CLAIM OF BENEFICIAL USE for Transfer with Multiple Changes – Surface Water and Groundwater

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

A fee of $345 must accompany this form for transfers where the application was submitted on July 9, 1987, or later.

Enter the date the transfer application was submitted:

November 20, 2023

A separate form shall be completed for each transfer.

This form is subject to revision. **Begin each new claim** by checking for a new version of this form at: https://www.oregon.gov/OWRD/Forms/Pages/default.aspx

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. **Every item must have a response.** If any requested information does not apply to the claim, insert "NA." **Do not delete or alter any section of this form unless directed by the form.** The Department may require the submittal of additional information from any water user or authorized agent.

"Section 7" of this form is intended to aid in the completion of this form and should not be submitted.

A claim of beneficial use includes both this report and a map. If the map is being mailed separately from this form, please include a note with this form indicating such.

If you have questions regarding the completion of this form, please call 503-986-0900.

The Department has a program that allows it to enter into a voluntary agreement with an applicant for expedited services. Under such an agreement, the applicant pays the cost to hire additional staff that would not otherwise be available. This program means a certificate may be issued in about a month. For more information on this program see: https://www.oregon.gov/OWRD/programs/WaterRights/RA/Pages/default.aspx

SECTION 1
GENERAL INFORMATION

Type of Authorized Change

This Claim is being submitted for a transfer involving multiple changes. **YES** ~~NO~~

Mark all that apply:

1. ☐ Change in POD(s) or Additional POD(s)
2. ☒ Change in POA(s) or Additional POA(s)
1. ☐ Change in Place of Use
4. ☒ Change in Character of Use
5. ☐ Change in Character of Use – Reservoir

A separate section will be completed for each type of change authorized in the transfer final order.

1. File Information

APPLICATION #
T-14360

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OCT 14 2026
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2. Property Owner (current owner information)

Applicant/Business Name		Phone No.	Additional Contact No.
Metro (c/o Gary Shepherd)		**(503) 797-1700**	
Address **600 NE Grand Avenue**			
City **Portland**	State **OR**	Zip **97232-2736**	E-Mail **Gary.shepherd@oregonmetro.gov** *(Gary Shepherd, Senior Metro Attorney)*

If the current property owner is not the transfer holder of record, it is recommended that an assignment be filed with the Department. ***Each*** *transfer holder of record must sign this form.*

3. Transfer holder of record (this may, or may not, be the current property owner)

Applicant/Business Name		
Metro		
Address **600 NE Grand Avenue**		
City **Portland**	State **OR**	Zip **97232-2736**

4. Date of Site Inspection:

September 18, 2026

5. Person(s) interviewed and description of their association with the project:

Name	Date	Association with the Project
Cole Hawkey	**Sep 18, 2026**	**Parks Capital Asset Manager**
Eeshoo Rehani	**Jul-Sep 2026**	**Senior Construction Project Manager**

6. County:

Multnomah

7. If any property described in the place of use of the transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(5)):

Owner of Record		
Address		
City	State	Zip

Add additional tables for owners of record as needed

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OCT 14 2026
OWRD

SECTION 2

SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.

Seal and Signature



CWRE Name		Phone No.	Additional Contact No.
Ian Godwin (CwM-H2O, LLC)			
Address **311 B Avenue, Suite P**			
City **Lake Oswego**	State **OR**	Zip **97034**	E-Mail **igodwin@cwmh2o.com**

Transfer Holder(s) of Record Signature or Acknowledgement

Each *transfer holder of record must sign this form in the space provided below.*

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

Signature	Print or Type Name	Title	Date
	Gary Shepherd	*Senior Metro Attorney*	9/24/26

SIGN HERE

Received
OCT 14 2026
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SECTION 3

Changes Made

Note: The Claim only needs to describe the changes that were authorized in the transfer final order.

Change #1 – N/A

New or Additional Point of Diversion

Change in POD(s) or Additional POD(s)

Did the transfer order authorize a change in the points of diversion or additional points of diversion? ~~YES~~ **NO**

- Deleted –

Change #2

Change in POA(s) or Additional POA(s)

Did the transfer order authorize a change in the points of appropriation or additional points of appropriation? **YES** ~~NO~~

1. New or additional point of appropriation name or number:

Point of Appropriation (POA) Name or Number (correspond to map)	Well Log ID # For All Work Performed on the Well (if applicable)	Well Tag # (if applicable)	Source (If Listed In Transfer Final Order)
POA-2 (Well-2)	**MULT-142514/144289**	**L-143513**	

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

If well logs are available, items A and B below can be deleted. – See Attachment 2 –

2. Variations:
Was the use developed differently from what was authorized by the transfer final order, or extension final? ~~YES~~ **NO**

If yes, describe below.
(e.g. *"The order allowed three new/additional points of appropriation. The water user only developed one of the points."*)

The new POA, Well-2 (see Attachment 1 – Transfer Claim Map), was developed and put to use as proposed in the transfer application.

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OCT 14 2026
OWRD

3. Claim Summary:

New or Additional POA name or #	Maximum rate authorized	Calculated theoretical rate based on system	Amount of water measured
POA-1 (Well-1)	**0.30 cfs** (135 gpm)	**0.314 cfs** (141 gpm)	**0.30 cfs** (135 gpm)[1]
POA-2 (Well-2 / Welcome Center Well)		**0.16 cfs** (73 gpm)	**0.106 cfs** (47.7 gpm)[2]

1. *Well-1 was inactive due to maintenance work during the claim site survey. Records from the Park and from previous engineering studies show that the Well-1 pump regularly operates at between 120 and 130 gpm.*
2. *Well-2 was run for 20 minutes during the site survey. The well pumps into a storage tank during normal operations. A hydrant was opened to lower the level in the tank in order to switch on the pump. Park staff indicated the pump ran as it typically would under normal demands/use.*

System Description

Are there multiple new or additional Points of Appropriation (POA)? ~~YES~~ **NO**

If *"YES"* you will need to copy and complete either Section A or B in this Section for each POA.

POA Name or Number this section describes (only needed if there is more than one):

POA-2 (Well-2 / Welcome Center Well)

A. POA System Information

Provide the following information concerning the point of appropriation. Information provided must describe the equipment used to appropriate water from the point of appropriation.

1. Pump Information:

Manufacturer	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
Grundfos	**45S15-4**	**98924277**	**Submersible**	**~3"** *(2.87" impeller)*	**2"**

2. Motor Information:

Manufacturer	Horsepower
Grundfos	**1.5 HP**

3. Theoretical Pump Capacity – Pump at Well:

Horsepower	Operating PSI	Lift from Source to Ground Surface	Lift to Place of Use	Total Pump Output (in cfs)
1.5 HP	**0 psi**[1] *(open discharge to tank)*	**50 ft** *(pumping level ~40-45 ft under normal operations)*	**15 ft** *(max fill level of storage tank)*	**0.16 cfs** *(73 gpm)*

1. *The well pumps into the tank. A booster pump feeds water from the tank into the system under pressure (at about 55-56 PSI).*

Received
OCT 14 2026
OWRD

4. Provide pump calculations:

Well-2 Pump and Motor:

Q Pump = (horsepower) (pump efficiency) = Q in cfs
(total head in feet)

Q Well-2 = (1.5 HP) (7.04) = (1.5 HP) (7.04) = **0.16 cfs** = 73 gpm
(0 psi + 65 ft) (65 ft of head)

5. Measured Pump Capacity (using meter if meter was present and system was operating):

Initial Meter Reading	Ending Meter Reading	Duration of Time Observed	Total Pump Output (in cfs)
27,254 gal	**28,208 gal**	**20 minutes**	**0.106 cfs** (47.7 gpm)

6. Theoretical Pump Capacity – Pump at Sump: N/A

~~Horsepower~~	~~Operating PSI~~	~~Lift from Source to Ground Surface (the lift from the water surface to the pump)~~	~~Lift to Place of Use (the lift from the pump to the place of use)~~	~~Total Pump Output (in cfs)~~

7. Provide pump calculations: N/A

8. Measured Pump Capacity (using meter if meter was present and system was operating): N/A

Initial Meter Reading	Ending Meter Reading	Duration of Time Observed	Total Pump Output (in cfs)

9. Additional notes or comments related to the system:

Well-2 provides water to a physically separated portion of the Park's water system at the Park Welcome Center and several day-use areas in close proximity to the Park entrance. Well-1 provides water to the remainder of the Park. Both wells can and do operate simultaneously and are able to produce the full water right rate of 0.30 cfs at one time.

B. Groundwater Source Information (Well and Sump)

1. Is the appropriation from a dug well (sump)? ~~YES~~ **NO**

If "NO", items 2 through 4 relating to this section may be deleted. – Deleted –

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OCT 14 2026
OWRD

C. Additional notes or comments related to the system:

Change #3

Change in Place of Use

Did the transfer order authorize a change in the place of use? ~~YES~~ **NO**

*If "**NO**", this Section can be deleted.* – *Deleted* –

Change #4

Change in Character of Use

Did the transfer order authorize a change in character of use? **YES** ~~NO~~

1. Claim Summary – New Use(s):

Provide the new uses authorized by the transfer final order:

NEW USE(S) AUTHORIZED
COMMERCIAL USE

2. Variations:

Were all the uses developed from what was authorized by the transfer final order? ~~YES~~ **NO**

If no, describe below.

(e.g. *"The order authorized changes in character of use to industrial, commercial, and livestock. The water user did not develop the commercial use."*)

The Park's use of the water from Well-1 and the newly constructed Well-2 falls under the allowed uses for Commercial Use (drinking water, public facilities, Park facilities, Park maintenance, etc.).

Change #5

Change in Character of Use – Reservoir

Did the transfer order authorize a change in character of use for a reservoir? ~~YES~~ **NO**

*If "**NO**", this Section can be deleted.* – *Deleted* –

Received
OCT 14 2026
OWRD

SECTION 4

CONDITIONS

All conditions contained in the transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Describe how the water user has complied with each of the development timelines established in the transfer final order and any extensions of time issued for the transfer:

	Date from Transfer	Date the Authorized Changes Were Completed *This Date Must Fall Between The "Issuance Date" And The "Completeness Date"
Issuance Date	**10/3/2025**	
Completeness Date From Order (C)	**10/1/2026**	**Dec 11, 2025** *(pitless adapter installed at Well-2)* **July-August 2026** *(Peak summer use period. Well-2 maximum usage days were July 30 and August 1, 2026, with a max of 3,526 gal/day. Max use day was August 13, 2026 for Well-1 at 36,890 gal/day.)*

* MUST BE WITHIN PERIOD BETWEEN TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETE THE CHANGE

2. Is there an extension final order(s)? ~~YES~~ **NO**

If "NO", you may delete the following table. *– Deleted –*

3. Measurement Conditions:

a. Does the transfer final order, or any extension final order require the installation of a meter or other approved measuring device? **YES** ~~NO~~

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of appropriation.

b. Has a meter been installed? **YES** ~~NO~~

c. Meter Information

POD/POA Name or #	Manufacturer	Serial #	Condition	Current Meter Reading	Date Installed
Well-1	**Recordall**	-	**Working**[1]	-	*Unknown*
Well-2	**Endress+Hauser**	**XB033A16000**	**Working**	**28,208 gal**[2]	**Dec 2025**

1. *This meter was in place until September 7, 2026, after which was removed during maintenance of the Well-1 pump house. A new in-kind meter will be installed.*
2. *The meter was reset on June 29, 2026 due to maintenance. Previous maximum reading was 31,490 gal.*

Received
OCT 14 2026
OWRD

~~*If a meter has been installed, items d through f relating to this section may be deleted.*~~

~~d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department?~~ ~~YES~~ ~~NO~~

~~e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:~~

~~NAME~~	~~TITLE~~	~~APPROXIMATE DATE~~

~~f. Measurement Device Description~~

~~DEVICE DESCRIPTION~~	~~CONDITION (WORKING OR NOT)~~	~~DATE INSTALLED~~

4. Recording and reporting conditions

a. Is the water user required to report the water use to the Department? ~~YES~~ **NO**

If "NO", item b relating to this section may be deleted. – *Deleted* –

5. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion? ~~YES~~ **NO**

If "NO", items b through e relating to this section may be deleted. – *Deleted* –

6. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion? ~~YES~~ **NO**

If "NO", items b and c relating to this section may be deleted. – *Deleted* –

7. Other conditions required by the transfer final order or extension final order:

a. Were there special well construction standards? **YES** ~~NO~~

b. Was submittal of a ground water monitoring plan required? ~~YES~~ **NO**

c. Other conditions? **YES** ~~NO~~

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OCT 14 2026
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If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

A) Water shall be acquired from the same aquifer (water source) as the original point of appropriation.

- *Both wells produce water from the same water-bearing zone of the Troutdale Aquifer.*

C) Prior to the water use, the Department must receive documentation from the relevant planning jurisdiction that all discretionary land use approvals have been obtained and either no administrative appeals were received, or all such appeals have concluded.

- *County approval for a conditional use permit was approved on November 15, 2024 (see Attachment 3).*

SECTION 5

ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Attachment 1	**Claim of Beneficial Use Map**
Attachment 2	**Well Logs for Well-1 and Well-2**
Attachment 3	**Conditional Use Approval Letter from Multnomah County**

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OCT 14 2026
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OCT 14 2026
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SECTION 6

CLAIM OF BENEFICIAL USE MAP

The changes that were authorized under the transfer final order must be mapped based on the developed locations; new or additional points of appropriation and place of use.

In cases where the order involved additional points of appropriation, the additional points should be mapped based on their developed locations. The original points of appropriation should be mapped based on the original right of record at the time the transfer final order was issued.

In cases where the order involved changing the place of use for a portion of a water right, the portion of the place of use being changed should be mapped based on the developed location. If the transfer also included portions of the place of use that were not being modified, but were receiving a new or additional point of appropriation, the place of use for those lands should be mapped based on the original right of record at the time the transfer final order was issued.

OAR 690-014-0170 Minimum Requirements for Maps for Permit or Transfer Final Order Claims of Beneficial Use

(1) Maps submitted by a CWRE as part of the Claim of Beneficial Use shall meet the standards in OAR chapter 690, division 305. In addition, the map shall meet the following criteria:
   (a) Horizontal accuracy is required only to ten feet for the purpose of locating and quantifying water rights. Maps shall be developed from any standard survey method. Traverse closures are not required.
   (b) Maps shall clearly designate the place of use and point of diversion or appropriation for each source and use.
   (c) The map shall indicate by description, in relation to the point of diversion or appropriation, the location of any fish screens, by-pass devices, and measuring devices required by the permit or transfer final order.
   (d) The following statement shall be placed on the map: "This map is not intended to provide legal dimensions or locations of property ownership lines."

(2) A CWRE may make a written request to the Director for a waiver of one or more mapping standards. The Director will determine whether the waiver shall be allowed and will respond to such requests in writing.

OAR 690-305-0010 General Map Criteria

Each map submitted to the Department shall meet the following general criteria in addition to any specific criteria identified in the rules for the relevant water right transaction:

(1) Drawing
   (a) The map shall be drafted on paper or polyester film with ink or otherwise printed in an indelible form with sufficient clarity so as to be easily reproduced or scanned. Maps may be submitted electronically in portable document format (pdf) and must be prepared consistent with, and include the same information as, a paper map.
   (b) The preferred paper size is 8.5 inches by 11 inches and should be no larger than 30 inches by 30 inches. A map greater than 30 inches by 30 inches may be

submitted if the Department grants, by mail or electronic means, advance approval of the larger size. 11 by 17 in

~~(c) Beginning April 1, 2029, regardless of whether the map is submitted electronically, on paper, or on polyester film, for any map that OAR chapter 690 requires be prepared by a Certified Water Right Examiner, a digital file containing the coordinate system and geospatial features of the map as specified by the Department shall be submitted in addition to the map, unless the Department provides a waiver. The digital file shall be submitted as a shapefile or other approved format in a manner required by the Department.~~

~~(d) A platted and recorded subdivision map, deed description survey map, or county assessor map may be submitted as the application map if all of the required information included in sections (2) and (3) of this rule is clearly shown.~~

~~(e) An aerial image may be provided in addition to the map to aid the Department in understanding the proposal.~~

~~(f) The map submitted under subsection (a) shall be the official record of the water right. An aerial image or digital file shall not be the official record of the water right.~~

(2) Scale

(a) The map shall be drawn to a standard, even-numbered scale and one-inch shall not exceed 1320 feet.

(b) The map scale may exceed 1320 feet per inch if the Department grants, by mail or electronic means, advance approval of the requested scale.

(c) Notwithstanding subsection (a) and (b), for maps identifying the location of a municipal use place of use, one-inch can exceed 1320 feet; provided that the scale is sufficient to identify the quarter-quarters involved in the place of use.

(3) Features: Features shall be clearly identified and labeled. Unless otherwise indicated in rule, the following features must be included in each map submitted to the Department:

Received
OCT 14 2026
OWRD

(a) Mapping scale.

(b) North directional symbol.

(c) Legend.

(d) General location of main canals, ditches, flumes, pipelines, pumps, or other water delivery features used to transport water from the point(s) of diversion or appropriation to the place use and to include the delivery features at the place of use.

(e) Other topographical features such as rivers, creeks, streams, lakes, reservoirs, ponds, roads, or railroads that may be helpful to clarify and identify the location of points of diversion, wells, dams, and places of use.

(f) Location and flow direction of the water way if the source is surface water. If multiple water ways exist in the area of the proposed diversion and use, the map must identify the location and flow direction of the additional water ways.

(g) Township, range, section, quarter-quarter, and tax lot(s), donation land claims, or government lots where water will be or has been diverted, conveyed, and used. If the map is for municipal use the map:

~~(A) Must identify but does not need to label the quarter-quarters,~~

~~(B) Does not need to identify or label tax lots, donation land claims, or government lots.~~

(h) Location of each proposed or developed diversion point, well (point of appropriation), or dam by reference to a recognized public land survey corner. For a reservoir without a dam, the center of the reservoir shall be referenced to a recognized public land survey corner.

(A) The locations shall be shown by distance and bearing, or by coordinates (distance north or south and distance east or west from the corner). In addition, they shall also include latitude and longitude as established by a global positioning system.

(B) Latitude and longitude coordinates shall be expressed as degrees-decimal with five or more digits after the decimal (e.g., 42.53764º). The datum used to establish the coordinates shall be indicated on the map. Examples of datums include NAD 83, NAD 27 and WGS84.

(i) Location of the proposed or developed place of use by township, range, section, and nearest quarter-quarter section.

~~(A) For irrigation or nursery use, the map shall additionally indicate the place of use in each quarter-quarter of a section by shading or hatchuring and indicate the number of acres in each quarter-quarter section, donation land claim, government lot, or other recognized public land survey lines.~~

~~(B) For places of use that are limited to a point, such as a stock watering tank, the location may also be identified by distance and bearing, or by coordinates (distance north or south and distance east or west from the corner). In addition, they shall include latitude and longitude as established by a global positioning system.~~

~~(C) Latitude and longitude coordinates shall be expressed as degrees-decimal with five or more digits after the decimal (e.g., 42.53764º). The datum used to establish the coordinates shall be indicated on the map. Examples of datums include NAD 83, NAD 27 and WGS84.~~

(D) Where more than one point of diversion or well is included, the map must clearly identify the place(s) of use served by each point of diversion or well.

~~(j) If for a supplemental irrigation application or claim of beneficial use, the location and water right reference number of the underlying primary right, registration or claim.~~

(k) Any other information the Department requests and considers necessary to evaluate the water right transaction.

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OCT 14 2026
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Map Checklist (OAR 690-305-0000)

Please be sure that the map you submit includes ALL the items listed below.
(Reminder: Incomplete maps and/or claims may be returned.)

- [x] Map on polyester film or paper, printed using indelible form
- [x] Appropriate scale (standard, even numbered scale and 1" shall not be more than 1320')
- [x] Township, Range, Section, Donation Land Claims, and Government Lots
- [x] If irrigation or nursery use, number of acres within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- [ ] ~~Locations of fish screens and/or fish by-pass devices in relationship to point of diversion~~
- [x] Locations of meters and/or measuring devices in relationship to point of diversion or appropriation
- [x] Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- [x] Point(s) of diversion or appropriation (illustrated and coordinates)
- [x] Tax lot boundaries and numbers
- [x] Quarter-Quarters illustrated and named (NE NE, NW NE, etc.)
- [ ] ~~Source illustrated if surface water~~
- [x] Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- [x] Application and permit number or transfer number
- [x] North arrow
- [x] Legend
- [x] CWRE stamp and signature

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OCT 14 2026
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Outlook

RE: Transfer Claim Map - Scale Waiver

From HOLMES Codi N * WRD <codi.n.holmes@water.oregon.gov>
Date Fri 9/18/2026 1:55 PM
To Ian Godwin <Igodwin@cwmh2o.com>

Yes, that will work.

Codi Holmes
Certificate Specialist
Oregon Water Resources
725 Summer St NE Suite A
Salem OR 97301
503-979-3184 cell

OREGON WATER RESOURCES DEPARTMENT

Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: Ian Godwin <Igodwin@cwmh2o.com>
Sent: Friday, September 18, 2026 12:46 PM
To: HOLMES Codi N * WRD <codi.n.holmes@water.oregon.gov>
Subject: Transfer Claim Map - Scale Waiver

Received
OCT 14 2026
OWRD

Good afternoon Codi -

I am working on the claim of beneficial use for Oxbow Regional Park's transfer T-14360. The place of use is large and the scale must be slightly smaller (1" = 1,500') than the maximum scale allowed in the rules (1" = 1,320') in order to fit it on an 11 x 17 in map. Would you be able to provide a map scale waiver for this claim map (see attached)?

Thank you,
Ian Godwin

CwM

Ian Godwin, RG, CWRE | Project Hydrogeologist
311 B Avenue, Suite P, Lake Oswego, Oregon 97034
www.cwmh2o.com
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Attachment 2
Well-1 and Well-2 Well Logs

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Well-1

NOV 12 1964

MULT 002527

Oxbow Park
Well No. 3

File Original and First Copy with the STATE ENGINEER, SALEM, OREGON

WATER WELL REPORT
STATE OF OREGON

State Well No. 1/3-15C

State Permit No.

(1) OWNER: (Division of Parks & Memorials)
Name County of Multnomah
Address 2115 S.E. MORRISON
PORTLAND OREGON

(2) LOCATION OF WELL:
County Multnomah Owner's number, if any—
N.E¼ N.W.¼ Section 15 T. 1S R. 4E W.M.
Bearing and distance from section or subdivision corner

(3) TYPE OF WORK (check):
New Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
If abandonment, describe material and procedure in Item 11.

PROPOSED USE (check):
Domestic ☒ Industrial ☐ Municipal ☒
Irrigation ☐ Test Well ☐ Other ☐

(5) TYPE OF WELL:
Rotary ☐ Driven ☐
Cable ☒ Jetted ☐
Dug ☐ Bored ☐

(6) CASING INSTALLED: Threaded ☐ Welded ☐
12" Diam. from 0 ft. to 100 ft. Gage 0.375
" Diam. from ft. to ft. Gage
" Diam. from ft. to ft. Gage

(7) PERFORATIONS: Perforated? ☐ Yes ☒ No
Type of perforator used
SIZE of perforations in. by in.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(8) SCREENS: Well screen installed ☒ Yes ☐ No
Manufacturer's Name Edward E.Johnson 12" x 6'
Type Everdur Telescope Model No.
Diam. 12" Slot size 35 Set from 99 ft. to 105 ft.
Slot size Set from ft. to ft.

(9) CONSTRUCTION:
Was well gravel packed? ☐ Yes ☒ No Size of gravel:
Gravel placed from ft. to ft.
Was a surface seal provided? ☒ Yes ☐ No To what depth? 18 ft.
Material used in seal— Cement & Sand
Did any strata contain unusable water? ☐ Yes ☒ No
Type of water? Depth of strata
Method of sealing strata off

(10) WATER LEVELS:
Static level 50'7½" ft. below land surface Date 6/26/64
Artesian pressure lbs. per square inch Date

Log Accepted by:
[Signed] Date , 19
(Owner)

(11) WELL TESTS: Drawdown is amount water level is lowered below static level drg
Was a pump test made? ☒ Yes ☐ No If yes, by whom? Bottner Co
Yield: 67 gal./min. with 4'2" ft. drawdown after 2 hrs.
" 104 " 7'2" " 4 "
" 165 " 10' " 4 "
Estimated 210 gal./min. with 12' ft. drawdown after 8 hrs.
Artesian flow g.p.m. Date
Temperature of water Was a chemical analysis made? ☐ Yes ☐ No

(12) WELL LOG: Diameter of well 12 inches.
Depth drilled 117 ft. Depth of completed well Back filled to 107 ft.
Formation: *Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.*

MATERIAL	FROM	TO
Sand, yellow fine	0	30
Sand, reddish coarse	30	35
Sand, yellow fine	35	45
Gravel, cemented	45	97
Gravel& sand, water bearing	97	107
Clay, blue	107	117

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Work started May 18 19 64 Completed June 26 19 64

(13) PUMP:
Manufacturer's Name
Type: H.P.

Well Driller's Statement:
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME Haakon Bottner Drilling Co.
(Person, firm, or corporation) (Type or print)
Address 3424 S.E. 174th.Ave. Portland Ore.
Drl.Mach.Op. Lic. No 246
[Signed] H. Bottner
(Well Driller)
License No. 109 Date Aug.4, 1964

(USE ADDITIONAL SHEETS IF NECESSARY)

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.545 & 537.765 and OAR 690-205-0210)

Well-2

MULT 142514

12/4/2024

WELL I.D. LABEL# L 143513
START CARD # 1075690
ORIGINAL LOG #

(1) LAND OWNER

Owner Well I.D. 6643
First Name _____ Last Name _____
Company OXBOW REGIONAL PARK
Address 600 NE GRAND AVE.
City PORTLAND State OR Zip 97232

(2) TYPE OF WORK

[X] New Well [ ] Deepening [ ] Conversion [ ] Alteration (complete 2a & 10) [ ] Abandonment(complete 5a)

(2a) PRE-ALTERATION

	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
Casing:									

	Material	From	To	Amt	sacks/lbs
Seal:					

(3) DRILL METHOD

[ ] Rotary Air [ ] Rotary Mud [ ] Cable [ ] Auger [ ] Cable Mud
[X] Reverse Rotary [ ] Other _____

(4) PROPOSED USE

[ ] Domestic [ ] Irrigation [X] Community
[ ] Industrial/ Commericial [ ] Livestock [ ] Dewatering
[ ] Thermal [ ] Injection [ ] Other _____

(5) BORE HOLE CONSTRUCTION

Special Standard [ ] (Attach copy)
Depth of Completed Well 122.50 ft.

BORE HOLE

Dia	From	To
16	0	20
12	20	122.5

SEAL

Material	From	To	Amt	sacks/lbs
Bentonite	0	31	41	S
		Calculated	33	
Cement	31	96	70	S
		Calculated	23.6	

Seal placement method: [ ] A [ ] B [X] C [ ] D [ ] E [X] Other: POURED DRY
Backfill placed from _____ ft. to _____ ft. Material _____
Filter pack from 96 ft. to 122.5 ft. Material FILTER SAND Size 12/20
Explosives used: [ ] Type _____ Amount _____
Seal Placement Begin Date 11/4/2024 Begin Time 12 30

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount _____ Actual Amount _____

(6) CASING/LINER

C/L	Dia	+	From	To	Gauge	Mat. Type	Wld	Thrd	Shoe	Shoe Location
C	8	X	3	107.5	.322	ST	X			
C	8		117.5	122.5	.322	ST				

Temp casing [X] Yes Dia 12 From + [ ] 0 To 122.5

(7) PERFORATIONS/SCREENS

Perforations Method _____
Screens Type Wrap rib Material Stainless steel

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ Pipe size
Screen	Casing	8	107.5	117.5	.02			Pipe Size

(8) WELL TESTS: Minimum testing time is 1 hour

Type of Test	Yield (gal/min)	Drawdown	Drill Stem/ Pump Depth	Duration (hr)
Pump	77.9	4.1	105	24

Temperature 59 °F Lab analysis [ ] Yes By _____
Water quality concerns? [ ] Yes (describe below) TDS amount 108 ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County MULTNOMAH Twp 1.00 S N/S Range 4.00 E E/W WM
Sec 10 SW 1/4 of the NW 1/4 Tax Lot 400
Tax Map Number _____ Lot _____
Lat ° ' " or 45.50031000 DMS or DD
Long ° ' " or -122.30659200 DMS or DD
(•) Street address of well ( ) Nearest address
3010 SE OXBOW PKWY. - GRESHAM, OR 97050

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Pre-Alteration				
Completed Well	11/19/2024			61

Flowing Artesian? [ ] Dry Hole? [ ]

WATER BEARING ZONES Depth water was first found 90.00

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)
11/19/2024	90	118	200			61

(11) WELL LOG

Ground Elevation _____

Material	From	To
Soft brown sandy topsoil	0	4
Brown sandy cemented w/some pea gravel	4	12
Cemented brown sand	12	25
Brown clay & sand cemented	25	35
Dark brown sand cemented	35	40
Coarse brown sand w/some gravel dark brown	40	42
Soft light brown sandy clay	42	44
Dark brown sand & cobbles w/some wood	44	49
Light brown cemented clay & sand w/wood	49	52
Coarse dark grey sand cemented	52	80
Silt w/fine sand	80	95
Grey brown silt w/fine sand	95	99
Cemented sandy gravel	99	100
Brown sand w/more gravel	100	101
Silty brown w/gravel	101	105
Cemented coarse sand & gravel	105	108
Large gravel & sand	108	118
Blue clay	118	122.5

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Construction
Begin Date 11/4/2024 Begin Time 08 30 End Date 11/19/2024

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number _____ Date _____

Signed _____

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1684 Date 12/4/2024

Signed BRET JONES (E-filed)

Drilling Company: JONES DRILLING CO., INC.

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version:

WATER SUPPLY WELL REPORT - continuation page

MULT 142514

12/4/2024

WELL I.D. LABEL# L 143513
START CARD # 1075690
ORIGINAL LOG #

(2a) PRE-ALTERATION

Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

Material	From	To	Amt	sacks/lbs

Water Quality Concerns

From	To	Description	Amount	Units

(5) BORE HOLE CONSTRUCTION

BORE HOLE Dia	From	To

SEAL Material	From	To	Amt	sacks/lbs
		Calculated		
		Calculated		
		Calculated		
		Calculated		

FILTER PACK

From	To	Material	Size

(10) STATIC WATER LEVEL

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)

(6) CASING/LINER

C/L	Dia	+	From	To	Gauge	Mat. Type	Wld	Thrd	Shoe	Shoe Location

(11) WELL LOG

Material	From	To

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(7) PERFORATIONS/SCREENS

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ Pipe size

Name of person(s) who assisted with construction and Trainee License # / Helper #

Assistant Name	Type	#

(8) WELL TESTS: Minimum testing time is 1 hour

Type of Test	Yield (gal/min)	Drawdown	Drill Stem/ Pump Depth	Duration (hr)

Comments/Remarks

All casings are stainless steel

WATER SUPPLY WELL REPORT - Map with location identified must be attached and shall include an approximate scale and north arrow

MULT 142514

12/4/2024

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Map of Hole

STATE OF OREGON
WELL LOCATION MAP

This map is supplemental to the WATER SUPPLY WELL REPORT

Oregon Water Resources Department
725 Summer St NE, Salem OR 97301
(503)986-0900

LOCATION OF WELL

Latitude: 45.50031000 Datum: WGS84
Longitude: -122.30659200
Township/Range/Section/Quarter-Quarter Section:
WM1.00S4.00E10SWNW
Address of Well:
3010 SE OXBOW PKWY. - GRESHAM, OR 97050

Well Label: 143513

Printed: December 4, 2024

DISCLAIMER: This map is intended to represent the approximate location the well. It is not intended to be construed as survey accurate in any manner.

Provided by well constructor



STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.545 & 537.765 and OAR 690-205-0210)

MULT 144289
12/16/2025

WELL I.D. LABEL# L 143513
START CARD # 1080728
ORIGINAL LOG # MULTNOMAH 142514

(1) LAND OWNER

Owner Well I.D. 6756
First Name _____ Last Name _____
Company OXBOW REGIONAL PARK
Address 600 NE GRAND AVE.
City PORTLAND State OR Zip 97232

(2) TYPE OF WORK

☐ New Well ☐ Deepening ☐ Conversion
☒ Alteration (complete 2a & 10) ☐ Abandonment(complete 5a)

(2a) PRE-ALTERATION

	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd
Casing:	8	☒	3	107.5	.322	◉	○	☒	☐

	Material	From	To	Amt	sacks/lbs
Seal:	Bentonite	0	31	41	Sacks

(3) DRILL METHOD

☐ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☒ Other EXCAVATOR

(4) PROPOSED USE

☐ Domestic ☐ Irrigation ☒ Community
☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering
☐ Thermal ☐ Injection ☐ Other _____

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ (Attach copy)
Depth of Completed Well 122.50 ft.

BORE HOLE

Dia	From	To
16	0	20
12	20	122.5

SEAL

Material	From	To	Amt	sacks/lbs
Bentonite	0	3	3	S
		Calculated	3	
		Calculated		

Seal placement method: ☐ A ☐ B ☐ C ☐ D ☐ E ☒ Other: POURED DRY
Backfill placed from _____ ft. to _____ ft. Material _____
Filter pack from _____ ft. to _____ ft. Material _____ Size _____
Explosives used: ☐ Type _____ Amount _____
Seal Placement Begin Date 12/11/2025 Begin Time 12 00

(5a) ABANDONMENT USING UNHYDRATED BENTONITE

Proposed Amount Actual Amount

(6) CASING/LINER

C/L	Dia	+	From	To	Gauge	Mat. Type	Wld	Thrd	Shoe	Shoe Location

Temp casing ☐ Yes Dia _____ From + ☐ _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method _____
Screens Type _____ Material _____

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ Pipe size

(8) WELL TESTS: Minimum testing time is 1 hour

Type of Test	Yield (gal/min)	Drawdown	Drill Stem/ Pump Depth	Duration (hr)

Temperature _____ °F Lab analysis ☐ Yes By _____
Water quality concerns? ☐ Yes (describe below) TDS amount 108 ppm

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County MULTNOMAH Twp 1.00 S N/S Range 4.00 E E/W WM
Sec 10 SW 1/4 of the NW 1/4 Tax Lot 400
Tax Map Number _____ Lot _____
Lat ° ' " or 45.50031000 DMS or DD
Long ° ' " or -122.30659200 DMS or DD
◉ Street address of well ○ Nearest address
3010 SE OXBOW PKWY. - GRESHAM, OR 97050

(10) STATIC WATER LEVEL

	Date	SWL(psi)	+	SWL(ft)
Existing Well / Pre-Alteration				
Completed Well				

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES Depth water was first found _____

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)

(11) WELL LOG

Ground Elevation 120.36 FT

Material	From	To

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Construction
Begin Date 12/11/2025 Begin Time 12 00 End Date 12/11/2025

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number 2050 Date 12/16/2025
Signed JACOB HAYES (E-filed)

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1684 Date 12/16/2025
Signed BRET JONES (E-filed)
Drilling Company: JONES DRILLING CO., INC.

ORIGINAL - WATER RESOURCES DEPARTMENT
THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK Form Version:

WATER SUPPLY WELL REPORT - continuation page

MULT 144289

12/16/2025

WELL I.D. LABEL# L 143513

START CARD # 1080728

ORIGINAL LOG # MULTNOMAH 142514

(2a) PRE-ALTERATION

Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

Material	From	To	Amt	sacks/lbs
Cement	31	96	70	Sacks

(5) BORE HOLE CONSTRUCTION

BORE HOLE Dia	From	To	SEAL Material	From	To	Amt	sacks/lbs
					Calculated		
					Calculated		
					Calculated		
					Calculated		

FILTER PACK

From	To	Material	Size

(6) CASING/LINER

C/L	Dia	+	From	To	Gauge	Mat. Type	Wld	Thrd	Shoe	Shoe Location

(7) PERFORATIONS/SCREENS

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ Pipe size

(8) WELL TESTS: Minimum testing time is 1 hour

Type of Test	Yield (gal/min)	Drawdown	Drill Stem/ Pump Depth	Duration (hr)

Water Quality Concerns

From	To	Description	Amount	Units

(10) STATIC WATER LEVEL

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)

(11) WELL LOG

Material	From	To

WATER SUPPLY WELL REPORT - Map with location identified must be attached and shall include an approximate scale and north arrow

MULT 144289

12/16/2025

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Map of Hole

STATE OF OREGON
WELL LOCATION MAP

This map is supplemental to the WATER SUPPLY WELL REPORT

Oregon Water Resources Department
725 Summer St NE, Salem OR 97301
(503)986-0900

OREGON WATER RESOURCES DEPARTMENT

LOCATION OF WELL

Latitude: 45.50031000 Datum: WGS84
Longitude: -122.30659200
Township/Range/Section/Quarter-Quarter Section:
WM1.00S4.00E10SWNW
Address of Well:
3010 SE OXBOW PKWY. - GRESHAM, OR 97050

Well Label: 143513

Printed: December 16, 2025

DISCLAIMER: This map is intended to represent the approximate location the well. It is not intended to be construed as survey accurate in any manner.

Provided by well constructor



ATTACHMENT 3

Department of Community Services
Land Use Planning Division
www.multco.us/landuse

Multnomah County

1600 SE 190th Avenue, Portland Oregon 97233-5910 • PH (503) 988-3043 • Fax (503) 988-3389

Notice of Hearings Officer Decision

Attached please find notice of the Hearings Officer's decision in the matter of **T3-2024-0001**, issued and mailed **11/25/2024.** This notice is being mailed to those persons entitled to receive notice under MCC 39.1170(D).

The Hearings Officer's Decision is the County's final decision and may be appealed to the State of Oregon Land Use Board of Appeals (LUBA) by any person or organization that appeared and testified at the hearing, or by those who submitted written testimony into the record.

Appeal instructions and forms are available from:

Land Use Board of Appeals
775 Summer Street NE, Suite 330
Salem, Oregon 97301

503-373-1265
www.oregon.gov/LUBA

For further information call the Multnomah County Land Use Planning Division at: 503-988-3043.

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Department of Community Services
Land Use and Transportation Planning Program
www.multco.us/landuse

Multnomah County

1600 SE 190th Avenue, Portland Oregon 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

DECISION OF THE HEARINGS OFFICER

Application for a Conditional Use Permit

Case File: T3-2024-0001 **Applicant**: Gary Shepard (Metro)

Proposal: Metro requests a Community Service Conditional Use permit for an accessory use to Oxbow Regional Park to replace, extend and add improvements to the existing water facilities in Oxbow Park. Metro proposes to install a second well, a small prefabricated concrete wellhouse for the well pumps, small water storage tank to achieve required fire flows and install additional standpipes per the Fire Department requirement. Additional to the Conditional Use permit, Significant Environmental Concern permits for Wildlife Habitat (SEC-h), Water Resources (SEC-wr), Scenic Waterway (SEC-sw) and a Limited Design Review are requested

Location: 3010 SE Oxbow Park Road, Gresham **Property ID** # 341682

Map, Tax lot: 1S4E10-00400 **Alt. Acct.** # 994100050

Base Zone: Commercial Forest Use (CFU)

Overlays: Significant Environmental Concern - Wildlife Habitat (SEC-h), Significant Environmental Concern - Scenic Waterway (SEC-sw), Significant Environmental Concern – Water Resources (SEC-wr), Wetlands, Flood Hazard (FH), Geological Hazards (GH)

Hearing Date, Time, & Place:

Friday, November 8, 2024 at 10:30 am. The hearing was conducted online.

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Applicable Approval Criteria:

Multnomah County Code (MCC):

General Provisions: MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.3005 Lot of Record – Generally, MCC 39.3010 Lot

of Record – Commercial Forest Use, MCC 39.6235 Stormwater Drainage Control, MCC 39.6850 Dark Sky Lighting Standards

Commercial Forest Use (CFU): MCC 39.4080(A)(9) Conditional Uses, Community Services Uses, State and Local Parks, MCC 39.4110 - Forest Practices Setbacks and Fire Safety Zones, MCC 39.4105 - Building Height Requirements, MCC 39.4115 - Dimensional Standards for…Structures

Community Service Conditional Use (CU): MCC 39.7515 - Approval Criteria, MCC 39.7520(A)(19) - Accessory Uses, MCC 39.7525(D), (E), (G) Restrictions Significant Environmental Concern Wildlife Habitat (SEC-h): MCC 39.5510 - Uses; SEC Permit Required, MCC 39.5520 - Application for SEC Permit, MCC 39.5860 - Criteria for Approval of SEC-h Permit

Significant Environmental Concern Scenic Waterways (SEC-sw): MCC 39.5510 - Uses; SEC Permit Required, MCC 39.5520 - Application for SEC Permit, MCC 39.5600 - Criteria for Approval of SEC-sw Permit

Significant Environmental Concern Water Resources (SEC-wr): MCC 39.5510 - Uses; SEC Permit Required, MCC 39.5520 - Application for SEC Permit, MCC 39.5800 - Criteria for Approval of SEC-wr Permit

Design Review (Limited): MCC 39.6500 – MCC 39.6600 - Parking, Loading, Circulation and Access, MCC 39.8020(B) - Application of Regulations, MCC 39.8040(A)(1)(a), (1)(c), (4) & (7) – Design Review Criteria

Copies of the referenced Multnomah County Code sections are available by visiting https://www.multco.us/landuse/zoning-codes under the link **Chapter 39: Multnomah**

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OCT 14 2026
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County Zoning Code and at https://multco.us/landuse/comprehensive-plan under the link **Multnomah County Comprehensive Plan**.

Decision:

The requested Community Service Conditional Use, Significant Environmental Concern for Wildlife Habitat (SEC-h), Water Resources (SEC-wr), Scenic Waterways (SEC-sw) and Limited Design Review for the Oxbow Park Waterline replacement/extension and pre-fabricated 11.6-foot by 14-foot wellhouse are approved subject to the conditions of approval included in this Final Order..

Conditions of Approval:

Vicinity Map N↑



1. Permit Expiration – This land use permit shall expire as follows:
   a. Within two (2) years of the date of the final decision when construction has not commenced. [MCC 39.1185(B)]

      i. For the purposes of 1.a, commencement of construction shall mean actual construction of the foundation or frame of the approved structure. 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.

      ii. For purposes of 1.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 the date of commencement. Notification shall be sent via email to LUP-submittals@multco.us with the case no. T3-2024-0001 referenced in the subject line.

   b. Within four (4) years of the date of commencement of construction when the structure has not been completed. [MCC 39.1185(B)]

i. For the purposes of 1.b 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.

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ii. For purposes of 1.b.i, the property owner shall provide building permit status in support of completion of exterior surfaces of the structure and demonstrate compliance with all conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to LUP-submittals@multco.us with the case no. T3-2024-0001 referenced in the subject line. [MCC 39.1185]

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.

2. 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. [MCC 39.1170(B)]

3. **Prior to submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:

   a. The property owners shall acknowledge in writing that they have read and understand the conditions of approval and intend to comply with them. A Letter of Acknowledgement has been provided to assist you. The signed document shall be sent to Marisol Cervantes at Marisol.Cervantes@multco.us. [MCC 39.1170(A) & (B)]

   b. Submit and obtain a Floodplain permit for the replacement/extension of the waterlines within the Flood Hazard overlay.

   c. Submit and obtain an Erosion and Sediment Control Permit for the proposed trench work and directional boring of the water line replacement and wellhouse. [MCC 39.5560 and MCC 39.5800]

4. **When submitting Building Plans for Zoning Review**, the property owner(s) or their representatives shall:

   a. Submit earth-tone color samples and design drawings of the exterior of the proposed 11.6-foot by 14-foot pre-fabricated structure (Exhibit A.8). [MCC 39.5600(H)]

   b. Once design details are finalized, submit 100% Design Details showing all proposed work and erosion control measures with redlines indicating any changes from the 60% Design Details that were provided as Exhibit A.33.

   c.

   d. The 11.6-foot by 14-foot accessory building shall be built to meet the latest version of the International Fire Code Institute Urban-Wildland Interface Code Section 504, Class 1 Ignition Resistant Construction standards. The building must be constructed with a central monitored alarm system. A note requiring the system shall be included on the building plans. Documentation that

the building meets these standards shall be provided as part of the building plan set. [MCC 39.4155(B)(2) & (6)]

d. Provide evidence that any proposed exterior lighting fixtures comply with the standards of MCC 39.6850, or provide a statement on the site plan indicating that no exterior lighting is proposed for the wellhouse.

5. **Prior to and during construction**, the property owner(s) or their representatives shall:

   a. Obtain an Erosion and Sediment Control inspection once the erosion control has been installed for the proposed ground disturbance associated with the project. [MCC 39.5560 & MCC 39.5800]

   b. Flag, fence or otherwise mark the boundaries of the water resource area, marking shall be maintained until construction is complete and fencing to protect existing trees shall remain during construction. [MCC 39.5800]

   c. Refrain from using trees in the Water Resource Area as anchors for stabilizing construction equipment. [MCC 39.5800]

   d. Establish interim erosion control measures such as mulching to avoid erosion on bare areas during development. [MCC 39.5800]

6. **As an on-going condition**, the property owner(s) shall:

   a. Not plant or maintain the nuisance plants in MCC 39.5580 Table 1 as landscape plantings on the subject property. The property owners shall remove the nuisance plants listed in Table 1 from the cleared areas of the property. Once removed, the property owners shall maintain the cleared area free of these nuisance plants [MCC 39.5580, MCC 39.5850(C), and MCC 39.5860(B)(7)]

   b. Implementation of the proposed mitigation measures outlined by the submitted materials (Exhibits A.10, A.32, A.33, and A.34) is required. Plantings must be installed within 1 year of project completion. Photos and documentation of plantings must be provided to LUP-submittals@multco.us once they are planted, and annually thereafter for 5 years. Documentation of 80% survival of mitigation plantings is required. [MCC 39.5860(C)]

Dated this 25th day of November 2024

Joe Turner, Esq., AICP
Multnomah County Land Use Hearings Officer

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This Decision is final when mailed. Appeals may be filed with the Oregon Land Use Board of Appeals within the time frames allowed by State law.

Received
OCT 14 2026
OWRD

A. HEARING AND RECORD HIGHLIGHTS

1. Multnomah County Land Use Hearings Officer Joe Turner received testimony at the duly noticed online public hearing about this application on November 8, 2024. At the hearing, the hearings officer received into the record and inspected electronic copies of the file maintained by the Department of Community Services Land Use and Transportation Planning Program regarding the application. The hearings officer made the declarations required by ORS 197.763. The hearings officer disclaimed any *ex parte* contacts and any bias or conflicts of interest.

2. County planner Marisol Cervantes summarized the Staff Report and the applicable approval criteria. The applicant is proposing to construct a new 162.4 square foot concrete wellhouse and replace existing water lines in Oxbow Park. The applicant also requests an exception to the secondary fire safety setback requirements. The proposed wellhouse is allowed as a conditional use accessory to the park use. She recommended the hearings officer approve the application subject to the conditions of approval in the Staff Report, as amended at the hearing.

a. She agreed with Mr. Shepherd's request to delete proposed conditions of approval 3.b, 3.c, and 6.b.

b. She noted that although much of MCC 39.4115 only applies to dwellings, MCC 39.4115(A)(3) applies to accessory structures. Therefore, the applicant is required to provide a sign-off from the City of Portland confirming that the proposed accessory building will not impact the existing septic system on the site.

3. The applicant, Gary Shepherd, attorney for Metro, appeared summarized the proposed development and responded to the Staff Report.

a. He requested the hearings officer delete proposed conditions of approval 3.b, 3.c, and 6.b, as these mitigation measures are only required when clearing is proposed. The applicant is not proposing any "clearing" on the site as defined by MCC 39.5860(1). The applicant proposed to remove two trees on the site. The applicant proposed to replant areas disturbed by trenching for the installation of replacement water lines. The applicant is proposing this mitigation even though it is not required by the Code. The proposed trenching will not impact any trees. Therefore, these conditions are not warranted and should be deleted.

b. The applicant is not proposing any development that requires the disposal of sewage. Therefore, proposed condition of approval 3.f should be deleted.

c. He agreed to proposed condition of approval 4.c, which requires compliance with ignition resistant construction standards and installation of a monitored alarm system. However, this condition is based on MCC 39.4115(B)(2) and (6) which only apply to dwellings.

d. The existing water system in Oxbow Park was installed in the early 1960s and has reached the end of its useful life. In addition, the entire park is currently served by a single well. The applicant proposes to replace most of the existing waterlines and fire suppression stand pipes and install a new groundwater well, storage tank, and pumphouse within the park. The new well will serve the area around the park welcome center and the existing well serving the remainder of the site. The second well

will eliminate the need for some of the existing waterlines in areas of the site between the two wells. The applicant will also install a generator as a backup power source for the existing well.

e. This project is intended to replace the existing potable water system serving the park. Metro's existing water right severely limits the volume of groundwater that Metro can withdraw to 134 gallons per minute and may be inadequate to serve a larger storage tank. Gresham Fire was aware of and involved with the application since the pre-application conference. Gresham Fire submitted a service provider letter confirming that the proposed water system design meets Gresham Fire standards. The applicant is happy to discuss fire suppression and emergency response issues with the Fire District, the proposed condition is beyond the scope of this project.

Received
OCT 14 2026
OWRD

f. He waived the applicant's right to submit a final written argument.

4. Michael McKeel, Chair of Fire District 10, and Dave Keller, Board Member of Fire District 10 and a former firefighter for the City of Portland, appeared on behalf of the Fire District.

a. Mr. McKeel noted that Oxbow Park is located within the boundaries of Fire District 10. The Fire District contracts with Gresham Fire to provide firefighting services. He testified that Oxbow Park provides unique fire and emergency response challenges as it is located in a heavily forested steep canyon with only one way in and out. There is more wildfire fuel within this canyon than in the Columbia River Gorge. A wildfire could block the road and trap visitors and staff within the park as well as preventing emergency vehicles from accessing the park. The Fire District worked with Metro to install satellite phones within the park for emergency calls, as mobile phone service within the park is very limited. He requested Metro consider designing this project to accommodate connection to a future gravity fed fire protection system, likely consisting of a water storage tank uphill from the park to supply additional water for fire suppression.

b. Mr. Keller requested the applicant agree to consider adding capacity to the existing fire suppression system within the park. A water storage tank located uphill from the park would greatly increase the fire suppression capacity within the park. In addition, the existing fire vehicle parked on the site should be stored inside a heated building and attached to a trickle charger to ensure that the vehicle is immediately available in an emergency. He argued that the applicant could bury a second four to six-inch pipe in the open water line trenches to provide for connection to a future expanded fire suppression system.

5. Project manager Jane Vial also appeared on behalf of the applicant. She testified that the proposed water system would not preclude connection to a future storage tank located uphill from the park. However, the proposed water systems is sized to serve the existing park use, not to provide fire flow requirements.

6. The hearings officer closed the record at the end of the hearing and announced his intention to approve the application, subject to the conditions in the Staff Report, as modified at the hearing.

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 conclusory statement in *italic*. The hearings officer accepted Staff findings, with minor editorial corrections, except where noted otherwise. Additional findings written by the hearings officer are preceded by the words "**Hearings Officer:**"

1.0 Project Description:

Staff: Metro requests a Community Service Conditional Use permit for an accessory use Oxbow Regional Park to replace, extend and add improvements the existing water facilities in the Park. The current water system in place is at the end of its serviceable life as it was placed in the 1960s. Metro proposes to install a second well, a small prefabricated concrete wellhouse for the well pumps, and small water storage tank to achieve required fire flows and install additional standpipes per the Fire Department requirement to meet Fire Code. Additional to the Community Service Conditional Use permit, a Significant Environmental Concern for Wildlife Habitat (SEC-h), Water Resources (SEC-wr), Scenic Waterway (SEC-sw) and Limited Design Review permits are requested.

2.0 Property Description & History:

Staff: The subject property is zoned Commercial Forest Use and is located in the West of Sandy River Planning Area. The subject property has Significant Environmental Concern overlays for Wildlife Habitat and Water Resources over portions of the subject property. The Significant Environmental Concern for Scenic Waterway overlay covers the entire property. Flood Hazard is present on portions of the subject property along the Sandy River. The regional park (Oxbow Park) is an approved Community Use under case file T3-2015-3903 and continues to serve as a park to everyday recreational uses. The Oxbow Park consist of a Welcome Center, Maintenance Building, Garage building and Ranger's Residence at the entrance (north side) of the park. The proposed 11.6-foot by 14-foot pre-fabricated wellhouse will be located near the Maintenance Building and Garage (Exhibit A.5). The park also consists of a camp ground on the lower end of the subject property.

3.0 Code Compliance and Applications Criteria:

Received
OCT 14 2026
OWRD

3.1 § 39.1250 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 or zoning review approval of development or any other approvals authorized by this code 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:

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Staff: This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously issued County approvals, except in the following instances: approval will result in the property coming into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

A finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance. As such, an applicant has no initial burden

to establish that all elements of the subject property are in full compliance with the Zoning Code and all previously approved permits; instead, in the event of evidence indicating or establishing one or more specific instances of noncompliance on the subject property, the applicant bears the burden to either rebut that evidence or demonstrate satisfaction of one of the exceptions in MCC 39.1515.

For purposes of the current application, there are no known open compliance cases associated with the subject property, and there is no evidence in the record of any specific instances of noncompliance on the subject property. *This criterion is met.*

4.0 Lot of Record Criteria:

4.1 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.

(1) "Satisfied all applicable zoning laws" shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

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

Received
OCT 14 2026
OWRD

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MCC 39.3010 LOT OF RECORD – COMMERCIAL FOREST USE (CFU).

(A) In addition to the standards in MCC 39.3005, for purposes of the CFU district, a Lot of Record is either:

(1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, …

***

Staff: The County made a Lot of Record Determination in land use case T3-2015-3903 confirming the subject property (Oxbow Regional Park) is a Lot of Record. The previous decision required the consolidation of certain tax lots with the larger parcel as condition of approval of case file T1-2016-5341. The consolidation occurred and deeds were recorded. As part of this application the applicant submitted current deeds for the subject property (Exhibit A.21) which indicate that the property remains in the configuration that was approved by the consolidation. *Criteria met.*

5.0 Commercial Forest Use (CFU) Criteria:

5.1 MCC 39.4080 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) The following Community Service Uses pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 39.4100, MCC 39.4105, MCC 39.4110, MCC 39.4115, and MCC 39.7500 through MCC 39.7525. For purposes of this Section, the applicable criteria of MCC 39.7515 shall be limited to Subsections (A) through (H) of that Section.

Staff: The proposal is for an accessory use to an existing local park. The project is to replace and extend the existing water lines serving the facilities in Oxbow Park, installation of a second well, a small prefabricated concrete wellhouse for the well pumps, a small water storage tank to achieve required fire flows, and installation of additional standpipes per the Fire Department requirement, all of which constitute a community service conditional use per MCC 39.7520(A)(19). The replacement of the water lines is to improve the water system that was installed in 1960s.

Received
OCT 14 2026
OWRD

5.2 MCC 39.4105 BUILDING HEIGHT REQUIREMENTS.

(A) Maximum structure height – 35 feet.

Staff: The proposed pre-fabricated building height is 15 feet in height meeting the 35-foot maximum (Exhibit A.4 at 10). *Criteria met.*

5.3 MCC 39.4110 Forest Practices Setbacks and Fire Safety Zones

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

Use	Forest Practice Setbacks Fire Safety Zones			
Description of use and location	Nonconforming Setbacks	Front Property Line Adjacent to County Maintained Road (feet)	All Other Setbacks (feet)	Fire Safety Zone Requirements (FSZ)
Other Accessory structures	N/A	30	130	Primary & Secondary required

(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.

Staff: The applicant is not requesting an adjustment or variance. The proposed pre-fabricated wellhouse is to be constructed in the area of the Welcome Center to store the water tank, treatment equipment and well pumps. The pre-fabricated building is more 200 feet from the front property line (SE Oxbow Road), 40 feet from the property line along SE Oxbow Park towards the west side of the property, and more than 130 feet from the south and east property lines. The pre-fabricated building meets the Forest Practice setbacks (Exhibit A.5 & A.33). *Criteria met.*

(B) Exception to the Secondary Fire Safety Zone shall be pursuant to MCC 39.4155 only. No reduction is permitted for a required Primary Fire Safety Zone through a nonconforming, adjustment or variance process.

(C) The minimum forest practices setback requirement shall be increased where the setback abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county "Design and Construction Manual" and the Planning Director shall determine any additional setback requirements in consultation with the Road Official.

Staff: No additional public right-of-way is required for SE Oxbow Park Road. The above Forest Practice Setbacks do not need to be increased. The applicant has requested an Exception to the Secondary Fire Safety Zone due to the park being heavily forested and to maintain environmental overlay requirements. *Criteria met.*

(D) Fire Safety Zones on the Subject Tract.

(1) Primary Fire Safety Zone.

(a) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

Received
OCT 14 2026
OWRD

Percent Slope	Distance In Feet
Less than 10	No additional required
Less than 20	50 additional
Less than 25	75 additional
Less than 40	100 additional

Received
OCT 14 2026
OWRD

(b) On lands with 10 percent or greater slope the primary fire safety zone shall be extended farther down the slope from a dwelling or structure as follows:

(c) The building site must have a slope less than 40 percent.

Staff: The pre-fabricated building is a structure and therefore requires a Primary Fire Safety Zone. The pre-fabricated building meets the 30-foot primary fire safety zone and the structure will be built to be non-flammable. Slopes in this area are less than ten percent (Exhibit A.5, A.10). *Criteria met.*

(2) Secondary Fire Safety Zone.

A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of MCC 39.4155.

Staff: The 11.6-foot by 14-foot pre-fabricated building will be located within the cleared area that is already development near the Welcome Center and Park facilities. The structure can meet the primary fire safety zone. However, the 100-foot secondary fire safety zone will be difficult to meet as the property is forested (Exhibit A.5). In order to meet the secondary fire safety zone, the applicant would need to remove trees and vegetation. The applicant is requesting an exception.

See additional findings for the Exception to the Secondary Fire Safety zone under MCC 39.4155. *Criterion met.*

(3) No requirement in (1) or (2) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

(4) Required Primary and Secondary Fire Safety Zones shall be established within the subject tract as required by Table 1 above.

(5) Required Primary and Secondary Fire Safety Zones shall be maintained by the property owner in compliance with the above criteria listed under (1) and (2).

Staff: Subsection (3) is for informational purposes as the proposed development is in an existing park. The applicant can meet the primary fire safety zone and it will be maintained on-site. The applicant is requesting an Exception to the Secondary Fire Safety Zone that will also be maintained on-site.

5.4 MCC 39.4155 EXCEPTIONS TO SECONDARY FIRE SAFETY ZONES

(A) The secondary fire safety zone for dwellings and structures may be reduced pursuant to the provisions of MCC 39.4155 (B) when:

(3) The proposed dwelling or structure will be clustered with a legally existing dwelling or structure.

Staff: The proposed building will be clustered with the existing facilities. The building will be near the welcome center, maintenance building, and garage (Exhibit A.5). The previous buildings have been approved per T3-2015-3903 case file (Exhibit A.5 & A.25). *Standard met.*

(B) Exceptions to secondary fire safety zones shall only be granted upon satisfaction of the following standards:

(2) If the proposed secondary fire safety zone is less than fifty feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, and

Staff: The applicant requested a secondary fire safety zone exception from 100 feet to 0 feet. The land to the north and east sides of the structure is cleared as that is where the other facilities are located. The west and south side of the structure is heavy forested which is the O & M yard as shown in Exhibit A.5 and A.14. The exception is requested for the forest land south and west of the structure as the applicant is proposing to keep all development in existing cleared areas. A condition of approval has been recommended to ensure that the building will meet the Class 1 Ignition Resistant Construction standards. The proposed 11.6-foot by 14-foot pre-fabricated wellhouse/water pumps structure is proposed to follow the Class 1 Ignition Resistant Construction standards. The review of the building plans have not yet been completed, but the structure will have a concrete metal roof (Exhibit A.4, A.5).

The pre-fabricated building will have gutters and downspouts, the exterior walls will be constructed with concrete and non-combustible metal material. *As conditioned, this criterion will be met.*

Received
OCT 14 2026
OWRD

(3) There shall be no combustible fences within 12 feet of the exterior surface of the dwelling or structure; and

Staff: Based upon the plans, there are no combustible fences within 12 feet of the exterior of the proposed structure and no fencing are proposed. *Criteria met.*

(4) A dwelling shall have a central station monitored alarm system if the secondary fire safety zone equivalents of subsection (B) (1) above are utilized, or

Staff: The proposed structure is not a dwelling; the structure is a 11.6-foot by 14-foot wellhouse storing the new well and water pump system. *Standard not applicable.*

(5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of subsection (B) (2) above are utilized. Expansions of existing single-family dwellings as allowed by MCC 39.4075 (A) shall not be required to meet this standard, but shall satisfy the standard of MCC 39.4115(C)(3) and (E).

Staff: The above standard applies to dwellings and the proposed project is for a 11.6-foot by 14-foot pre-fabricated building wellhouse. *Standard not applicable.*

(6) All accessory structures within the fire safety zone setbacks required by MCC 39.4110, and all accessory structures within 50 feet of a dwelling, shall have a central monitored alarm system.

Staff: The building is to be located within the secondary fire safety zone as required by MCC 39.4110(D)(2). There is no dwelling within 50 feet of the proposed building. The building will need to have a central monitored alarm system as it will be located within the fire safety zone setbacks. *As conditioned, this criterion will be met.*

(7) All accessory structures within 50 feet of a building shall have exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy timber, log wall construction or constructed with noncombustible materials on the exterior side.

Staff: The proposed structure will be constructed with a concrete metal roof and noncombustible materials (Exhibit A.4, A.5). *Standard met.*

(8) When a detached accessory structure is proposed to be located so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 504.5 of the International Fire Code Institute Urban-Wildland Interface Code Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, or underfloor protection in accordance with Section 504.6 of that same publication

Staff: The proposed structure will be constructed within an area with slopes that do not exceed 10 percent (Exhibit A.4 & A.5). *Standard met.*

Received
OCT 14 2026
OWRD

5.5 MCC 39.4115 DEVELOPMENT STANDARDS FOR STRUCTURES

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A). All exterior lighting shall comply with MCC 39.6850:

Staff: A condition of approval has been included requiring all exterior lighting for the building comply with MCC 39.6850.

(A) For the uses listed in this subsection, the applicable development standards are limited as follows:

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(3) Accessory buildings shall meet the development standards of MCC 39.4115(E)

(b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 39.4115(B), (C) and (E);

Staff: The pre-fabricated building is proposed to be clustered with the existing facilities on the site. However, the structure appears to be more than 100 feet from the dwelling on the property. Findings below analyze how the proposed pre-fabricated building meets these development standards.

(B) New dwellings shall meet the following standards in (1) and (3) or (2) and (3); restored or replacement dwellings greater than 100-feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from the existing dwelling shall meet the following standards in (1) and (3) or (2) and (3)

(2) The structure shall satisfy the following requirements:

(a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 39.4110;
(b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
(c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized; (d) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and Staff:

The proposed development of the wellhouse and the water line replacement/extension will have the least impact on adjoining forest and farm agricultural lands as the wellhouse is to be placed in an area that is committed to various existing buildings, the Welcome Center, and other park improvements. The water line replacement will occur within the county right-of-way in the existing road bed. The subject property is heavily forested and the applicant has met the requirements for an Exception to the Secondary Fire Zone in order to reduce the amount of vegetation removal that would be necessary to develop it. The proposed work does not propose to extend the existing access nor disturb forest areas as the wellhouse will be placed in existing disturbed area. *Criteria met.*

(3) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

Received
OCT 14 2026
OWRD

(a) Access roadways shall be approved, developed and maintained in accordance with the requirements of the structural fire service provider that serves the property. Where no structural fire service provider provides fire protection service, the access roadway shall meet the Oregon Fire Code requirements for fire apparatus access;
(b) Access for a pumping fire truck to within 15 feet of any perennial water source of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the fire apparatus access standards of the Oregon Fire Code with permanent signs posted along the access route to indicate the location of the emergency water source;

Staff: The applicant provided a Fire Service Form signed by the local Fire Chief in the area that serves the subject property (Exhibit A.19). The Fire department reviewed the proposed development of the wellhouse and proposed waterline replacement/extension and has requested underground standpipes to be placed near the wellhouse for fire safety. The access roadway will remain the same as no extension of the access is proposed. *Criteria met.*

Hearings Officer: The Hearings Officer understands the Fire District's concerns with the limited availability of water for fire fighting in the park. But those concerns are not relevant to this project, as the limited development proposed with this application will not increase the fire hazard on the site and the site complies with the fire access requirements of the Code. The Hearings Officer encourages Metro and the Fire District to continue discussions related to firefighting water supplies but he has no authority to require the applicant to require the applicant to modify the water system proposed in this application for that purpose.

(C) The dwelling or structure shall:

(1) Comply with the standards of the applicable building code or as prescribed in ORS 446.003 through 446.200 relating to mobile homes;
(2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;
(3) Have a fire-retardant roof; and (4) Have a spark arrester on each chimney.

Staff: The proposed pre-fabricated wellhouse building is not a dwelling therefore, subsection (1) and (2) are not applicable. The proposed wellhouse is proposed to have a metal roof and non-combustible materials on the exterior surfaces. No chimney is proposed. *Criteria met.*

(E) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, shall be provided on the Lot of Record.

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.
(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

Received
OCT 14 2026
OWRD

Hearings Officer: The applicant provided a stormwater certificate (Exhibit A.18) that indicates the proposed wellhouse will use downspouts, splash blocks and gutter for drainage. The subject property has an existing on-site sewage disposal system. Staff argue that the applicant should be required to provide a Septic Review Certification prior to Zoning Plan Review authorization. However, the plain text of the Code does not support such a condition. This Code section appears to be missing some words and may be intended to read "On-site sewage disposal, storm water/drainage control, water systems shall be required unless…" or some other requirement. However, the hearings officer has no authority to add or delete words in the Code. *Proposed condition 3.f should be deleted.*

6.0 Community Service Conditional Use Land Use Permit Criteria:

6.1 MCC 39.7515 Approval Criteria In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for transmission towers, which shall meet the approval criteria of MCC 39.7550 through 39.7575, wireless communications facilities, subject to the provisions of MCC 39.7705, and except for regional sanitary landfills, which shall comply with MCC 39.7600 through 39.7625.

(A) Is consistent with the character of the area;

Received
OCT 14 2026
OWRD

(B) Will not adversely affect natural resources;

Staff: The proposed replacement and extension of the waterline and the 11.6-foot x 14-foot pre-fabricated building to store the well water tank and equipment will be consistent with the character of the Park. The pre-fabricated building will be located in the same area as the existing Welcome Center, Maintenance Building, and Garage in order to minimize impacts on natural resources, and maintain a centralized development area while surrounding areas of the park remain undisturbed. The replacement and extension of the existing water system will be located within the SE Oxbow Park Road right-of-way and the water lines will run to various service points through the park to continue to serve potable water to the Welcome Center and facilities throughout the park.

The Oxbow Regional Park has been previously approved through a Conditional Use permit under T3-2015-3903 and the proposed water system project will not adversely affect the natural resources on the site as the applicant proposes the removal of just two trees to meet the primary fire safety zone for the pre-fabricated building. The replacement of water lines and extensions will occur via trenching and directional drilling to retain the existing vegetation on the site and prevent the need for removal of additional trees. Repaving of the ground and road surfaces will occur to match the existing conditions (Exhibit A.5, A.7, A.32, A.33) *Criteria met.*

(C) The use will not:

(1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; nor

(2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use

(D) Will not require public services other than those existing or programmed for the area;

Staff: The existing Regional Park is an approved Conditional Use permit per case file T3-2015-3903. The proposed replacement and extension of existing water lines and pre-fabricated building to store the wellhouse and water pumps are accessory to the existing Conditional Use permit. The applicant does not

propose any work on neighboring properties as the proposed replacement of water lines and extension of water lines will occur along the right-of-way of SE Oxbow Park Road and inside the property lines of the site. The 11.6-foot by 14-foot pre-fabricated building will be placed near the Welcome Center located at the entrance of the park. The surrounding properties are zoned for Commercial Forest Use (CFU), with a group of Rural Residential (RR) zoned properties to the west of the subject property. Most of the surrounding CFU zoned properties are part of Oxbow Regional Park, and the Rural Residential zoned properties to the west of the project site separate the project from the nearest Exclusive Farm Use (EFU) zoned properties. Due to the composition of the zoning of surrounding properties and the limited project scope, the proposal will not increase the cost of accepted farm or forest practices on surrounding properties. Page 17 of 37 Additionally, the proposal does not require public services other than those existing in the area. The park is served by a private well and on-site sewage disposal, the proposed water line replacement does not require additionally public services (Exhibit A.7, A.19). *Criterion met.*

(E) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;
(F) Will not create hazardous conditions;

Staff: The applicant has indicated in the narrative that the proposed work is outside a big game winter habitat as defined by ODFW (Exhibit A.7). Staff has confirmed using publicly available ODFW mapping resources that the project is located outside mapped Big Game Winter Habitat areas. The subject property contains steep slopes and some areas contain the Geologic Hazard overlay. The proposed water line replacement, extension and pre-fabricated building are proposed to be located outside of the Geologic Hazard overlay and away from the steep slopes as show in Exhibits A.5, A.32, A.33. The applicant proposes to apply for an Erosion Control permit after the approval of the Conditional Use and apply erosion control measures during the project. *As conditioned, criterion met.*

(G) Will satisfy the applicable policies of the Comprehensive Plan;

Staff: Oxbow Regional Park is governed by Chapter 8 of the Comprehensive Plan, which applies to Parks and Recreation.

Staff has identified the following comprehensive plan policies as applicable to this project proposal:

8.1 Support efforts of the Intertwine Alliance, Metro, and other organizations in establishing a coordinated approach to create and maintain a strong, interconnected regional network of parks, trails, and natural areas.

8.11 Support upgrades and improvements to Oxbow Park consistent with the character of the surrounding area.

The proposed replacement and extension of existing water lines and pre-fabricated building to store the well and water pumps is an upgrade and improvement to Oxbow Park that is consistent with the character of the surrounding area, and approval of this permit fulfills Comprehensive Plan policies of supporting Metro's efforts to maintain regional parks. *Criterion met.*

(H) Will satisfy such other applicable approval criteria as are stated in this Section.

Received
OCT 14 2026
OWRD

Staff: The applicant provided sufficient evidence to satisfy the other applicable criteria in the CU section. The other applicable criteria are discussed below. *Criterion met.*

(I) In the West of Sandy River Rural Planning Area, the use is limited in type and scale to primarily serve the needs of the rural area.

Staff: The applicant's proposal of replacing the water lines and extending the water lines is not a new use to the existing Regional Park. Oxbow Regional Park is an approved use per T3-2015-3903 approval and the water line replacement/extension is to serve the existing park and improve the existing facilities to provide safe, quality, potable water and fire protection services for the park and recreational users. The proposed 11.6-foot by 14-foot pre-fabricated building that will store the new well and water pumps is accessory to the existing approved park (Exhibit A.5, A.7, A.32, A.33). *Criteria met.*

Received
OCT 14 2026
OWRD

6.2 MCC 39.7520 USES

(A) Except as otherwise limited in the EFU, all CFU and OR base zones, the following Community Service Uses and those of a similar nature, may be permitted in any base zone when approved at a public hearing by the approval authority.

Allowed Community Service Uses in the EFU, CFU and OR base zones are limited to those uses listed in each respective base zone.

(19) Accessory uses to the above.

Staff: The applicant is not proposing a new use; the proposed water line replacement/extension of waterlines to improve the existing water line facilities is not changing the use of the park. The proposed pre-fabricated building is accessory to the approved Regional Park hence a Conditional Use permit was required. CFU zoning allows a CU and accessory uses to the approved Park. *Criteria met.*

6.3 MCC 39.7525 RESTRICTIONS

(D) Off-street parking and loading shall be provided as required in MCC 39.6500 through 39.6600

Staff: The above criteria is discussed in Section 10 of this report.

(E) Signs for Community Service Uses pursuant to the provisions of MCC 39.6700 through 39.6820

Staff: The applicant does not propose any signs for the proposed project. *Criteria not applicable.*

(G) Other minimum yards, restrictions or limitations of use or development not required under this subsection shall be as provided in the base zone.

Staff: As discussed in section 5.3 the setbacks for the proposed pre-fabricated building are met. *Criteria met.*

7.0 Significant Environmental Concern Wildlife Habitat (SEC-h) Land Use Permit Criteria:

7.1 MCC 39.5510 USES; SEC PERMIT REQUIRED

(A) All uses allowed in the base zone are allowed in the SEC when found to satisfy the applicable approval criteria given in such zone; provided however, that the location and design of any use, or change or alteration of a use, except as provided in MCC 39.5515, subject to approval of an SEC permit pursuant to this Subpart.

Staff: The applicant is proposing to replace and extend the existing water lines serving the facilities in Oxbow Park, and to install a second well, small prefabricated concrete wellhouse for the well pumps, small water storage tank, and additional standpipes to achieve required fire flows and meet the Fire Department requirements. These uses are permitted as accessory to an existing Community Service Use, and applicable criteria are reviewed in sections 5.0 and 6.0 of this report. As the proposed uses and development do not meet the SEC permit exemptions listed in MCC 39.5515, an SEC-h permit is required. The applicant is not proposing any activities described by MCC 39.5510(B) above. *Criterion met.*

MCC 39.5520 Application for SEC Permit

An application for an SEC permit for a use or for the change or alteration of an existing use on land designated SEC, shall address the applicable criteria for approval, under MCC 39.5540 through 39.5860.

(A) An application for an SEC permit shall include the following:

(1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC 39.5540 through 39.5860.

(2) A map of the property showing: (a) Boundaries, dimensions, and size of the subject parcel; (b) Location and size of existing and proposed structures;

(3) The Planning Director may also require the applicant to provide the following:

(a) The location of the SEC-wr boundary, topography, or the location of development as determined by a registered professional surveyor or engineer;

(b) A scaled drawing of the building design and elevations that show the relationship between the building and existing and finished grades and existing or proposed vegetation.

Staff: The applicant has provided Exhibits A.8, A.10, A.12, A.13, A.14, A.15, A.16, A.33, and A.34 to address the application requirements of MCC 39.5520. *Criterion met.*

7.2 MCC 39.5560 GENERAL REQUIREMENTS FOR APPROVAL IN THE WEST OF SANDY RIVER PLANNING AREA DESIGNATED AS SEC-WR OR SEC-H

(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.

Received
OCT 14 2026
OWRD

Staff: Staff recommends that a condition of approval require the applicant to obtain an Erosion and Sediment Control Permit prior to beginning construction activities. *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 exterior lighting is proposed (Exhibit A.8). *Criterion 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.

Staff: The applicant's Wildlife Habitat Conservation Plan (Exhibit A.15) contains a list of the trees and shrubs that will be planted, none of which are designated as nuisance plants per MCC 39.5580 or MCC 39.2000. *Criterion met.*

Received
OCT 14 2026
OWRD

7.3 39.5850 - SEC-H CLEAR AND OBJECTIVE STANDARDS.

(A) At the time of submittal, the applicant shall provide the application materials listed in MCC 39.5520(A) and 39.5860(A). The application shall be reviewed through the Type I procedure and may not be authorized unless the standards in MCC 39.5860(B)(1) through (4)(a)(c) and (B)(5) through (7) are met. For development that fails to meet all of the criteria listed above, a separate land use application pursuant to MCC 39.5860 may be submitted.

(B) The proposed development shall meet the applicable stormwater and ground disturbing activity requirements of MCC 39.6200 through 39.6235. Ground disturbing activity within 100 feet of a water body as defined by MCC 39.2000 shall be limited to the period between May 1st and September 15th. Revegetation and soil stabilization must be accomplished no later than October 15th.

(C) The nuisance plants listed in MCC 39.5580 Table 1 shall not be used as landscape plantings within the SEC-h Overlay Zone.

(D) For development that fails to meet all of the standards listed in this section, a separate land use application pursuant to MCC 39.5860 may be submitted.

Staff: The applicant has provided the required application materials as Exhibits A.8, A.10, A.12, A.13, A.14, A.15, A.16, A.33, and A.34. The proposed development does not meet the Development Standard outlined MCC 39.5860(B)(1), and therefore a Land Use Application pursuant to MCC 39.5860 has been submitted and is evaluated in Section 7.0 of this report. The applicant has provided a Stormwater Drainage Control Certificate that is stamped by an Oregon Registered engineer pursuant to the requirements of MCC 39.6235 (Exhibit A.16), and staff recommends a condition of approval requiring the applicant to obtain an Erosion and Sediment Control Permit prior to beginning construction activities. Per the provided Code Narrative and Wildlife Habitat Conservation Report (Exhibit A.8 and A.15), no nuisance plans will be used as landscape plantings. *These criteria are met.*

7.4 MCC 39.5860 CRITERIA FOR APPROVAL OF SEC-H PERMIT-WILDLIFE HABITAT

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(B) Development standards:

(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

Staff: The parcel contains non-forested "cleared" areas as indicated by the Wildlife Habitat report. The proposed 11.6-foot by 14-foot pre-fabricated wellhouse/water pump appears to be located in a non-forested "cleared" area according to the site plan (Exhibit A.12). The water line replacement and extension of water line will be located along the right-of-way of SE Oxbow Park Road and within the 200 feet subject property lines. *Criteria met.*

(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.

Staff: According to the applicant's site plans, the water line replacement and extension is within 200 feet of the road as the work is to be proposed along the right-of-way of SE Oxbow Park Road and within 200 feet of the property line (Exhibits A.12 and A.32). The applicant claims that the proposed 11.6-foot by 14-foot pre-fabricated building is within 200 feet of the front property (SE Oxbow Park Road) per the applicant narrative (Exhibit A.8, Page 20). However, the site measurements show it is more than 250 feet from the road (Exhibit A.12, Page 3, & A.5). The applicant meets the above criteria for the trench and directional boring work for the water line replacement/extension but not the pre-fabricated building within 200 feet of the road. *Criterion not met, and therefore the proposal is subject to MCC 39.5860(C), which is addressed below.*

(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

Staff: The existing road/driveway on the site is less than 500 feet in length roughly 300 feet in length to development on-site. The applicant does not propose any changes to the existing access (Exhibit A.8, A.12, A.33). *Criteria met.*

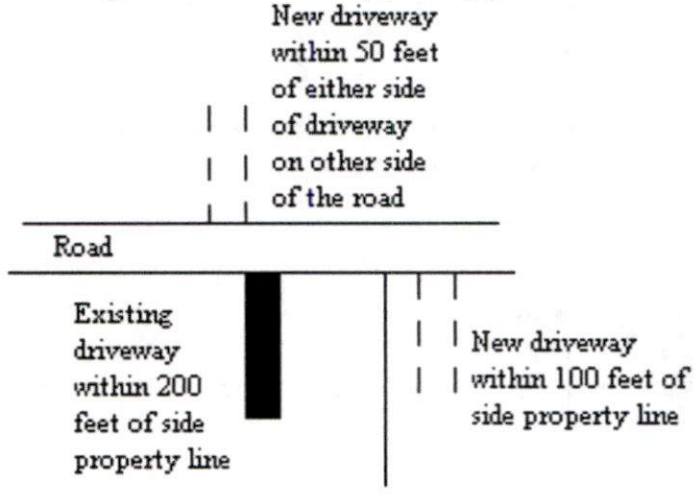
(4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:

(a) The access road/driveway approach onto a public road shall be located within 100 feet of a side property line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of that side property line; or

(b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.

Received
OCT 14 2026
OWRD

(c) Diagram showing the standards in (a) and (b) above.



Received
OCT 14 2026
OWRD

Staff: The unique characteristics of the subject property result in the development being unable to meet (4)(a) and 4(b). *Criterion not met, and therefore the proposal is subject to MCC 39.5860(C), which is addressed below.*

(5) The development shall be within 300 feet of a side property line if adjacent property has structures and developed areas within 200 feet of that common side property line.

Staff: Adjacent properties do not have structures and developed areas within 200 feet of common side property lines. *Criterion met.*

(6) Fencing within a required setback from a public road shall meet the following criteria:

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Staff: The applicant does not propose any fencing for the proposed improvements. *Criteria not applicable.*

(7) The nuisance plants in MCC 39.5580 Table 1 shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property.

Staff: The applicant does not propose to plant any nuisance plants listed in MCC 39.5580 Table 1. The applicant proposes to remove nuisance plant species. A condition of approval has been established to this effect. *As conditioned, this standard is met.*

(C) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.

(1) The applicant cannot meet the development standards of subsection (B) because of physical characteristics unique to the property. The applicant must show that the

wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or

(2) The applicant can meet the development standards of subsection (B), but demonstrates that the alternative conservation measures exceed the standards of subsection (B) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in subsection (B).

Staff: The applicant could meet the development standards of (B), in some cases, however, the applicant's site plan appears to show that the pre-fabricated building is not within 200 feet of the road, hence not meeting development standard (B)(2). The Wildlife Natural Resource Assessment Report by Pacific Habitat Services (Exhibit A.10 & A.15) indicates the proposed work meets development standards and the proposed Wildlife Conservation Plan (WCP) is the minimum departure from the standards. The applicant has selected to provide a WCP and show the alternative conservation measures that are proposed exceed the standards of subsection (B). The Wildlife Conservation Report (Exhibit A.12& A.15) prepared by Pacific Habitat Services, Inc. proposes replacement of all cleared trees and shrubs at a 2:1 ratio as required by MCC 39.5860(C)(3), which will ensure that the mitigation measures will result in a less detrimental impact than meeting the development standards of (B). A condition of approval requires the implementation of the proposed mitigation and associated monitoring and reporting. *As conditioned, this criterion is met.*

(3) Unless the wildlife conservation plan demonstrates satisfaction of the criteria in subsection (C)(5), the wildlife conservation plan must demonstrate the following:

(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.

Staff: The applicant indicates that the proposed project is designed to minimize the impacts on the natural resources by using directional drilling in portions of the replacement water lines and extensions of the water lines, although some open trenching is necessary. The work will occur in already disturbed area in the public right-of-way along SE Oxbow Park Road and the 11.6-foot by 14-foot pre-fabricated building will be placed in an existing disturbed area. The new pipeline and pre-fabricated building will only require the removal of one 17-inch DBH Redcedar and one 20-inch DBH Douglas Fir (Exhibit A.10, A.15). According to the Natural Resource Assessment approximately 600 square feet of vegetation disturbance will occur for the pipeline replacement. The applicant proposes to revegetate the disturbed area with native shrubs and seed. This is the minimum amount of disturbance required to maintain the natural resources and propose the least about of disturbance for the proposed use, while meeting all land use and fire code requirements and avoid areas of slope on the subject property. *Criterion met.*

(b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

Staff: The applicant indicates in their Natural Resources Assessment and narrative (Exhibit A.10, A.15), that there will not be any clearing of existing forest areas associated with the proposed development, as all work is to be completed in already disturbed area. The 11.6-foot by 14-foot structure will be adjacent to

Received
OCT 14 2026
OWRD

the existing wellhouse on the site in disturbed area and the trenching and directional boring will occur in the right-of-way. *Criterion met.*

(c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.

Staff: According to the SEC-h plans provided by the applicant (Exhibit A.10, A.12, A.15) there is no existing or proposed fencing on the project site. *Criterion met.*

(d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.

Staff: The applicant indicates in their Natural Resources Assessment and Wildlife Habitat Report (Exhibits A.15 and A.10) that only two trees are to be removed where the pre-fabricated building will be placed to meet Fire Safety Zone standards. The pre-fabricated building is to be placed in disturbed area near the Welcome Center facilities and old Wellhouse. The water pipeline replacement/extension will remove roughly 600 feet of shrubs however, the work is to occur in the County right-of-way and the applicant proposes to replant shrubs and native species where the 600 feet of shrub removal will occur. As mitigation for the proposed impacts to the wildlife habitat overlay, the applicant proposes mitigation efforts within the already cleared areas, which satisfies the requirement to replant at a 2:1 ratio. *Criterion met.*

(e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.

Staff: There are no disturbed stream riparian areas associated with the proposed development as the work will be installed in the existing road and the pre-fabricated building will be installed within the SEC-h overlay and existing cleared areas. Additionally, the streams on the site and associated SEC-wr & SEC-sw overlays are protected from the proposed development by culverts that will not be disturbed during installation of the project (Exhibit A.10, A.15). *Criterion met.*

(4) For a property meeting subsection (C)(1) above, the applicant may utilize the following mitigation measures for additions instead of providing a separate wildlife conservation plan: * * *

Staff: The subject property does not meet subsection (C)(1) and therefore the applicant may not utilize (4) above. This criterion is not applicable to the proposal.

(5) Unless the wildlife conservation plan demonstrates satisfaction of the criteria in subsection (C)(3) of this section, the wildlife conservation plan must demonstrate the following: * * *

Staff: The applicant has provided a Wildlife Conservation Plan demonstrating satisfaction of (C)(3), and therefore this section is not applicable. *Criterion met.*

(6) For Protected Aggregate and Mineral (PAM) resources within a PAM Overlay, the applicant shall submit a Wildlife Conservation Plan which must comply only with

Received
OCT 14 2026
OWRD

measures identified in the Goal 5 protection program that has been adopted by Multnomah County for the site as part of the program to achieve the goal.

Staff: The subject property is not within a PAM Overlay. *Criterion met.*

(D) Optional Development Impact Area (DIA). For the purpose of clustering home sites together with related development within the SEC-h overlay, an applicant may choose to designate an area around the home site for future related development and site clearing. For the purposes of establishing the appropriate mitigation for development within the DIA, existing vegetation within the DIA is presumed to be ultimately removed or cleared in the course of any future development within the DIA. Establishment of a DIA is subject to all of the applicable provisions in this section and the following: * * *

Staff: The applicant does not propose an optional DIA under this permit. *Criterion met.*

8.0 Significant Environmental Concern Scenic Waterways (SEC-sw) Land Use Permit Criteria:

8.1 MCC 39.5510 USES; SEC PERMIT REQUIRED

(A) All uses allowed in the base zone are allowed in the SEC when found to satisfy the applicable approval criteria given in such zone; provided however, that the location and design of any use, or change or alteration of a use, except as provided in MCC 39.5515, subject to approval of an SEC permit pursuant to this Subpart.

Staff: The applicant is proposing to replace and extend the existing water lines serving the facilities in Oxbow Park, and to install small prefabricated concrete wellhouse for the well pumps, small water storage tank, and additional standpipes to achieve required fire flows and meet the Fire Department requirements. These uses are permitted as accessory to an existing Community Service Use, and applicable criteria are reviewed by staff in sections 5.0 and 6.0 of this report. As the proposed uses and development do not meet the SEC permit exemptions listed in MCC 39.5515, an SEC-sw permit is required. The applicant is not proposing any activities described by MCC 39.5510(B) above. *Criterion met.*

MCC 39.5520 Application for SEC Permit An application for an SEC permit for a use or for the change or alteration of an existing use on land designated SEC, shall address the applicable criteria for approval, under MCC 39.5540 through 39.5860.

(A) An application for an SEC permit shall include the following:

(1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC 39.5540 through 39.5860.

(2) A map of the property showing:

(a) Boundaries, dimensions, and size of the subject parcel;

(b) Location and size of existing and proposed structures; ***

Received
OCT 14 2026
OWRD

(3) The Planning Director may also require the applicant to provide the following:

(a) The location of the SEC-wr boundary, topography, or the location of development as determined by a registered professional surveyor or engineer;

(b) A scaled drawing of the building design and elevations that show the relationship between the building and existing and finished grades and existing or proposed vegetation.

Staff: The applicant has provided Exhibits A.8, A.10, A.12, A.13, A.14, A.15, A.16, A.17, A.33, and A.34 to address the application requirements of MCC 39.5520. *Criterion met.*

8.2 MCC 39.5600 CRITERIA FOR APPROVAL OF SEC-SW PERMIT - SCENIC WATERWAY

Except as otherwise provided in this Subpart, all development within the SEC-sw shall be subject to the following:

(A) The application for the SEC-sw permit shall include a letter from the Oregon Parks and Recreation Department indicating that the proposed development has been reviewed and is, or can be, consistent with the provisions of the Oregon Scenic Waterways Management Plan.

Staff: The applicant has provided a letter from the Oregon Parks and Recreation Department indicating that the proposed development of the water-line pipeline replacement/extension is consistent with the Oregon Scenic Waterways Management Plan (Exhibit A.17). *Criterion met.*

(B) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.

Staff: The proposed work does not infringe on natural vegetation along the Sandy River, the protected water body on the site, as the majority of the waterline work will occur along the right-of-way of SE Oxbow Park Road which is located approximately 250 feet from the top of the bank of Sandy River. The pre-fabricated building is proposed more than 1,000 feet away from Sandy River. Any disturbed area will be revegetated with native species and shrubs. *Criterion met.*

(C) Agricultural land and forest land shall be preserved and maintained for farm and forest use.

Staff: The applicant proposes to preserve and maintain the existing forest land surrounding the development, and the water system improvements have been designed to minimize any tree removal. Two trees and approximately 600 feet of shrubs along the right-of-way are proposed for removal to accommodate trenching requirements and to allow for the establishment of a primary fire safety zone for the proposed 160 square-foot prefabricated wellhouse. Replanting is proposed to retain the forest land and is defined by the provided Wildlife Biologist Report and Wildlife Conservation Plan (Exhibit A.10 & A.15). *Criteria met.*

Received
OCT 14 2026
OWRD

(D) A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.

Staff: The proposed wellhouse/water pump storage facility will be located in the same area as the existing Welcome Center and other facilities and will balance functional considerations and costs with the need to preserve and protect areas of environmental significance. *Criterion met.*

(E) The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion

Staff: The applicant provided a Letter from the State of Oregon Parks and Recreation Department (Exhibit A.17) indicating the proposed project including the pre-fabricated building is consistent with the Management Plan. The proposal does not infringe on natural vegetation along the Sandy River or any of the smaller streams on the site, as the stream crossings are protected by existing culverts and will not be disturbed during development. *Criteria met.*

(F) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.

Staff: No cultural resources have been recorded for Oxbow Regional Park. *Criteria met.*

(G) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.

Staff: Staff recommends a condition of approval require the applicant to request an Erosion and Sediment Control permit for the proposed development prior to Zoning Plan Review authorization. As conditioned, *Criterion met.*

(H) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.

Staff: The proposed waterline replacement and waterline extension will occur underneath the road in the County road right-of-way which will maintain the character and visual quality of areas within the significant environmental concern. The proposed 11.6-foot by 14-foot pre-fabricated wellhouse/water pump building will be located near the Welcome Center and other Park building facilities. The building will have a non-combustible roof and will match the existing structures on-site. Staff recommends a condition of approval requiring the applicant to provide a color sample and photos of the exterior color of the structure (Exhibit A.8) as part of their Zoning Plan Review application materials. As conditioned, *Criterion met.*

(I) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.

Received
OCT 14 2026
OWRD

Staff: No known fragile or endangered plant habitat has been identified on the subject property. Criteria not applicable.

9.0 Significant Environmental Concern Water Resources (SEC-wr) Land Use Permit Criteria:

9.1 MCC 39.5510 USES; SEC PERMIT REQUIRED

(A) All uses allowed in the base zone are allowed in the SEC when found to satisfy the applicable approval criteria given in such zone; provided however, that the location and design of any use, or change or alteration of a use, except as provided in MCC 39.5515, subject to approval of an SEC permit pursuant to this Subpart.

Staff: The applicant is proposing to replace and extend the existing water lines serving the facilities in Oxbow Park, and to install a 160 square-foot pre-fabricated concrete wellhouse for the well pumps, small water storage tank, and additional standpipes needed to mee fire flows and Fire Department requirements. These uses are permitted as accessory to an existing Community Service Use, and applicable criteria are reviewed by staff in sections 5.0 and 6.0 of this report. As the proposed uses and development do not meet the SEC permit exemptions listed in MCC 39.5515, an SEC-wr permit is required. The applicant is not proposing any activities described by MCC 39.5510(B) above. *Criterion met.*

MCC 39.5520 Application for SEC Permit An application for an SEC permit for a use or for the change or alteration of an existing use on land designated SEC, shall address the applicable criteria for approval, under MCC 39.5540 through 39.5860.

(A) An application for an SEC permit shall include the following:

(1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC 39.5540 through 39.5860.

(2) A map of the property showing:

(a) Boundaries, dimensions, and size of the subject parcel;

(b) Location and size of existing and proposed structures;

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Received
OCT 14 2026
OWRD

(3) The Planning Director may also require the applicant to provide the following:

(a) The location of the SEC-wr boundary, topography, or the location of development as determined by a registered professional surveyor or engineer;

(b) A scaled drawing of the building design and elevations that show the relationship between the building and existing and finished grades and existing or proposed vegetation.

Staff: The applicant has provided Exhibits A.8, A.10, A.12, A.13, A.14, A.15, A.16, A.17, A.33, and A.34 to address the application requirements of MCC 39.5520. *Criterion met.*

(B) SEC-Water Resource: In addition to the information requirements listed in MCC 39.5520(A) above, the following information shall be submitted for applications within the SEC-wr overlay.

(1) A topographic map of the development area and adjacent areas of the site at contour intervals of five feet or less showing a delineation of the Water Area or Habitat Area as determined by a documented field survey, the location of all existing and proposed watercourses, drainageways, stormwater facilities, and utility installations;

(2) The location of wetlands;

(3) Information for the site from the adopted West of Sandy River Wildlife Habitat and Stream Corridor ESEE Report, the County Goal 5 Inventory;

(4) Preparation of plans and surveys – inventories, assessment of existing conditions, and mitigation or restoration plans shall be prepared by a qualified professional such Page 28 of 37 as a fish or wildlife biologist at the discretion of the Planning Director. Wetlands shall be identified and delineated by a qualified wetland specialist as set forth in the 1987 Corp of Engineers Wetland Delineation Manual. Require reports include:

(a) An assessment of the existing condition of the Water Resource Area in accordance with MCC 39.5580 Table 2, Riparian/Vegetated Corridor Standards;

(b) An inventory of vegetation, including percentage ground and canopy coverage, and location of nuisance plants listed in MCC 39.5580 Table 1;

(c) A detailed Mitigation Plan as described in 39.5800 (F), if required;

(5) The applicant shall provide evidence that when federal or state requirements apply, that the agency has been contacted, and shall provide an assessment of whether the project can meet the requirements based on the agency response;

(6) The location of all existing trees of a caliper greater than six (6) inches in diameter at breast height (DBH);

(7) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, dredging, and vegetation removal, including the amounts and methods.

Staff: The applicant has submitted the required materials described in (B) above as Exhibits A.6, A.8, A.10, A.12, A.13, A.14, A.15, A.16, A.17, A.33, and A.34 *Criteria met.*

9.2 MCC 39.5560 GENERAL REQUIREMENTS FOR APPROVAL IN THE WEST OF SANDY RIVER PLANNING AREA DESIGNATED AS SEC-WR OR SEC-H (A)

Received
OCT 14 2026
OWRD

(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: Staff recommends a condition of approval requiring the applicant to obtain an Erosion and Sediment Control Permit prior to beginning construction activities. *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 exterior lighting is proposed (Exhibit A.8). *Criterion 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.

Staff: The applicant's Wildlife Habitat Conservation Plan (Exhibit A.15) contains a list of the trees and shrubs that will be planted, none of which are designated as nuisance plants per MCC 39.5580 or MCC 39.2000. Additionally, the applicant plans to remove existing nuisance plant species on the site (Exhibit A.10, Page 10). *Criterion met.*

Received
OCT 14 2026
OWRD

9.3 MCC 39.5800 CRITERIA FOR APPROVAL OF SEC-wr PERMIT

(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 (B), and meets the general requirements in MCC 39.5560.

Staff: The proposed open trenching work does not meet the SEC permit exemptions listed in MCC 39.5515, an SEC-wr permit is required. The applicant has submitted materials addressing MCC 39.5800(C), MCC 39.5520(A) and (B) and MCC 39.5560. *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: (1) No practicable alternatives to the requested development exist that will not disturb the Water Resource Area; and

Staff: According to the Natural Resource Assessment by Pacific Habitat Services, Inc., there are no practicable alternatives due to the nature of the proposed development, which consists of replacement of the water distribution system along three sections of SE Oxbow Park Road within the SEC-wr overlay (Exhibit A.10). A 500-foot section west of SE Oxbow Park Road, a 1,000-foot section east and north of SE Oxbow Park Road, and 120-foot section within preexisting park access roads will be disturbed by the proposed open trenching and directional boring to replace and relocate water lines. The work has been

limited to directional boring wherever possible to minimize disturbance within the SEC-wr overlay. *Criterion met.*

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

Staff: The west portion of the replacement waterlines will be installed via open trenching following the centerline of the road. Temporary disturbance will occur for the west portion of the project and will not result in permanent disturbance within the overlay. For this portion, an unnamed stream crosses the area via a culvert and will not be disturbed by the trenching associated with the replacement line (Exhibit A.10, A.33). For the east of portion of the work there are no streams or wetlands that cross the development and the work is more than 200 feet of the top of the bank SEC-wr. The north section will encroach into the SEC-wr as two the side-by-side service connections are 120 feet into the SEC-wr and 85 feet into the SEC-wr overlay respectively. Finally, the south section of the trenching is not within the SEC-wr overlay according to Exhibit A.10. All of the work described above will occur within already disturbed areas, and is limited to the minimum area necessary for the proposed use. *Criterion met.*

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

Staff: As stated in the Biologist Report from Pacific Habitat Biologist, the development is to occur in already disturbed area and a portion will be within the SEC-wr overlay as the water lines are along the road within the SEC-wr overlay (Exhibit A.10). The work is minimal and is located within already disturbed areas along existing right-of-way. Additionally, as indicated by the Oregon Parks and Recreation Scenic Waterway program the proposed project is consistent with the Management Plan. *Criterion met.*

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

Staff: The location of the proposed water line open trenching and directional boring is along the right-of-way and roadway of SE Oxbow Park Road within the SEC-wr, which is in marginal condition due to the cleared forest canopy. The applicant intends to maintain the water resources area in good condition and protect the existing vegetation on the site (Exhibit A.8, A.10, A.33, A.34). *Criterion met.*

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

Staff: As stated by the Biologist Report (Exhibit A.10), the proposed water system pipeline replacement does not result in any net loss of the resource area, as all removed shrubs and vegetation will be replaced like for like within the disturbed area. The revised Tree Plan Report (Exhibit A.34) indicates additional directional boring will occur to protection trees. *Criterion met.*

(E) Development Standards - Development within the Water Resource Area shall comply with the following standards: (1) Development of trails, rest points, viewpoints, and other facilities for the enjoyment of the resource must be done in such a manner so as to minimize impacts on the natural resource while allowing for the enjoyment of the natural resource.

Staff: No trails, rest points, viewpoint or other facilities are proposed. *Criterion met.*

Received
OCT 14 2026
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(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: According to Pacific Habitat Services, Inc. (Exhibit A.10, A.34) the proposed development will not occur within areas of dense standing trees and does not require any trees to be cut within the SEC-wr overlay. Replanting is proposed in other sections of the project along the road that are outside of this specific overlay. *Criterion 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 proposed development within the SEC-wr overlay includes horizontal drilling/boring below the existing road or trenching within the existing road and will not impact continuity between tree/shrub and other natural vegetation on-site. Portions of the stream run through an existing culvert and the work will not impact the stream (Exhibit A.10). *Criterion 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: As indicated by the Pacific Habitat Services Biologist Report, Inc. (Exhibit A.10), the SEC-wr is in good condition and the proposed work will occur in previously existing road. The revegetation proposed is located within the SEC-wr overlay along sections of the road. *Criterion 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: As indicated above, no trees are proposed to be removed within the SEC-wr overlay as Pacific Habitat Service, Inc. (Exhibit A.10) and a Tree Specialist (Exhibit A.34) carefully designed the water project to protect the existing trees within the SEC-wr overlay. Tree protecting fencing will be in place during development. A condition of approval is warranted prohibiting the use of trees as anchors for stabilizing construction equipment. *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.

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OCT 14 2026
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Staff: As indicated above, the improvements to replace the waterlines and extension of waterline will not result in the removal of vegetation or disturbance of the original land contours. The applicant proposes to remove nuisance plants where indicated and replace them with non-nuisance vegetation (Exhibit A.8, A.10, A.32, A.33, A.34). Staff recommends that a condition of approval require the applicant to obtain an Erosion and Sediment Control Permit prior to beginning construction activities. *As conditioned, Criterion 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: Flagging, fencing, or otherwise marking the boundaries of the Water Resource area prior to construction and maintaining the markings for the duration of construction is a condition of approval. Applicant also proposes to install and maintain straw wattles throughout development. *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: No stormwater quantity or quality control facilities are required or proposed for this project as the work is underneath the existing road and will not result in any increase in impervious surfaces. The pre-fabricated building is outside the SEC-wr overlay. A stormwater certificate was submitted and signed and evaluated by a Civil Engineer (Exhibit A.18) for the project and indicates that although the work is under 500 square feet, the development should use gutter, downspout and splash block to accommodate any increased runoff. *Criterion 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. (

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.

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OCT 14 2026
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Staff: According to the Natural Resources Assessment and applicant narrative (Exhibits A.8 & A.10) the waterline project is limited to already disturbed areas within the existing, developed right-of-way, and a 600 linear foot area along the developed right-of-way consisting of shrubs that will temporarily be disturbed during construction. The temporarily disturbed area will be replanted at a one to one ratio, resulting in a restored area equivalent to the disturbance that will occur during development (Exhibit A.10, A.33, A.34). *Criterion 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: As indicated above, the applicant proposes to locate the pre-fabricated building outside the SEC-wr but within the SEC-h overlay and the proposed pipeline work will occur in the County right-of-way and roadway. The development will temporarily disturb 600 linear feet of vegetated area within the SEC-wr overlay, which is proposed to be restored like-for-like in the same location following the conclusion of the trenching work, resulting in no alteration of or loss to natural resource area (Exhibit A.33, A.34). *Criterion 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 Natural Resources Assessment (Exhibit A.10) has indicated the SEC-wr stream is in 'good condition' and will remain in good condition. Applicant will be removing invasive species and replanting non-invasive species plants. *Criterion met.*

> **(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: The area proposed to be disturbed is located within a 'good condition' corridor, and removed vegetation will be replanted at a 1:1 ratio with non-invasive species to maintain the good condition of the corridor. *Criterion met.*

> **(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: No off-site mitigation is proposed. All disturbed vegetation will be replaced at a 1:1 ratio in the same location that was disturbed *Criterion met.*

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

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OCT 14 2026
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Staff: Replanting of non-invasive species will occur after the pipelines are replaced and installed. *Criterion met.*

(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: Staff recommends that a condition of approval be established requiring the applicant to record a deed restriction including documentation of an approved mitigation plan specifying the location of all vegetation removal, the types of shrubs that will be planted, and the precise location of the proposed replanting. The plan must be provided to staff for approval prior to recording. *As conditioned, Criterion 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.

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OCT 14 2026
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(d) A map drawn to scale, showing where the specific mitigation activities will occur.

(e) An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. All in-stream work in fish-bearing streams must be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.

Staff: The applicant has provided a Natural Resources Report/Survey, a Tree Specialist report, plan set and proposed replanting (Exhibit A.10, A.32, A.33, A.34) containing the information required MCC 39.5800(F)(3). For clarity, staff recommends a condition of approval requiring the applicant to provide a mitigation plan on a copy of their site plan that specifies the location of all vegetation removal, the types of shrubs that will be planted, and the precise location of the proposed replanting. The updated mitigation plan must be approved by staff, and then recorded per MCC 39.5800(F)(2)(g) above *Criteria met.*

10.0 Limited Design Review Land Use Permit Criteria:

10.1 MCC 39.6590 - MINIMUM REQUIRED OFF-STREET PARKING SPACES

(F) Unspecified Uses. Any use not specifically listed above shall have the off-street parking space requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.

Staff: The 160 square-foot pre-fabricated wellhouse is not a use specified in MCC 39.6590(A)-(E). Therefore, this structure is subject to MCC 39.6590(F). The Planning Director concludes that the

proposed use most closely resembles a campground use listed in MCC 39.6590(B)(11), and the addition of the wellhouse does not result in an increase in campsites. Hence, no additional parking spaces are required. The existing facilities contain sufficient parking spaces for the existing uses, and the proposed development will not result in the need for additional parking spaces. *Criteria met.*

10.2 MCC 39.8020 – APPLICATION OF REGULATIONS

(B) Uses subject to Design Review that require the creation of fewer than four new parking spaces pursuant to MCC 39.6590 shall only be subject to the following Design Review approval criteria: MCC 39.8040(A)(1)(a) and (1)(c), and (4) and (7), except when located in the RC, BRC, OR, OCI, PH-RC or SRC zone base zones.

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OCT 14 2026
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Staff: The above criteria is addressed below.

MCC 39.8040 - DESIGN REVIEW CRITERIA

(A) Approval of a final design review plan shall be based on the following criteria:

(l) Relation of Design Review Plan Elements to Environment.

(a) The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site

(c) Each element of the design review plan shall effectively, efficiently, and attractively serve its function. The elements shall be on a human scale, inter related, and shall provide spatial variety and order.

Staff: The applicant proposes to retain the existing Regional Park as is, but also proposed mitigation measures. The proposed pre-fabricated building will require only two trees to be removed to meet the Forest Fire Safety Zone however, the Park use will retain the existing natural environment. The proposed pre-fabricated building will not adversely change the element of design in the area as it will be located where existing Park buildings are located. Additionally, the applicant provided a Letter from the State of Oregon Parks and Recreation Department stating the proposed development is consistent with the Oregon Scenic Waterways Management Plan (Exhibit A.17) and the pre-fabricated building will not have an adverse effect on the scenic and aesthetic values of the Sandy River Area. *Criterion met.*

(4) Preservation of Natural Landscape - The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.

Staff: The applicant proposes to preserve the trees and shrubs on the site throughout the development. However, two trees are proposed for removal to meet Forest Fire Safety Zones. The trees are located in an existing cleared area as designated by the Wildlife Report (Exhibit A.10, A.15). The applicant plans to retain the natural landscape and proposes to revegetate the disturbed area for open trenching/directional boring and extension of the water line by planting species that currently exist within the area and the planting will be mulched after planting. *Criteria met.*

(7) Buffering and Screening - Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.

11.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Community Service Uses Conditional Use permit, Significant Environmental Concern permits for Wildlife Habitat (SEC-h), Water Resources (SEC-wr), Scenic Waterway (SEC-sw) and a Limited Design Review to improve and extend waterlines serving Oxbow Regional Park and install a second well, a small prefabricated concrete wellhouse for the well pumps, and small water storage tank in the Commercial Forest Use (CFU) zone. This approval is subject to the conditions of approval established in this report.

12.0 Exhibits

'A' Applicant's Exhibits
'B' Staff Exhibits
'C' Procedural Exhibits
'D' Comments Received

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OCT 14 2026
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All exhibits listed below are available for review in by contacting Marisol Cervantes via email at marisol.cervantes@multco.us.

Exhibit #	# of Pages	Description of Exhibit	Date Received/Submitted
A.1	1	NSA Application Form	03.28.2024
A.2	2	Applicant Table of Contents	03.28.2024
A.3	5	Applicant application summary	03.28.2024
A.4	12	Applicant Narrative for CFU standards, stormwater and Dark Sky Lighting	03.28.2024
A.5	12	Preliminary Plan Set includes Fire Safety Zones	03.28.2024
A.6	33	Plan Set for Water Line Along the Road	03.28.2024
A.7	7	Applicant Narrative for CU standards	03.28.2024
A.8	22	Applicant Narrative addressing SEC code (SEC-sw, SEC-h, SEC-wr)	03.28.2024
A.9	11	Applicant Narrative addressing Design Review Code	03.28.2024
A.10	16	Pacific Habitat Biologist Report for SEC permits	03.28.2024

A.11	4	Subject Property Aerial Maps	03.28.2024
A.12	9	Existing condition maps (non-forested areas)	03.28.2024
A.13	3	Proposed Conditions Maps	03.28.2024
A.14	12	Photos of the site and locations of the proposed work (Photos A-U)	03.28.2024
A.15	4	Wildlife Habitat Conservation Plan by Pacific Habitat Services Inc.	03.28.2024
A.16	9	Wildlife Habitat Concern Worksheet	03.28.2024
A.17	1	Oregon Parks & Recreation Dept. Scenic Waterway Program Letter	03.28.2024
A.18	5	Stormwater Drainage Control Certificate	03.28.2024
A.19	3	Fire Service Form	03.28.2024
A.20	2	Unsigned Transportation Form	03.28.2024
A.21	10	Subject Property Deeds	03.28.2024
A.22	2	BLM Approval Letter	03.28.2024
A.23	6	Water Rights	03.28.2024
A.24	18	OWRD application	03.28.2024
A.25	59	T3-2015-3903 HO decision	03.28.2024
A.26	3	T1-2016-5341 Lot Consolidation Report	03.28.2024
A.27	1	Oxbow Park As-Built Water System	03.28.2024
A.28	3	Existing Wellhouse Photos	03.28.2024
A.29	8	Revised narrative addressing the TP request & email exchanges with Transportation Staff	04.30.2024
A.30	15	Current and Past Stormwater Certificates 2023, 2021 and 2014	04.30.2024
A.31	2	Updated Plan narrative	10.21.2024
A.32	12	Preliminary Plan set designed 11.20.2023 and submitted on 10.21.2024	10.21.2024
A.33	31	Revised Plan Set	10.21.2024
A.34	3	Tree Plan Report by Tree Specialists Inc.	10.21.2024

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OCT 14 2026
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'B'	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1S4E10- 00400 (Alt Acct#R994100050/Property ID#R341682)	03.28.2024
B.2	1	Current Tax Map for 1S4E10-00400	03.28.2024
'C'	**#**	**Administration & Procedures**	**Date**
C.1	3	Incomplete Letter	04.26.2024
C.2	1	Complete Letter (Day 1)	05.30.2024
C.3	1	Applicant's Acceptance of 180 Day Clock	04.30.2024
C.4	1	150-day extension request	09.30.2024
C.5	17	Hearing Notice	10.17.2024
C.6	36	Staff Report	11.01.2024

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CwM-H2O
Complete Water Management

October 12, 2026

Oregon Water Resources Department
Attn: Water Rights Division
725 Summer St. NE Ste A
Salem, Oregon 97301

RE: CLAIM OF BENEFICIAL USE FOR APOA AND USE TRANSFER T-14360 – OXBOW REGIONAL PARK

To whom it may concern,

Please find included with this letter Claim of Beneficial Use for a Transfer with Multiple Changes, submitted by CwM-H2O, LLC (CwM) on behalf of Metro (c/o Gary Shepherd, Senior Metro Attorney). This claim documents the completion of the proposed changes, an additional point of appropriation (APOA) and change in character of use, at Oxbow Regional Park prior to the completion date of October 1, 2026. Well-2, the APOA proposed in the transfer, was brought online and used for peak demands during July-August 2026.

The items included in the attached application package are as follows:

- A check for the claim fee of $345,
- A check for the certificate Reimbursement Authority application fee of $125,
- A signed certificate Reimbursement Authority application,
- A signed and stamped claim application document,
- A stamped transfer claim map (Attachment 1),
- Well logs for both approved wells (Attachment 2),
- Conditional land use approval documentation (Attachment 3).

Please let us know if there are any issues with processing this application or any questions about the contents therein. If there are any issues with the included applications, please return to CwM at the following address:

CwM-H2O, LLC
311 B Ave, Suite P
Lake Oswego, OR 97043

Sincerely,

CwM H2O, L.L.C.

Ian Godwin, CWRE

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