). At the time, the property was zoned Multiple Use Agriculture District (MUA-20). In 1986, MCC 11.15.2142 Lot of Record (C) stated that Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land. The original parent parcel was bisected by SE Troutdale Road. Based on the information above, the unit of land met all applicable zoning laws or land divisions laws that were in place to lawfully establish a unit of land lawfully and remains a legal separate unit of land. *This criterion is met.*

§ 39.4345 ACCESS-

All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 39.3080(B).

Staff: The subject parcel has direct access to the public street known as SE Troutdale Road. *Criterion met.*

7.0 SIGNIFICANT ENVIRONMENTAL CONCERN, APPROVAL CRITERIA:

MCC 39.5510 USES; SEC PERMIT REQUIRED. An SEC-wr permit is required as the entire site is covered with the SEC-wr overlay. The SEC-h permit is not required as the work is not occurring within its boundary.

§ 39.5560 GENERAL REQUIREMENTS FOR APPROVAL IN THE WEST OF SANDY RIVER PLANNING AREA 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 located in the West of Sandy River Planning Area in addition to the provisions of MCC 39.5800 or 39.5860 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.

Staff: The subject property is located within the West of Sandy River Planning area. There is a SEC-wr overlay that covers the majority of the subject property. The applicant will be completing work within the in-water work period from June 16th to September 30, 2019. A condition of approval has been included requiring work to be completed within the streambed during this time period. After the work is completed, vegetation that has been disturbed during construction will be reestablished and rehabilitated by October 30, 2019. To ensure that these measures are in place and followed, a condition will be required. *As conditioned, this criterion is met.*

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

Staff: No outdoor lighting is proposed to be installed, therefore, this criterion is not applicable at this time. *This criterion is met.*

(C) The nuisance plants in MCC 39.5580 Table 1, in addition to the nuisance plants defined in MCC 39.2000, shall not be used as landscape plantings within the SEC-wr and SEC-h Overlay Zone.

**Table 1
Nuisance Plant List**

Common Name	Scientific	Common Name	Scientific
Lesser celandine	<i>Chelidonium majus</i>	Fall Dandelion	<i>Loentodon autumnalis</i>
Canada Thistle	<i>Cirsium arvense</i>	Purple Loosestrife	<i>Lythrum salicaria</i>
Common Thistle	<i>Cirsium vulgare</i>	Eurasian Watermilfoil	<i>Myriophyllum spicatum</i>
Western Clematis	<i>Clematis ligusticifolia</i>	Reed Canary grass	<i>Phalaris arundinacea</i>
Traveler' s Joy	<i>Clematis vitalba</i>	Annual Bluegrass	<i>Poa annua</i>
Poison hemlock	<i>Conium maculatum</i>	Swamp Smartweed	<i>Polygonum coccineum</i>

Common Name	Scientific	Common Name	Scientific
Field Morning-glory	<i>Convolvulus arvensis</i>	Climbing Binaweed	<i>Polygonum convolvulus</i>
Night-blooming Morning-glory	<i>Convolvulus nyctagineus</i>	Giant Knotweed	<i>Polygonum sachalinense</i>
Lady' s nightcap	<i>Convolvulus seppium</i>	English, Portuguese Laurel	<i>Prunus laurocerasus</i>
Pampas grass	<i>Cortaderia selloana</i>	Poison Oak	<i>Rhus diversiloba</i>
Hawthorn, except native species	<i>Crataegus sp. except C. douglasii</i>	Himalayan Blackberry	<i>Rubus discolor</i>
Scotch broom	<i>Cytisus scoparius</i>	Evergreen Blackberry	<i>Rubus laciniatus</i>
Queen Ann' s Lace	<i>Daucus carota</i>	Tansy Ragwort	<i>Senecio jacobaea</i>
South American Waterweed	<i>Elodea densa</i>	Blue Bindweed	<i>Solanum dulcamara</i>
Common Horsetail	<i>Equisetum arvense</i>	Garden Nightshade	<i>Solanum nigrum</i>
Giant Horsetail	<i>Equisetum telemateia</i>	Hairy Nightshade	<i>Solanum sarrachoides</i>
Crane' s Bill	<i>Erodium cicutarium</i>	Common Dandelion	<i>Taraxacum officinale</i>
Robert Geranium	<i>Geranium roberianum</i>	Common Bladderwort	<i>Utricularia vulgaris</i>
English Ivy	<i>Hedera helix</i>	Stinging Nettle	<i>Urtica dioica</i>
St. John' s Wort	<i>Hypericum perforatum</i>	Periwinkle (large leaf)	<i>Vinca major</i>
English Holly	<i>Ilex aquafolium</i>	Periwinkle (small leaf)	<i>Vinca minor</i>
Golden Chain Tree	<i>Laburnum watereri</i>	Spiny Cocklebur	<i>Xanthium spinosum</i>
Duckweed, Water Lentil	<i>Lemna minor</i>	Bamboo sp.	<i>various genera</i>

Staff: The applicant shall remove and keep removed from cleared area the list of nuisance plants referred to in this criterion as shown on Exhibit A.4 pg 4. To ensure compliance with this requirement, a condition will be required that the applicant shall remove and keep removed the plants listed in the Table above. *As conditioned, this criterion is met.*

§ 39.5800- CRITERIA FOR APPROVAL OF SEC-WR PERMIT -WATER RESOURCE

(A) Except for the exempt uses listed in MCC 39.5515 and the existing uses pursuant to MCC 39.5550, no development shall be allowed within a Water Resource Area unless the provisions of subsections (B) or (C) or (D) below are satisfied. An application shall not be approved unless it contains the site analysis information required in MCC 39.5520(A) and (C), and meets the general requirements in MCC 39.5560.

Staff: The applicant is proposing to use the Alternative Analysis option under (C). As discussed above, through conditions of approval MCC 39.5560(A) and (B) will be met. The applicant has submitted the required site analysis information in Exhibit A.3 pgs 1-4. *Criterion met.*

(C) Alternatives Analysis - Development proposed within a Water Resource Area may be allowed if there is no alternative, when the other requirements of this Overlay including the Development Standards of subsection (E) and the provisions for Mitigation in subsection (F) are met. The applicant shall prepare an alternatives analysis which demonstrates that:

Staff: The applicant has elected to meet the provisions of section (C) because the proposed development is located in an area where no alternative location is available as the pipeline is existing. Please see the findings under (C)(1) through (C)(5) for additional support of compliance. The applicant

has demonstrated that the proposed development standards of subsection (E) have been met. Please see additional findings under (E) below to demonstrate the development standards have been met. The applicant has demonstrated that the required mitigation measures to allow the project as required by subsection (F) has been met. Please see additional findings under (F) below to demonstrate the mitigation standards have been met. *Criteria met.*

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

Staff: The proposed project is located within the Water Resources Area. The SEC-wr overlay covers the whole property, therefore; no work could be done on the property without being located within the SEC-wr overlay. The intent of the proposed work is to replace pipe supports in the same location of the existing supports and repair, where necessary, the existing conduit and to return the disturbed Water Resource Area to existing condition. *This criterion is met.*

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

Staff: The alternative analysis demonstrates that the construction will be occurring in the tributary of Beaver Creek but that the disturbance within the creek is being isolated to three of the eleven pipe bents (Exhibit A.5). The site plan and narrative explains that construction has a limited impact on riparian and vegetated corridor and states that all disturbed areas will be restored. The mitigation plan indicates that the area that is disturbed will be replanted with native riparian vegetation that will enhance the Water Resource Area near the creek. *This criterion is met.*

(3) Development shall occur as far as practically possible from the stream; and

Staff: The alternative analysis and subsequent design demonstrates that in order to rehabilitate the Beaver Creek Pipe Trestles for both seismic and erosion deficiencies it would not be possible to avoid doing work immediately adjacent to the stream. The pipeline exists and the placement of the new supports are dependent on the location of the old supports. *This criterion is met.*

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

Staff: The applicant has provided evidence in the record (Exhibit A.4) that after the work is complete, the disturbed area can be restored to equal or better condition. The applicant is proposing to replant the area with native riparian vegetation which documents that site will be left in an equal or better condition. Please see findings under (E) regarding discussion of their plan restoring this area to a better condition and enhance the Water Resource Area near the creek. *This criterion is met*

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

Staff: The proposed area of construction that is below OHW (3 pipe bents) is being isolated during construction. The erosion and sediment control plan (Exhibit A.5 sheet C-2) will control temporary construction of stormwater runoff. There is no net loss on the property of resource area as any work is being mitigated and restored to original condition, function and/or value based on the temporary nature of the work in the Water Resource Area. *This criterion is met.*

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

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

Staff: The SEC-water resource overlay covers the entire site. A site assessment and mitigation plan found that at most, there will be 7 mature trees that have a DBH of greater than 6" that will be removed from the project site (Exhibit A.5 and A.4). This is less than 10% of the trees that are currently located on the property and no more than 50% of the mature trees on site. The trees will be replaced and the site will be replanted in the area outside of pipeline easement according to submitted mitigation plan which contains a removal plan and a restoration and planting plan A.4 pg 4). The applicant explains in the mitigation plan that it is not desirable to have large mature trees in close proximity to the bents as they can compromise the integrity and stability of the pipe bents. To ensure a tree will be replaced at a one-for-one replacement ratio, a condition will be required. *As conditioned, this criterion is met.*

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

Staff: The work area will be replanted with native riparian vegetation (Exhibit A.4 and Site Plan C1) that will enhance the Water Resource Area near the creek and provide a contiguous area of natural vegetation that extends across the property. The entire contiguous corridor would be approximately .25 miles long providing food, water, cover for wildlife, and protection of the visual amenity values of the natural resource along the tributaries that feed into Beaver Creek. *This criterion is met.*

(4) The Water Resource Area shall be restored to "good condition" and maintained in accordance with the mitigation plan pursuant to subsection (F) below and the specifications in Table 2 of this section.

Staff: The Water Resource Area will be restored to a "good condition" and actively maintained for a period of 5 years as documented in the rehabilitation/mitigation plan as well as a mitigation plan that calls for maintenance condition that if replaced vegetation drops below 80% in the future or if trees removed or die they will need to be replaced per MCC 39.5800 (E)(4) and Table 2.

The work schedule to remove exiting bents and construct new pipe bents will occur in the dry season of 2019 (July – October). The temporary culvert stream crossings will also happen in (June 15-June 30 and Oct 1-Oct 15). Restoration and planting of the project site will occur in the fall of 2019. Additionally, Portland Water Bureau staff will treat invasives on site which may hinder shrubs and trees from growing freely, primarily Himalayan blackberry (*Robus armeniacus*).

The applicants; Mitigation plan A.4 pg 4 #2, prepared by Angie Kimpo, Vegetation Stewardship Coordinator details the measures that will be put in place to restore the Water Resource Area to a "good condition." The mitigation plan includes the mitigation planting plan depicting the tree and shrub planting areas and implementation and monitoring plan for years 1 and 2, and Years 3, 4, and 5

that will ensure that area is restored to good condition. (Exhibit A.4). Therefore, to ensure that these actions occur, a condition will be required. *As conditioned, this criterion is met.*

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

Staff: The applicant has indicated that minimal existing vegetation will be impacted before, during, or after construction. The applicant explains that to the extent practicable, the existing vegetation will be protected and left in place. Work areas have been carefully located and will be marked to reduce potential damage to Water Resource Area (Exhibit A.2 and A.4). The applicant will clearly delineate with flagging all work areas. To ensure that these measures are put in place, a condition will be required. *As conditioned, this criterion is met.*

(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 MCC 39.5580 Table 1, may be removed at any time. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Nuisance plants shall be replaced with non-nuisance plants by the next growing season.

Staff: The applicant has indicated that the disturbed areas where existing vegetation will be removed will be seeded heavily with a blend of native vegetation including seedy and woody plantings as listed on (Exhibit A.4) in which the mitigation sequence is outlined and specifies that within 30 days of the project work. Additionally, the seed will be covered with a thick layering of straw to help set the seed and keep it in place. To ensure that these measures are put in place, a condition will be required. *As conditioned, this criterion is met.*

(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 Overlay. Such markings shall be maintained until construction is complete.

Staff: To ensure compliance with this requirement, a condition will be required that the applicant shall remove and keep removed the plants listed in the table above. *As conditioned, this criterion is met.*

(8) Stormwater quantity control and quality control facilities:

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

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

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

Staff: The applicant has submitted a separate Erosion and Sediment Control permit that is being reviewed concurrently to this application. As discussed in Erosion and Sediment Control permit, the project will be required to meet Best Management Practices (BMP) to manage erosion and sediment on the subject properties. The applicant has provided an Erosion and Sediment Control Plan (Exhibit A.5, Sheet C2) provided by Kevin Larson, Registered Professional Engineer dated on December 07, 2018. The analysis found the project would not increase the flow of stormwater to the stream. The mitigation

measures, through the revegetation and planting should also control the quantity and increase the quality of the water entering the stream. *This criterion is met.*

(F) Mitigation - Mitigation shall be required to offset the impacts of development within the SEC-wr. This subsection 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 development could cause adverse impacts to a natural resource area, the preferred sequence of mitigation as defined in 1 through 5 below shall be followed unless the applicant demonstrates that an overriding public benefit would warrant an exception to this preferred sequence.

- 1. Avoiding the impact altogether by not taking a certain action or parts of actions on that portion of the site which contains the regulated natural resource area;**
- 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;**
- 3. Compensating for the impact by repairing, rehabilitating, or restoring the affected environment;**
- 4. Compensating for the impact by replacing, enhancing or providing substitute resources or environments on-site.**
- 5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments off-site.**

Staff: The applicant has demonstrated through the Alternative Analysis findings above that avoiding the temporary adverse impacts is not feasible. The project area is just under 1 acre and the area of disturbance is approximately 7800 square feet. The area of disturbance below OHW is approximately 2500 square feet. The cut and fill volumes (320 cubic yards) are equal as indicated in the applicant's narrative as all materials cut will be placed back in the same place. Seven mature trees will be removed for the proposed work. It appears that the applicant has chosen to compensate for the adverse impacts to the regulated natural resource area. A mitigation plan has been prepared that includes restoration of the project site, the affected environment.

As described in the submitted Alternatives Analysis (Exhibit A.3), the proposed approach to replace the pipe bents in the current location and replace the upper 5-feet of material that surround pipe bents with adequately sized rip rap. The alternatives analysis provides documentation that the proposed work mitigates the scour and seismic risks to Conduit No. 2, while minimizing the impact to the surrounding environment during construction.. The site will be restored once the repairs and replacement of the supports are completed. *This criterion is met.*

(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.**

Staff: The proposed project will result in an overriding public benefit as the City of Portland Water Bureau continues to improve water supply from Bull Run Watershed. The Water Bureau conducted an Alternative Analysis (Exhibit A.3) which provides a summary table evaluating the alternative based on the project purpose and evaluation criteria. The analysis shows that the selected alternative, that of replacing bents in current location, is the preferred alternative. The mitigation plan depicts that the site will be returned to a natural area, and that the riparian habitat will be enhanced and be functional for wildlife. In evaluating whether there was an overriding public benefit staff reviewed the proposal and determined that the functional values of the Water Resource Area is not affected by the proposed development because the work is temporary and the site will be restored to good condition. In addition, the cumulative adverse effects of past activities on the Water Resource Area, either directly or indirectly; and that the uniqueness or scarcity of the Water Resource Area that is being affected did not cause the project to not meet the overriding public benefit of the proposed project which essentially provides a safe transport of water to the City of Portland. Based on information, the Alternative Analysis (Exhibit A.3) and Mitigation Plan (Exhibit A.4) submitted by the applicant provides support that there is an overriding public benefit, to the Beaver Creek Conduit No. 2 Trestle work and that the water resources area will be returned to good condition upon completion of the project. *This criterion is met.*

(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.

Staff: The proposed use of temporary bridges to cross onto the area of work from existing driveway and the temporary work done on the pipe bents, will be mitigated as outlined in the applicant's mitigation plan (Exhibit A.4). The site and disturbed area will be returned to good condition of the water resources area and does not require alternative compensatory mitigation as the site is planned to be restored to existing condition. *This criterion is met*

(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

Staff: The project site will have an approximate ground disturbance and removal and fill volume of 318.5 cubic yards (CY). The applicant is proposing to restore on-site 1:1 restoration (on-site) according to project description (Exhibit A.1) and Mitigation Plan (Exhibit A.3). *Criteria is met.*

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

Staff: The proposed project and site, as outlined in Table 2 is not considered a marginal or degraded water resource area.

(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.

Staff: This is not considered to a high priority site for mitigation as it is not a marginal or degraded corridor.

(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.

Staff: Off-site mitigation is not proposed, nor is it required because the site is not considered marginal and it will be restored to good condition per as listed in Table 2.

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

Staff: There is no off site compensation proposed as the activities associated with the project will be restored to good condition upon completion of the work on the pipeline.

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

Staff: The proposed mitigation plan prepared by Angie Kimpo, Vegetation Stewardship Coordinator outlines the actions that will occur to improve the SEC water resources area. There will be temporary environmental impacts during construction to replace eleven existing pipe support bents. Work to remove existing bents and construction of new pipe bents will occur during the dry season (June-October). Three (3) of the eleven (11) pipe bents are located below OHW will be done within the period of July 1, 2019 through September 30, 2019.

This 3-month of in-water construction is required to demolish the existing pipe bents and to construct the new pipe bents. The site will be restored on site at a rate of 1.2:1. The 1.2:1 ratio is greater than the required 1:1 ratio. The mitigation will include the restoration of the site and the planting of seeds, native trees, and shrubs (Exhibit A.4). To ensure that these measures are conducted, a condition will be required that the mitigation plan be followed and that the mitigation plan approval is recorded as a deed restriction. *As conditioned, these criteria are met.*

(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 placed on the property where the mitigation is required. The deed restriction shall be irrevocable unless a statement of release is signed by an authorized representative of Multnomah County.

Staff: The applicant has submitted a narrative that contains a Mitigation Plan (Exhibit A.4) prepared by Angie Kimpo, Vegetation Stewardship Coordinator that addresses the standards above in that it addresses (a) adverse impacts; (b) explanation of how adverse impacts are avoided and minimized; (c) a list of parties responsible for work on the development site; (d) a map showing where specific mitigation activities will occur; and (e) an implementation schedule which includes timeline for construction, mitigation, mitigation maintenance, reporting and a contingency plan. *These criteria are met.*

Table 2

Riparian/Vegetated Corridor Standards

Existing Riparian/Vegetated Corridor Condition	Requirements of Riparian/Vegetated Corridor Protection, Enhancement, and/or Mitigation
<p>Good Corridor</p> <p>Combination of native trees, shrubs, and groundcover covering greater than 80% of the area</p> <p>and</p> <p>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.</p> <p>Remove any invasive non-native or nuisance species and debris and noxious materials within the corridor by hand.</p> <p>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.</p> <p>Revegetate impacted area per approved plan to re-establish "good" corridor conditions</p>
<p>Marginal Corridor</p> <p>Combination of native trees, shrubs, and groundcovers covering 50%-80% of the area</p> <p>and/or</p> <p>26-50% tree canopy exists (aerial measure)</p> <p>(Restoration up to "good" corridor required)</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 with small equipment, as appropriate to minimize damage to existing native vegetation.</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>

<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>(Restoration up to "good" corridor required)</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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(Ord. 1270, Amended, 03/14/2019)

8.0 GEOLOGIC HAZARD EXEMPTION

§ 39.5080 Exemptions: Ground disturbing activity occurring in association with the following uses is exempt from GH permit requirements:

(N) Uses not identified in subsections (A) through (M) that meet all of the following requirements:

- (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 50 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; and,
- (7) The use will occur outside the Tualatin River and Balch Creek drainage basins.

Staff: The proposed project is exempt from the Geologic Hazards standards because; (1) Natural and finished slopes are less than 25 percent – the area of development is 0-10% slope; and (2) The disturbed or filled area is 318.5 cubic yards of removal and fill area which is less than 20,000 square feet; (3) The volume of soil or earth materials is to be stored is 50 cubic yards or less as indicated in the applicant's narrative; and (4) Rainwater runoff is not required to be diverted, either during or after construction, from an area smaller than 10,000 square feet; and, (5) There will not be impervious surfaces, of less than 10,000 square feet being created; and, (6) There is no drainage way that will be blocked or have its stormwater carrying capacities or characteristics modified; and (7) the use does not occur within the Tualatin River and Balch Creek drainage basins. *Criteria met.*

9.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Significant Environmental Concern for Water Resources (SEC-wr) permit, determination that the subject tax lot 1300 is a Lot of Record and the project is exempt from a Geologic Hazard (GH) permit to retrofit the Beaver Creek pipe trestle in the MUA-20 zone. This approval is subject to the conditions of approval established in this report.

10.0 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

Exhibits # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2018-11281 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	4	General Application Form and Narrative	12/07/2018
A.2	4	Significant Environmental Concern Narrative	12/07/2018
A.3	5	Alternative Analysis	12/07/2018
A.4	6	Mitigation Plan	12/07/2018
A.5	7	Site Plans and Details Gresham Conduit No. 2 Trestle Upgrade Beaver Creek and Kelly Creek at El Camino Drive Trestles	12/07/2018 06/29/2019
A.6	1	Conduit No 2 Trestles: Tributary to Beaver Creek Revegetation Plan	12/07/2018
A.7	16	Title Report	12/07/2018
A.8	10	Gresham Conduit No 2 Trestle Upgrades Scour Analysis Technical Report by West Consultants	12/07/2018
A.9	20	RhinoOne Geotechnical Memorandum	12/07/2018 06/29/2019
‘B’	#	Staff Exhibits	Date
B.1	1	A&T Property Information	
B.2	1	Email from Kate McQuillan, Transportation Planner on driveway permit	03/07/2018
B.3	1	Exempt minor partition information	
B.4	1	Tax Records cards (old and new)	
‘C’	#	Administration & Procedures	Date
C.1	1	Complete Letter (Day 1)	01/18/2018
C.2	1	Opportunity to Comment	04/5/2019
C.3		Administrative Decision	