



MULTNOMAH COUNTY
LAND USE AND TRANSPORTATION PROGRAM
1600 SE 190TH Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
<http://web.multco.us/land-use-planning>

STAFF REPORT TO THE PLANNING COMMISSION
FOR THE
WORK SESSION ON SEPTEMBER 9, 2013
STREAM DESIGNATIONS IN THE EAST OF SANDY RURAL PLAN AREA
CASE FILE: PC 2013-2714

PART I. INTRODUCTION

This staff report addresses the Planning Commission 2013 work program for implementing the Significant Environmental Concern for streams (SEC-s) zoning designations to environmentally important streams that have been identified through Policy 21 (Attachment A) of the East of Sandy River Rural Area Plan (ESR-RAP).

In the East of Sandy River Rural Plan Area (ESR-RPA) there are currently four distinct sets of policies and/or standards that apply to certain significant streams. The primary work program task is to identify ways to bring consistency to the stream protections by applying the SEC-s overlay to streams previously identified as significant and to consider whether changes to the SEC-s standards are needed in order to be consistent with Policy 21 of the ESR-RAP. The map included as Attachment B shows the various stream protections currently in place. The table in Attachment C provides a comparison of these policies and standards.

Part II below includes a more detailed discussion of the history of stream/riparian protections. Part III includes a discussion of the primary policy choices along with staff's recommendation. Staff is recommending that the effort be postponed and rolled into the next Rural Area Plan update which is anticipated to occur within the next few years. Part IV highlights specific issues that should be considered in the future as part of this consistency effort.

PART II. BACKGROUND

Goal 5 of the Oregon Statewide Planning Program requires counties to inventory and consider protecting natural resources. In the ESR-RPA a number of streams have been deemed worthy of protections over time (see map – Attachment B).

Beginning in 1980 the County identified several large-scale significant resource sites east of the Sandy River through a Goal 5 inventory process. The first two, the Columbia River Gorge and the Sandy River Delta, are now part of the Columbia Gorge National Scenic Area. The third identified site is the Sandy River Canyon, from Dabney State Park upstream to the Clackamas County line. The Sandy River is also a designated State Scenic Waterway and a federal Wild and Scenic river. It is also protected by a Multnomah County SEC (Significant Environmental Concern- general) Zoning Overlay district which extends one-quarter mile from the river banks on both sides of the river.

In 1990, Multnomah County adopted an ordinance protecting all Class 1 streams (a designation given by the Oregon Department of Forestry to streams which, among other attributes, have anadromous fish) and their banks up to 100 feet away from the stream through application of the SEC (Significant Environmental Concern) zoning overlay. In 1993 the Oregon Land Conservation and Development Commission ruled that this zoning overlay was invalid since the County had not surveyed identified streams and the Department of Forestry did not have a complete database of Class 1 streams to use.

In 1995 Multnomah County prepared an inventory of selected streams in the East of Sandy River rural area. This inventory and related analysis is contained within the East of Sandy River Wildlife Habitat and Stream Corridor ESEE Report¹. The report contains an inventory of the following streams: Smith, Pounder, Buck, Gordon, Cat, and Trout Creeks. All six streams were found to be significant environmental resources.

As part of the 1996 Howard Canyon Reconciliation Report, Multnomah County inventoried three streams in the vicinity of the Howard Canyon quarry -- Howard Creek, Knieriem Creek, and Big Creek and the County subsequently found that all three of these streams were significant and ultimately protected them with application of the SEC-s zoning overlay applied to all land within 300 feet of the stream centerline. This zoning overlay does not prohibit new development within 300 feet of the streams (600 feet full width when measured on both sides of the stream), but rather requires full mitigation of any impacts through proper design and revegetation of disturbed areas and/or stream enhancements.

In 1997 the county adopted the East of Sandy River Rural Area Plan (ESR-RAP). The plan lays out a total of 60 policies and related strategies on a variety of topics including land use, transportation, and natural resources. Generally, a rural area plan sets policy and provides guidance for future updates to implementing code ordinances.

Policy 21 of the ESR-RAP (Attachment A) directs the county to, *“Protect significant streams in the East of Sandy River Rural Area by prohibiting new residential development within 150 feet of a stream [300 feet full width when measured on both sides of the stream] centerline and limiting new roads, stream crossings, additions to existing structures, and other grading activities within this 150 foot area. Additions to existing dwellings of up to 400 square feet shall be exempt from the setback requirements. All related ground disturbing activities within the 150 foot stream setback shall be confined to the period between May 1 and October 1 in any year.”*

The related implementing strategy to Policy 21 strategy states, *“Multnomah County shall implement this policy with amendments to the Multnomah County Zoning Code Significant Environmental Concern Zoning Overlay District and applying the district to areas within 150 feet of the centerline of each significant stream.”*

A sub-policy 21a requires, *“...any stream crossing to utilize a bridge or arched culvert which does not disturb the bed or banks of the stream and are of the minimum width necessary to allow passage of peak winter flows.”*

¹ ESEE, short for Economic, Social, Environmental, and Energy, is a type of analysis often used for the purposes of evaluating Goal 5 resources.

The implementing strategy for policy 21a is as follows, “*Multnomah County shall implement this policy through application of the Multnomah County Zoning Code Significant Environmental Concern Zoning Overlay District, which includes a requirement for stream crossings to consist of a bridge or arched culvert.*”

Since the adoption of Policy 21 of the ESR-RAP, the SEC-s overlay has not been adopted for the six additional streams determined to be significant in the 1995 ESEE report. To date, the six streams have been referred to by staff as ‘Policy 21 streams’ in conversations with property owners and the designation has generally been treated as advisory. Interpretation of the prohibition on new residential development within the 150- foot Policy 21 buffer (300 feet full width when measured on both sides of the stream) has varied over the years. While staff has not found that any new dwellings have been permitted within the 150-foot buffers since 1997, some residential accessory structures have been allowed within the buffer. This was based on an interpretation that an accessory structure is not the primary use and is therefore allowed, while in other instances property owners were advised that the 150-foot buffer prohibits all residential development inclusive of accessory structures that are subordinate to the primary use (single family dwelling).

Both the Policy 21 language and the SEC-s code allow for additions of up to 400 square feet without review. In the SEC-s overlay an addition of over 400 square feet requires an SEC-s application, which is a Type II review. In the Policy 21 buffer, applicants seeking dwelling additions over 400 square feet have been required to go through a Planning Director’s review (also a Type II review) to determine compliance with Policy 21 directly. While Policy 21 allows for limited additions, the policy does not provide any guidance regarding what is meant by the term ‘limited’.

In 2005 the regional government, Metro adopted Title 13 of the Metro Code. Title 13 was the result of a Goal 5 inventory of significant streams within the Metro jurisdictional boundary. The effort by Metro included an ESEE analysis. Title 13 required the county to adopt protections for Metro identified significant streams within the Metro boundary.

In 2010, as a result of the county’s Title 13 compliance effort, the SEC-s zoning designation was applied to additional streams in the ESR-RPA, but only within the approximately four square mile portion of the ESR-RPA that lies within the Metro boundary (located at the extreme northwest portion of the plan area). For Title 13 streams, the width of the SEC-s overlay is variable, but in no case is less than 200 feet from stream centerline, which reflects the variable widths of the stream riparian areas as designated by Metro.

PART III. POLICY CHOICES

The work program task began with the understanding that the SEC-s overlay needed to be applied to Policy 21 streams that are not currently mapped within the overlay on county zoning maps. Staff began the assessment of how to accomplish this goal by reviewing the background of stream protections (summarized in Part II) in the ESR-RPA and analyzing Policy 21 language against existing SEC-s code (see analysis in Attachment C). Several issues and inconsistencies were identified between existing SEC-s code and what is required by Policy 21 complicating the project. These issues are summarized in Part IV below. After completing this analysis, staff has concluded that addressing these issues is most suitable within the context of the next Rural Area Plan update anticipated to occur within the next few years. This conclusion is based on the following:

1. An amendment to the existing Rural Area Plan is likely needed to in order to clarify how the prohibition on new residential development within 150 feet of a stream should be implemented. Amending the Rural Area Plan is far outside the scope of this Planning Commission work program item.
2. The public outreach effort required to apply the overlay to Policy 21 streams would be extensive. Waiting for the next RAP update makes sense in terms of combining the outreach effort into a single process rather than doing two separate outreach processes back to back.
3. Staff is concerned that moving forward now risks setting up regulatory standards for the East of Sandy River Rural Plan Area that would be more restrictive than found elsewhere in rural Multnomah County.

Policy Choices:

- A. Do not adopt the SEC-s overlay for significant streams at this time and incorporate the issue into the scope of a new Rural Area Plan update anticipated to occur within the next few years.

Recommendation: Staff recommends this option because Goal 5 resources will need to be addressed as part of the RAP update. Also, efficiencies are realized because the level of citizen outreach required for a stand-alone SEC-s update could easily be incorporated into the citizen outreach required as part of the RAP update. Additionally, some solutions such as adding language to the RAP specifying what qualifies as new residential development or the addition of specific exemptions would require an amendment to the RAP. Last and perhaps most importantly, the issue does not appear to be a pressing one, because there has been very little in the way of any development proposed within the affected Policy 21 stream buffers since Policy 21 was adopted in 1997.

- B. Begin a process to amend the applicable sectional zoning maps now. The amendments would apply the SEC-s zone to areas 150 feet out from the centerline of streams deemed significant and would likely require changes to the SEC-s code to be consistent with Policy 21. This approach will require an outreach effort to engage affected property owners regarding the proposed zoning overlay.

Recommendation: Staff does not recommend this course of action because we believe the additional issues presented are best vetted through the RAP update process and making the changes now potentially sets up a different set of stream protections in the East of Sandy River plan area than those found elsewhere in rural Multnomah County. Additionally, staffing resources may not be sufficient to engage in a major zoning update effort prior to the RAP update effort.

In conclusion, the question we are asking the Planning Commission is whether the SEC-s zoning overlay should be applied to 'Policy 21' streams currently designated significant through the 1996 ESEE Analysis now or should the issue be taken up as part of a future Rural Area Plan update likely to occur in the next few years?

PART IV. ISSUES TO CONSIDER

Following is a list of issues identified by staff that should be addressed before code amendments are considered.

1. **Issue:** Policy 21 includes a prohibition on new residential development within 150 feet of stream centerline.

Discussion: Policy 21 requires application of SEC-s regulations to all significant streams. The Goal 5 policy discussion that precedes Policy 21 indicates that significant streams are those identified in the 1995 ESEE Report and those noted in the Howard Canyon Reconciliation Report. Since Policy 21 applies to the Howard Canyon streams, then it would appear that the SEC-s would need to be amended to prohibit new residential development within 150 feet of a stream centerline. Streams that received the SEC-s designation in 2010 were designated as significant by Metro but not by the county, so there does not appear to be a need to apply the prohibition on residential development within 150 feet of centerline of a stream that was added through Title 13 compliance. Metro requirements do not forbid new residential development and the existing SEC-s code language has been accepted by Metro as adequate protection for Title 13 streams.

2. **Issue:** Policy 21 does not include a definition of what constitutes new residential development for the purposes of a prohibition within 150 feet of stream centerline.

Discussion: The 1995 ESEE clearly regards residential development as the dwelling and all associated impacts including driveways, clearing and landscaping (Exhibit D). Further, the ESEE indicates that primary uses and secondary uses are considered together as a single impact: "Once the review agency identifies land use conflicts, it must consider the activities and side-effects of these land uses. In the ESEE consequences analysis, conflicts resulting from the primary land use, and secondary land use activities and impacts are considered together in packages."

Existing code defines development for the purposes of when an SEC permit review is required and includes a definition of a dwelling. However there is currently no definition of residential development as a singular concept inclusive of all secondary development impacts, so if a prohibition on new residential development is added to the SEC-s standards it may be appropriate to define what is meant by new residential development and possibly include exemptions when there is no alternative to constructing an otherwise permitted use within the overlay. Policy 21 limits but does not prohibit new roads and stream crossings, so one interpretation is that new dwellings are prohibited but not necessarily new residential development if a driveway through the buffer is the most reasonable way to access a home site.

Another question to consider is what constitutes new residential development. Several additional questions are raised when evaluating this question:

- A. Is the property vacant or does it have an existing dwelling?

- B. Is expansion of an existing dwelling within 150 feet of stream centerline beyond 400 square feet considered new residential development or can expansion be considered as something different than new development?
- C. Is the property located entirely within 150 feet of a stream centerline and if so, would a prohibition on residential development prohibit an otherwise allowed use?
- D. What if a property contains areas that are suitable for residential development that are located outside of the 150 foot buffer, yet the only option for access to the suitable area is across the 150 foot buffer?

These questions highlight the need for a more specific definition of new residential development as well as the need to address when exemptions may be warranted. This task may necessitate an amendment to the Rural Area Plan.

- 3. **Issue:** Should SEC-s rules be amended to include limitation of new roads, stream crossings, additions to existing structures, and other grading activities within this 150 foot area?

Discussion: Existing code requires evaluation of development within the SEC-s overlay and any mechanical ground disturbance within 200 feet of a water body requires a Grading and Erosion Control permit. Existing code requires findings that the extent of grading is limited to the amount required to achieve the development. Existing code does not include specific limits on the extent of new roads, stream crossings and additions but does require review whenever any of these is proposed within the overlay.

- 4. **Issue:** Should the 400 square foot addition exemption apply only to a dwelling (and not other existing structures) if the addition is within 150 of the centerline of a stream?

Discussion: The SEC-s code currently allows a 400 square foot addition to any structure without an SEC-s review, whereas Policy 21 specifies that only an existing dwelling qualifies for the exemption.

- 5. **Issue:** Should the existing SEC-s code remain more restrictive than Policy 21 with respect the timeframe allowed for grading and soil disturbing activities?

Discussion: The existing SEC-s code is more restrictive limiting soil disturbance to the period between June 15 and September 15, whereas Policy 21 specifies the period between May 1 and October 1 as the acceptable work window.

PART V. EXHIBITS

Exhibit A: Policy 21 of the East of Sandy River Area Plan

Exhibit B: Map of East of Sandy River Protected Streams

Exhibit C: Analysis Table

Exhibit D: ESEE page 41

NATURAL AND ENVIRONMENTAL RESOURCES

Goal 5 of the Oregon Statewide Planning Program requires local government to inventory and consider protecting the following natural and environmental resources:

- _ Open Space
- _ Mineral and aggregate resources
- _ Energy sources
- _ Fish and wildlife areas and habitats
- _ Ecologically and scientifically significant natural areas
- _ Outstanding scenic views and sites
- _ Water areas, wetlands, watersheds, and groundwater resources
- _ Wilderness areas
- _ Historic areas, sites, structures, and objects
- _ Cultural areas
- _ Potential and approved Oregon recreational trails
- _ Potential and approved federal wild and scenic waterways and state scenic waterways

The process of protecting these resources requires the local government to first inventory the resource and determine if it is truly significant, next identify uses which conflict with the resource, then determine the consequences of these conflicts, and finally decide whether or not to protect the resource and how best to go about doing it.

Multnomah County has conducted three levels of analysis for significant natural and environmental resources in the area east of the Sandy River. The first, done at the time of the initial adoption of the Multnomah County Comprehensive Framework Plan in 1980, identified several large-scale significant resource sites (which were really combinations of many significant resources), wildlife habitat areas and historic sites. The second, done in 1990, identified significant wetlands and associated wildlife habitat areas. The third, which was completed in 1995, involves the Howard Canyon mineral and aggregate site and three adjacent streams.

The 1980 Goal 5 inventory identified several large-scale significant resource sites east of the Sandy River. The first two, the Columbia River Gorge and the Sandy River Delta, are now part of the Columbia Gorge National Scenic Area. The third identified site is the Sandy River Canyon, from Dabney State Park upstream to the Clackamas County line. The Sandy is also a designated State Scenic Waterway and a federal Wild and Scenic river. It is protected by an SEC (Significant Environmental Concern) Zoning Overlay district which extends one-quarter mile from the river banks on both sides of the river. This zoning district requires all proposed development to meet standards related to protection of the river and its banks from erosion, unsightly views, elimination of wildlife habitat, and other similar issues. Also, the State Parks division must review and approve all proposed development projects within this area. A majority of the land on the east side of the river designated with the SEC zoning overlay is now publicly-owned.



Canyon quarry has applied several times since the 1960's to expand the quarry beyond this level, always unsuccessfully. In 1990, the Multnomah County Board of Commissioners decided not to designate the Howard Canyon quarry site as a significant and protected Goal 5 aggregate resource. However, in 1993, the Oregon Land Conservation and Development Commission remanded this decision back to Multnomah County because the County's rationale for denying protection was not acceptable. In response, the Board of Commissioners granted protection of the aggregate resource for most of the site in 1994, but with significant conditions related to air quality and traffic mitigation (see Howard Canyon Reconciliation Report). The quarry owner objected to these conditions, and in response the matter was once again returned to Multnomah County by the state for more work. In 1995, the Board of Commissioners once again adopted protection for the quarry site, with some modifications in the conditions. On March 7, 1996, the Oregon Land Conservation and Development Commission(LCDC) approved the County's work, but with two exceptions, and ordered the County to make specific changes which would protect all of the site for mineral & aggregate mining and would also not allow the County to independently monitor on-going air quality issues associated with quarry operations. Multnomah County adopted these changes in June, 1996.

In 1999, a conditional use permit application for mining this resource site was submitted to the County. This application proposed a level of mining activity that was dramatically different from the base assumptions in the Howard Canyon Reconciliation Report. Therefore, Multnomah County decided it necessary to revisit the HCRR and re-analyze the impacts of increased production levels and future quarry operations on the site and the surrounding community.

The result of the preliminary impact reports were reviewed in a public meeting on May 16, 2002 at the Corbett High School. Based on public comments received at the meeting, the impact reports were finalized and a draft of the updated HCRR was prepared. A draft Howard Canyon Reconciliation Report was reviewed by the Planning Commission in 2002 and early 2003. In March, 2003, all parties agreed to try to resolve the conflicts through mediation. The mediation broke down because agreement between all parties would have required a higher level of trust than was likely to evolve in the requisite time.

In 2004, the Planning commission held public hearings on proposed revisions to the Howard Canyon Reconciliation Report. The Planning Commission deliberated and recommended to not protect the resource and prohibit mining on the site. The Howard Canyon Reconciliation Report has been revised to reflect that recommendation.

As part of the Howard Canyon Reconciliation Report, Multnomah County inventoried three streams in the vicinity of the quarry -- Howard Creek, Knieriem Creek, and Big Creek (into which Howard and Knieriem Creeks flow). A biologist employed by the East Multnomah Soil and Water Conservation District surveyed these streams and prepared a report on their condition. Based on this report, Multnomah County found that all three of these streams were significant and protected them with the imposition of the SEC

21a. Require any stream crossing to utilize a bridge or arched culvert which does not disturb the bed or banks of the stream and are of the minimum width necessary to allow passage of peak winter flows.

STRATEGY: Multnomah County shall implement this policy through application of the Multnomah County Zoning Code Significant Environmental Concern Zoning Overlay District, which includes a requirement for stream crossings to consist of a bridge or arched culvert.

PC-2013-2714 -- ESR SEC-s, Policy 21, and Metro Title 13 Consistency Analysis:

Discussion:

In the East of Sandy River Rural Plan Area (ESRRPA) there are currently four distinct set of policies and/or standards that apply to certain significant streams within the plan area. The table below provides a comparison of these policies and standards. Policy 21 of the East of Sandy River Rural Area Plan directs the county to apply the SEC-s zoning designation to the significant streams in the plan area. Policy 21 applies to 9 streams found to be significant in the 1995 ESEE report in addition to the three streams designated significant in the Howard Canyon Reconciliation Report. The nine designated streams from the ESEE do not currently have the SEC-s overlay applied. The three streams identified in the Howard Canyon Reconciliation report do have the SEC-s designation. In 2010 additional streams located within a portion of the ESRRPA that is also within the Metro (regional government) jurisdictional boundary received the SEC-s designation as part of the County's required compliance with Metro's Title 13. There are areas of the SEC-s code that may be less restrictive than what Policy 21 requires – this situation presents some potential policy choices.

	Streams covered by Policy 21 only	Existing SEC-s streams outside Metro boundary	New SEC-s (since Jan. 2010) streams within Metro boundary (Metro Title 13) – Needs Significance Finding	Policy 21 stream and new SEC-s (since Jan. 2010) overlay within Metro boundary
Streams covered by regulation and/or Policy	<ol style="list-style-type: none"> 1. Smith Cr. (upper 2.5 miles - approx.) 2. Pounder Cr. 3. Buck Cr. 4. Red Elder Cr. 5. Gordon Cr. 6. Cat Cr. 7. Trout Cr. 8. Trout Cr. (North Branch) 9. North Tributary of Trout Cr. 	<ol style="list-style-type: none"> 1. Big Creek 2. Howard Creek 3. Knieriem Creek 	<ol style="list-style-type: none"> 1. East Bank of the Sandy River. 2. –not all stream names available on PR Nav.— 3. 	<ol style="list-style-type: none"> 1. Western 1,500 feet (approx) of Smith Creek



Residential Development	Prohibits new residential development within 150 feet of a stream centerline.	SEC-s code does not include a prohibition on residential development within 150 feet of stream centerline. 35.4525(D) conflicts with the Policy 21 residential prohibition.	SEC-s code does not include a prohibition on residential development within 150 feet of stream centerline. 35.4525(D) conflicts with the Policy 21 residential prohibition.	SEC-s code does not include a prohibition on residential development within 150 feet of stream centerline. 35.4525(D) conflicts with the Policy 21 residential prohibition.
Roads, stream crossings, additions and grading activities.	Limiting of new roads, stream crossings, additions to existing structures, and other grading activities within this 150 foot area.	<p>SEC-s code does not provide specific limits on new roads or stream crossings within 150 feet of stream. MCC 35.4525(D) requires findings regarding the most appropriate location, size and scope of the proposed development.</p> <p>SEC- s code limits additions to 400 sq. ft. without review. Over 400 sq. ft. requires SEC-s review.</p> <p>SEC-s code limits grading to seasonal window.</p>	<p>SEC-s code does not provide specific limits on new roads or stream crossings within 150 feet of stream. MCC 35.4525(D) requires findings regarding the most appropriate location, size and scope of the proposed development.</p> <p>SEC- s code limits additions to 400 sq. ft. without review. Over 400 sq. ft. requires SEC-s review.</p> <p>SEC-s code limits grading to seasonal window.</p>	<p>SEC-s code does not provide specific limits on new roads or stream crossings within 150 feet of stream. MCC 35.4525(D) requires findings regarding the most appropriate location, size and scope of the proposed development.</p> <p>SEC- s code limits additions to 400 sq. ft. without review. Over 400 sq. ft. requires SEC-s review.</p> <p>SEC-s code limits grading to seasonal window.</p>

		SEC-s code does not include a specific limitation on grading within 150 feet of stream. MCC 35.4525(D) requires findings regarding the most appropriate location, size and scope of the proposed development.	SEC-s code does not include a specific limitation on grading within 150 feet of stream. MCC 35.4525(D) requires findings regarding the most appropriate location, size and scope of the proposed development.	SEC-s code does not include a specific limitation on grading within 150 feet of stream. MCC 35.4525(D) requires findings regarding the most appropriate location, size and scope of the proposed development.
Exemptions for additions.	Additions to existing dwellings of up to 400 square feet exempt from the setback requirements.	SEC-s code allows a exemption for 400 sq. ft. addition to any structure (not just limited to dwellings)	SEC-s code allows a exemption for 400 sq. ft. addition to any structure (not just limited to dwellings)	SEC-s code allows a exemption for 400 sq. ft. addition to any structure (not just limited to dwellings)
Seasonal window for soil/ground disturbance.	All related ground disturbing activities within the 150 foot stream setback confined to May1 through October 1 in any year.	SEC-s code is more restrictive: Soil disturbing activities within the overlay are limited to between June 15 and September 15.	SEC-s code is more restrictive: Soil disturbing activities within the overlay are limited to between June 15 and September 15.	SEC-s code is more restrictive: Soil disturbing activities within the overlay are limited to between June 15 and September 15.
Design standard for stream crossings.	Requires any stream crossing to utilize a bridge or arched culvert which does not disturb the bed or banks of the stream and are of the minimum width necessary to allow passage of peak winter	35.4575(E)(1) is consistent with this policy: <i>"A bridge or arched culvert which does not disturb the bed or banks of the stream and are of the minimum width necessary to allow</i>	35.4575(E)(1) is consistent with this policy: <i>"A bridge or arched culvert which does not disturb the bed or banks of the stream and are of the minimum width necessary to allow</i>	35.4575(E)(1) is consistent with this policy: <i>"A bridge or arched culvert which does not disturb the bed or banks of the stream and are of the minimum width necessary to allow</i>

	flows.	<i>passage of peak winter flows shall be utilized for any crossing of a protected streams. "</i>	<i>passage of peak winter flows shall be utilized for any crossing of a protected streams. "</i>	<i>passage of peak winter flows shall be utilized for any crossing of a protected streams. "</i>
Width of protection area.	Requires SEC-s overlay apply to 150 feet as measured in both directions from centerline of significant streams.	Exceeds standard in Policy 21. Stream conservation area extends 300 feet in both directions from centerline of stream.	Exceeds standard in Policy 21. Variable widths for stream conservation area. 200 feet in both directions from stream centerline is typical and is the minimum width.	The stream conservation area is 200 feet in both directions from stream centerline.
Standards applicable within Metro jurisdictional boundary.			<p>Additional code provisions apply to SEC-s streams within Metro boundary. Additional provisions include:</p> <ol style="list-style-type: none"> 1. Stream enhancement and restoration projects are limited to removal by hand of invasive vegetation and limits planting of any native vegetation to species on the Metro Native Plant List. 	<p>Additional code provisions apply to SEC-s streams within Metro boundary. Additional provisions include:</p> <ol style="list-style-type: none"> 1. Stream enhancement and restoration projects are limited to removal by hand of invasive vegetation and limits planting of any native vegetation to species on the Metro Native Plant List.

			<p>2. SEC permit not be required for certain enhancement or restoration projects that are approved by Soil and Water Conservation District, the Natural Resources Conservation District, or the Oregon Department of Fish and Wildlife.</p> <p>3. An SEC-s permit is required for agricultural buildings, structures and development associated with farm practices and agricultural uses; except for agricultural fences.</p> <p>4. More restrictive prohibition on planting of any invasive non-native or noxious</p>	<p>2. SEC permit not be required for certain enhancement or restoration projects that are approved by Soil and Water Conservation District, the Natural Resources Conservation District, or the Oregon Department of Fish and Wildlife.</p> <p>3. An SEC-s permit is required for agricultural buildings, structures and development associated with farm practices and agricultural uses; except for agricultural fences.</p> <p>4. More restrictive prohibition on planting of any invasive non-native or noxious</p>
--	--	--	---	---

			vegetation. 5. Revegetation of disturbed areas requires primarily native plants. 6. Outside storage of hazardous materials as determined by DEQ is prohibited.	vegetation. 5. Revegetation of disturbed areas requires primarily native plants. 6. Outside storage of hazardous materials as determined by DEQ is prohibited.
--	--	--	--	--

Note: Policy 21 requires application of SEC-s to all significant streams. The Goal 5 policy discussion that precedes Policy 21 indicates that significant streams are those picked up in the 1995 ESEE Report (Column 2 above) AND those picked up through the Howard Canyon Reconciliation Report (Column 3 above), thus Policy 21 applies to those streams as well.

Note: Inside the Metro jurisdictional boundary there was only one stream designated significant via the 1995 ESEE report and consequently Policy 21 designation applied: that stream is Smith Creek, of which the lower 1,500 feet is within the Metro boundary. In January 2010 additional streams within the Metro boundary received the SEC-s designation in order to comply with Metro's Title 13; these streams mapped by Metro as part of their streams and wetlands inventory related to Title 13.

Question: Should new SEC-s streams within the Metro boundary have any new code related to Policy 21 applied or should the these streams retain existing code as is without the additional Policy 21 code language added? One arguments for making all SEC-s consistent is that the new SEC-s streams have arguably been found to be 'significant' via Metro's Title 13 and therefore should be treated the same as those streams that were found to be significant previously as noted in the RAP. It would be appropriate then for a new ordinance to include a finding that these new SEC-s streams are 'significant' for the purposes of applying Policy 21 consistently.

Note: Policy 20 of the RAP states, "Mail notice to any property owner of changes to general or specific land use and zoning regulations which will directly affect his/her property. -- STRATEGY: Multnomah County shall implement this policy through amendments to the public notice procedures of the County Zoning Ordinance." Notice should be mailed to property owners with property that would be affected by ordinance changes.

Once the review agency identifies land use conflicts, it must consider the activities and side-effects of these land uses. In the ESEE consequences analysis, conflicts resulting from the primary land use, and secondary land use activities and impacts are considered together in packages. The authors intent in this report is to help the County determine whether and how to (1) make siting decisions for new or expanding conflicting uses, and (2) regulate the conflicting activities of existing and potential land uses.

IV.C.8. Residential Development

Nearly all of the conflicts identified in this sub-section can be attributed to residential development. Residential development can be the reason land is logged and permanently cleared. It can be the reason roads and driveways are constructed to serve one or more dwellings. Large lot rural residential development can create hundreds of linear feet of driveway per dwelling. The need for more transmission corridors increases as more development is scattered across the landscape. Residential landscaping introduces plant species which compete with native vegetation. Residential landscaping may introduce additional herbicides and pesticides into the environment. Residential development threatens surface water quality by means of erosion and run-off, and it threatens groundwater quality and quantity by drawing upon the service capacity of the water table and increasing potential for dumping, either accidental or intentional of toxic or hazardous materials into the ground. In addition, increased human activity upon the land at all times of the day can disrupt wildlife travel patterns and choice of occupancy.

