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Mingus Mapps Commissioner Millicent Williams Director

## STAFF REPORT AND RECOMMENDATION TO THE PLANNING COMMISSION

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**FILE NUMBER: R/W #8796**

**COMMISSION MEETING TO BE HELD: 12/12/2023**

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### I. GENERAL INFORMATION

Street Vacation Request:	SE Lambert St, SE Malden Ct, & SE Malden St (West Lents Floodplain Restoration Project)
Petitioner:	Portland Bureau of Environmental Services (BES) Roslyn Gray, <a href="mailto:roslyn.gray@portlandoregon.gov">roslyn.gray@portlandoregon.gov</a> , 503-320-6736; Tressie Word, <a href="mailto:tressie.word@portlandoregon.gov">tressie.word@portlandoregon.gov</a>
Purpose:	The primary objective of this restoration project is to restore fluvial processes, floodplain function, and habitat resilience to a dynamic stream-wetland corridor as Johnson Creek passes through the project area.
Neighborhood:	Lents
State ID:	1S2E21CB (-4900, -4700, -4600, -4100, -4200, -4400, -4000) 1S2E21CC 1800; 1S2E21CA (-3100, -2500, -2600, 2701, -2800, 2200, -2400, -2300, -2100, -1400, -1500, -1600)
Designation/Zones:	OS, OSc, OSp, IG2bp, IG2c, IG2bc, RM1 Open Space (OS); Residential Multi-Dwelling 1 (RM1); General Industrial 2 (IG2); Overlay zones: Environmental Conservation (c), Environmental Protection (p), Buffer (b)



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## II. FACTS

### A. History and Background

Roslyn Gray and Tressie Word, on behalf of Portland Bureau of Environmental Services (BES), are applying to vacate three segments of right-of-way (ROW) on **SE Lambert St**, **SE Malden Ct**, and **SE Malden St**. The stated purpose for the street vacation is to restore fluvial processes, floodplain function, and habitat resilience to a dynamic stream-wetland corridor as Johnson Creek passes through the project area.

The proposed 20-acre project site, located east of the Springwater Corridor Trail and west of Johnson Creek between SE 82<sup>nd</sup> and SE 92<sup>nd</sup> Ave, includes 20 tax lots (1S2E21CB (-4900, -4700, -4600, -4100, -4200, -4400, -4000); 1S2E21CC -1800; 1S2E21CA (-3100, -2500, -2600, 2701, -2800, -2200, -2400, -2300, -2100, -1400, -1500, -1600). The site is accessible from SE Lambert St.

This site (RW #8796, EA #22-117597) has undergone multiple iterations and this is the second time it will go before the Planning Commission. Previously, the site was reviewed by the Planning and Sustainability Commission in 2018 (RW #8529, EA 18-241676). In 2020, surrounding community members raised concerns about impacts to neighboring apartments and homes, which prompted a broader discussion about future trail access and street improvements in the surrounding area. In 2021, after 30% design plans to explore a future bicycle and pedestrian bridge over Johnson Creek in the West Lents project area and accompanying community outreach, PBOT and BES decided to move the future bridge location to the existing SE Crystal Springs Blvd right-of-way to promote the maximum extent of ecological restoration within the project boundary and eliminate significant risks and costs associated with including the bridge in the floodplain restoration project. This updated site proposal, reflects further refinement of the project designs and a reduced vacation area that removes most of SE 89<sup>th</sup> Ave segment initially proposed, leaving only the portion of SE 89<sup>th</sup> Ave that overlaps with SE Lambert St. Due to changes in the street vacation area and a two-year period of inactivity, PBOT Right of Way (ROW) decided to open a new street vacation notification period and sent out updated notifications to bureaus and utilities in January 2023.

The proposed street vacation area includes three paved street segments, SE Lambert St, SE Malden Ct, and SE Malden St. The 20-acre site is east of the Springwater Corridor Trail, west of Johnson Creek, north of SE Crystal Springs Blvd, and south of SE Flavel St. **SE Lambert St** is an east-west street segment 792' long by 45'-65' wide that begins just east of the Springwater Corridor Trail, includes driveway residential access to one single-family home that was demolished following willing seller acquisition, a single-lane vehicular bridge (PBOT Bridge BR-098) remains for now and the improved portion of the street terminates just east of Johnson Creek. **SE Malden Ct** is a north-south street segment 375' long by 25' wide that runs parallel to the Springwater Corridor Trail, intersecting with SE Lambert St to the south and SE Malden St to the north. **SE Malden St** is 430' along the north line and 485' along the south line by 50' wide street segment that runs east-west intersecting with SE Malden Ct to the west and terminating in a forested area to the east.

The site is located in the West Lents Floodplain area in Lents Neighborhood and has the following zoning designations: OS, OSc, OSp, IG2bp, IG2c, IG2bc, RM1—Open Space (OS), Residential Multi-Dwelling 1 (RM1); General Industrial 2 (IG2) base zones with Environmental Conservation (c), Environmental Protection (p), and Buffer (b) overlay zones. **Open Space (OS)** zones are intended to preserve and enhance public and private open, natural, and improved park and recreational areas. **Residential Multi-Dwelling 1 (RM1)** is a low-scale multi-dwelling zone applied around centers and corridors in locations near single-dwelling residential areas where housing is generally categorized by 1-3 story buildings with front setbacks that relate to the patterns

of residential neighborhoods and types of new development include duplexes, rowhouses, courtyard housing and small apartment buildings. **General Industrial 2 (IG2)** zone generally has larger lots and irregular or large block patterns, IG2 areas are generally less developed with sites having medium and low building coverages and are usually set back from the street. **Environmental Conservation (c)** overlay zones conserve important resources and functional values in areas where the resources and functional values can be protected while allowing environmentally sensitive urban development, they are applied wherever the city determines that significant resources and functional values are present. **Environmental Protection (p)** overlay zones provide the highest level of protection to the most important resources and functional values identified and assigned value in the inventory and economic, social, environmental, and energy (ESEE) analysis for each specific study area. Development will be approved in environmental protection (p) zones only in rare and unusual circumstances; it is applied wherever the city determines that highly significant resources and functional values are present. **Buffer (b)** overlay zones require additional buffering between nonresidential and residential zones, they are used when the base zone standards do not provide adequate separation between residential and nonresidential uses. The separation in buffer (b) zones is achieved by restricting motor vehicle access, increasing setbacks, requiring additional landscaping, restricting signs, and in some cases by requiring additional information and proof of mitigation for uses that may cause off-site impacts and nuisances.

## **B. Concurrent Land Use Actions**

Land Use Review LU 23-021622 is currently in progress for the West Lents restoration project. Type II Environmental and Tree reviews are required.

## **C. The Transportation Element**

In the 2035 Transportation System Plan, the rights-of-way proposed for street vacation on SE Lambert St, SE Malden Ct, and SE Malden St are all classified as local service streets—Local Service Traffic Street, Local Service Transit Street, Local Service Bikeway, Local Service Walkway, Local Service Truck Street, Minor Emergency Response, and Local Street Design. Previously there was one single-family residence on this site; however, it has since been demolished following willing seller acquisition. No permanent structures (residential, business, industrial, or otherwise) remain on the site or are planned on the site due to flood and fire risk in the surrounding area, obviating the need for right-of-way access in the street vacation area.

## **D. Neighborhood Plan**

The area proposed for vacation is not explicitly identified in the 1996 [Lents Neighborhood Plan](#), however the proposed West Lents Floodplain Restoration Project aligns and supports adopted action OS35- “Work to halt all sanitary sewer overflow into Johnson Creek by creating adequate drain fields.”

### III. APPROVAL CRITERIA FINDINGS

#### 1. *City Code 17.84.025 Approval Criteria for Vacating Streets*

*A. In consideration whether the vacation will prejudice the public interest, the Council will consider the following factors, as relevant:*

*The area proposed to be vacated is not needed presently, and is not identified in any adopted plan, for public services, transportation functions, utility functions, stormwater functions, view corridors and or viewpoints, tree planting/retention, pedestrian amenities, or community or commercial uses.*

**Comment:** The rights-of-way proposed to be vacated have not been identified in any adopted plans for public services, transportation functions, utility functions, view corridors or viewpoints, pedestrian amenities, or community or commercial uses. The proposed site is needed for stormwater functions and tree planting/retention and, lying in the West Lents Floodplain area, is identified and supportive of the watershed restoration plans detailed in the 2001 [Johnson Creek Restoration Plan](#) and the 2005 [Portland Watershed Management Plan](#). SE Lambert St and SE Malden St currently terminate in natural areas and it is unlikely that the street segments being considered will serve a transportation now or in the future. **The rights-of-way proposed for street vacation are not needed presently.**

#### 2. *The vacation does not prevent the extension of, or the retention of public services, transportation functions, utility functions, stormwater functions, view corridors and/or viewpoints.*

**Comment:** The proposed vacation does not prevent the extension of, or retention of, public services, transportation functions, utility functions, subject to the conditions identified in Section IV below. The vacated area is not identified as a view corridor or viewpoint. The vacation is supportive of present and future stormwater functions. **The right-of-way proposed for vacation should meet the criteria of approval outlined by commenting parties in Section IV. This criterion is met.**

#### 3. *Public services, transportation functions, or utilities can be extended in an orderly and efficient manner in an alternate location.*

**Comment:** The existing land use and transportation pattern in the area around the proposed street vacation supports the orderly and efficient manner of potential future extension of public services, transportation functions, and utilities. **The right-of-way proposed for vacation should meet the criteria of approval outlined by commenting parties in Section IV. This criterion is met.**

#### 4. *The vacation does not impede the future best use, development of, or access to abutting property.*

**Comment:** The rights-of-way proposed for vacation do not provide access points for abutting properties. The one residential property that once stood on the property has since been demolished following willing seller acquisition. The areas proposed for vacation do not impede the future best use, development of, or access to abutting property. **This criterion is met.**



5. *The area of vacation is not presently, or will not in the future be, needed as part of an interconnected system of public streets that is generally consistent with the street connection and bicycle/pedestrian spacing requirements in section [17.88.040 Through Streets](#).*

**Comment:** The area proposed for vacation includes three rights-of-way that are not considered through streets and is not identified as needed in the future to serve an interconnected system of public streets. Prior concerns over need for a restored bicycle/pedestrian bridge on SE Lambert St to ensure a connection with neighborhoods in east Lents were alleviated following a site analysis and consultation with community, which resulted in BES and PBOT agreeing to demolition of the current SE Lambert St bridge and to move the future bridge location to the existing SE Crystal Springs Blvd right-of-way. Parties agreed this alignment would promote the maximum extent of ecological restoration within the project boundary and eliminate significant risks and costs associated with including the bridge in the floodplain restoration project while ensuring connectivity needs of the transportation network are met. **This criterion is met.**

#### IV. IMPROVEMENT AND UTILITY CONSIDERATIONS

The following bureaus and agencies reviewed the proposed street vacation request which is subject to the following identified conditions:

Commenting Party	Response Date	Comments / Conditions
<b>City Bureaus / Departments Notified:</b>		
<b>CITY INITIATED:</b> <b>Bureau of Environmental Services</b>	1/15/19	City Initiated. No Petition Process.
<b>PBOT Development Review</b> Bob Haley	5/25/23	No objection.
<b>PBOT Transportation Planning</b> Mel Hogg	3/29/23	No objection.
<b>PBOT Permit Engineering</b> Chris Wier	5/25/23	No objection.
<b>PBOT Trans Systems Management</b> Rick Nys	1/17/23	No objection.
<b>PBOT Active Transportation</b> Scott Cohen	1/23/23	No objection.
<b>PBOT Bridges and Structures</b> Cameron Glasgow Cameron.Glasgow@portlandoregon.gov 503-823-9726	6/1/23	<b>No objection subject to the following conditions:</b>  1) Any and all of PBOT's maintenance and ownership rights, responsibilities and obligations related to the existing bridge in the SE Lambert Street right-of-way over Johnson Creek (PBOT Bridge BR-098, State Bridge ID 51C19) and all of its appurtenances, including but not limited to girders, abutments, deck, rails, fences, signs, and wingwalls shall be transferred to BES upon recording of the street vacation ordinance, <u>AND</u> ;  2) If BES makes the decision to restrict public access to the bridge after the street vacation ordinance is recorded, permanent barricades shall be installed to prevent public vehicular access, or the existing gate must be accepted as permanent by ODOT. Upon installation of the permanent barricades or for clarification of the existing gate compliance, BES shall contact ODOT (current contact is Richard King: richard.j.king@odot.oregon.gov) to have the bridge removed from the National Bridge Inventory. All direct and indirect costs associated with this work shall be borne by BES, <u>AND</u> ;

Commenting Party	Response Date	Comments / Conditions
		3) If at any time after recording if the street vacation ordinance BES elects to remove the existing bridge described above, wholly or in part, including the bridge and all of its appurtenances, including but not limited to girders, abutments, deck, rails, fences, signs, and wingwalls, all direct and indirect costs associated with this work shall be borne by BES.
<b>PBOT Street Lighting</b> Daniel Spoelstra Daniel.Spoelstra@portlandoregon.gov 503-823-4111	6/5/23	<b>No objection subject to the following condition:</b> There are four existing PBOT owned and maintained streetlights located within the vacation area and are mounted to utility poles owned by PGE and/or Century Link/LUMEN. Said streetlights need to be removed and salvaged by PBOT contractors at BES expense. Estimated cost for this work is \$1,200.
<b>PBOT Parking Control</b> Peter Wojcicki	1/17/23	No objection.
<b>BDS Land Use Services</b> Leah Dawkins Leah.Dawkins@portlandoregon.gov 503-865-6734	2/13/23	<b>No objection subject to the following condition:</b> Prior to recording of the vacation ordinance, Adjustment review LU 22-21444 AD must be approved, and all conditions of approval associated with the adjustment must be met.
<b>BDS Addressing</b> Viktor Palchey	2/10/23	No objection.
<b>Bureau of Environmental Services</b> Stephen Himes	2/15/23	No objection.

Commenting Party	Response Date	Comments / Conditions
<b>Portland Water Bureau</b> Kris Calvert Kris.Calvert@portlandoregon.gov 503-865-6373	1/17/23	<b>No objection subject to the following conditions:</b> 1) The water mains in SE Malden Ct (that portion east of the Springwater Corridor), SE Malden St, and the Springwater Corridor must be cut and plugged.  2) A new hydrant must be installed in SE Lambert St west of the Springwater Corridor near 8387 SE Lambert St to meet fire flow requirements for the area. Exact location will be determined by the Water Bureau. The main in SE Lambert St will be cut and plugged west of the existing service to 8426 SE Lambert St. All work required for conditions 1 and 2 will be completed by the Water Bureau. All fees for the above referenced work will be the responsibility of BES and will be paid prior to recording of the Street Vacation Ordinance.  3) If there is contamination in or near the public right-of-way at the location of the above proposed work, Water requires the following: a) Verification of clean soils at the location of the installations OR b) Identification of the extent and degree of contamination such that appropriate remediation plans can be generated prior to any Water construction. The remediation, disposal fees, and charges are the responsibility of BES.
<b>Portland Fire &amp; Rescue</b> Paul Jennings	2/14/23	No objection.
<b>Portland Parks &amp; Recreation</b> Adena Long	3/1/23	No objection.
<b>PP&amp;R Urban Forestry</b> Daniel Gleason	2/1/23	No objection.
<b>BTS Corporate GIS</b> Paul Cone Paul.Cone@portlandoregon.gov 503-823-4071	1/17/23	<b>No objection subject to the following condition:</b> Active address points associated with tax lots adjacent to vacation area will be retired.
<b>Planning &amp; Sustainability Commission</b>	Pending	Response pending review by the Planning Commission.
<b>Neighborhood Associations Notified:</b>		
Lents Neighborhood Association	2/26/19	The Lents Neighborhood Association supports the proposed street vacation of SE Malden

Commenting Party	Response Date	Comments / Conditions
		Street, SE Malden Court, SE Lambert Street and SE 89th Avenue, provided that access is maintained to utility meters in what is currently the PBOT right-of-way; and that pedestrian access is established from SE 89th Avenue to the Springwater Corridor and/or SE 87th Avenue.
East Portland Neighborhood Coalition	NA	No response.
82nd Avenue of Roses Business Association	NA	No response.
<b>Local Agencies Notified:</b>		
<b>ODOT, Region 1, ROW Program</b> Grant Casebeer Grant.Casebeer@odot.oregon.gov	6/5/23	<b>No objection subject to the following condition:</b> City of Portland will grant a 10-foot-wide Storm Drainage Easement for an existing ODOT stormwater facility. Said easement will be located over the westerly most 10 feet of the vacation area. Said easement will be recorded concurrently with the Street Vacation Ordinance.
<b>Port of Portland</b> Lewis Lem	NA	No response.
<b>TriMet</b> Nick Stewart	NA	No response.
<b>Public Utilities Notified:</b>		
<b>PGE</b> Andrew Yaden	2/15/23	No facilities in street area.
<b>Pacific Power</b>	NA	No response.
<b>CenturyLink/LUMEN</b>	NA	No response.
<b>Northwest Natural</b> Marlyse McKenzie	2/6/23	No facilities in street area.
<b>Comcast</b> Peter Calo	2/6/23	No facilities in street area.

## V. NEIGHBORHOOD RESPONSE

Notice of this street vacation request was provided to the Lents Neighborhood Association, East Portland Neighborhood Coalition, and 82<sup>nd</sup> Avenue of Roses Business Association in January 2023; however, no responses were received. Lents Neighborhood Association did respond in support of a prior version of this street vacation proposal in 2019. This updated proposal meets their criteria of support.

## VI. CONCLUSIONS

Based on the above analysis, Portland Bureau of Transportation states that the right-of-way is not needed to provide future facilities. Approval of the street vacation will result in the removal of existing street segments to restore a waterway and floodplain. Doing so is not anticipated to affect the functional performance of the street system in the Lents area.

## VII. TENTATIVE STAFF RECOMMENDATION

The staff recommendation is **approval** of the vacation of the area shown on Exhibit 2, with conditions:

- Prior to recording the street vacation ordinance, **the Petitioner shall comply with all conditions set forth in Section IV above.**

The Portland Bureau of Transportation staff may revise this recommendation upon receipt of new information at any time prior to the Planning Commission's recommendation.

## VIII. EXHIBITS

1. [Property Description](#)
2. [Vicinity Maps](#)
3. [Area Proposed for Vacation](#)
4. [Project Overview](#)
5. [Site Detail](#)
6. [Site Photos](#)

### Report prepared by:

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WEST LENTS FLOODPLAIN RESTORATION

# Wetland Delineation Report

Client: City of Portland Bureau of Environmental Services

Date: June 17, 2020







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Portland, OR 97214  
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## 1.0 Introduction

Wolf Water Resources (W2r) conducted a wetland delineation and ordinary high water (OHW) line field investigation on properties located along Johnson Creek in Portland, Oregon on April 7<sup>th</sup> and 8<sup>th</sup>, 2020. The delineation is in support of the West Lents Floodplain Restoration Project within a 21.3-acre study area, which is located at Township 1S, Range 2E, and Section 21 (Figure 1). The purpose of this investigation was to determine the presence and extent of any jurisdictional wetlands or waterways that may occur within the study area.

The City of Portland Bureau of Environmental Services (BES) identified West Lents as a priority restoration area and included it in the Johnson Creek Restoration Plan (JCRP), adopted by City Council in 2001. Since then, BES has acquired adjoining properties along Johnson Creek between SE 82<sup>nd</sup> Avenue and SE 92<sup>nd</sup> Avenue through the Willing Seller Program. The goals of the West Lents Floodplain Restoration Project are closely aligned with several foundational BES planning documents. Specifically, the project will reduce offsite flooding, support resilient and critical habitats, and improve water quality through restoration of natural, dynamic fluvial processes. Characterization of existing wetlands and waterways identified during the field investigation will inform project designs and help BES meet associated permitting requirements.

## 2.0 Landscape Setting and Land Use

The study area is located along Johnson Creek upstream of SE 82<sup>nd</sup> Avenue and downstream of SE 92<sup>nd</sup> Avenue. Johnson Creek drains west from the Boring Hills through southeast Portland along Mount Scott, and ultimately to the Willamette River. The average gradient of Johnson Creek within the study area is 0.2%. Downstream of the study area, lower Johnson Creek becomes considerably steeper, an average gradient of 0.59% (W2r 2019). Within the study area, Johnson Creek is mapped as spawning habitat for winter steelhead and coho and is thought to provide habitat for Pacific lamprey and coastal cutthroat trout as well (ODFW 2020).

The study area is owned by the City of Portland and primarily zoned as open space ; however, tax lot #1S2E21CA 1400 is zoned Residential Multi-Dwelling 1; and the property in the southwestern portion of the project area (tax lot #1S2E21CC 1800) is zoned as General Industrial 2.

### 3.0 Site Alterations

Through historic development of Southeast Portland, Johnson Creek has been manipulated from its pre-disturbance condition through straightening, armoring, and flood control efforts. The two historical land-use changes that have had significant impacts within the study area are construction of the Springwater Division Rail Line in 1903 (now occupied by the Springwater Corridor Trail just outside the study area) and the flood control projects by the Works Progress Administration (WPA) in the 1930s (W2r 2019).

The Springwater Division Rail Line, which now functions as the Springwater Corridor trail, was constructed in 1903 to connect rural communities on the outskirts of Portland to the inner city. The railroad line followed the Johnson Creek floodplain for much of its length, including the study area, where the rail was located relatively close to the creek. During rail installation, portions of Johnson Creek were straightened to accommodate the rail line; however, the degree of straightening within the study area is uncertain.

Flood control projects in the 1930s by the WPA (a program of the New Deal era) were a major historical influence on Johnson Creek. The WPA straightened much of Johnson Creek, and armored both its bed and banks to reduce local flooding. Armoring included tiled rock placed on the banks, and chaotic arrangement of angular rock on the stream bed (resembling angular riprap). Notable WPA features within the study area include:

- Basalt rock armoring, extending for much of the study area (between SE 82<sup>nd</sup> and SE 92<sup>nd</sup> avenues);
- A constructed flood overflow channel on the east side of the study area; and
- Channel straightening upstream of SE 86<sup>th</sup> Avenue.

## 4.0 Precipitation Data and Analysis

Table 4-1 shows the actual precipitation recorded in the study area vicinity for two weeks prior to the wetland field investigation. Data, provided by the PORTLAND KGW-TV weather station (AgACIS 2020a), were utilized and included data for the days of the field investigation (April 7<sup>th</sup> and 8<sup>th</sup>, 2020). Recorded rainfall two weeks prior to the field investigation totaled 2.21 inches and there was no rain during the field investigation.

**Table 4-1 Precipitation Two Weeks Prior to Field Investigation<sup>1</sup>**

Date	Precipitation (inches)	Date	Precipitation (inches)
March 24, 2020	0.41	April 1, 2020	0.20
March 25, 2020	0.03	April 2, 2020	0.07
March 26, 2020	0.0	April 3, 2020	0.03
March 27, 2020	0.14	April 4, 2020	0.07
March 28, 2020	0.03	April 5, 2020	0.01
March 29, 2020	0.29	April 6, 2020	0.0
March 30, 2020	0.68	April 7, 2020	0.0
March 31, 2020	0.25	April 8, 2020	0.0

1. Data from Station PORTLAND KGW-TV, OR (AgACIS 2020a)

Table 4-2 below shows the actual monthly precipitation for three months prior to the field investigation and compares that to the monthly average precipitation as determined from the Natural Resources Conservation Service (NRCS) Climate Analysis for Wetlands (WETS) Table for Multnomah County, Oregon (AgACIS 2020b). The table also indicates whether the precipitation falls within the "normal" 30 to 70 percentile range, displays the recorded "Water Year to Date," and the percentage of the average "Water Year to Date" through the end of each month.

Table 4-2 Precipitation Three Months Prior to Field Investigation

Month	Total Monthly Precipitation (Inches) <sup>1</sup>	Average Monthly Precipitation (Inches) <sup>2</sup>	Percent of Average Monthly Precipitation	Within "Normal" 30-70 percentile Range from WETS Table?	Water Year to Date (Inches) - Water Year Started on Oct. 1, 2019	Percent of Average Water Year to Date at end of Month
January 2020	9.53	6.05	158%	Above normal range	18.08	80%
February 2020	2.07	5.29	39%	Below normal range	20.15	73%
March 2020	3.50	4.44	79%	Within normal range	23.65	73%

1. Data from Station PORTLAND KGW-TV, OR (AgACIS 2020a)

2. Data from WETS Average Data for Station PORTLAND KGW-TV, OR (AgACIS 2020b)

The rainfall during the three months prior to the April 2020 field investigation was above the normal range for January, below the normal range for February, and within the normal range for March. The actual rainfall from the start of the 2020 water year to date was 73-80 percent of the average rainfall for the same period.

## 5.0 Methods

Prior to the field investigation, maps of the study area, aerial photographs, National Wetland Inventory (NWI) data, and NRCS soil map unit descriptions were reviewed. On April 7<sup>th</sup> and 8<sup>th</sup>, W2r wetland biologists, Elisabeth Bowers and Joe Rudolph, conducted the wetland and waters field investigation. According to the WETS table for Multnomah County at Portland (PORTLAND KGW-TV), the growing season starts on January 30<sup>th</sup> and ends on December 24<sup>th</sup>. These dates are based on average temperatures of 28 degrees Fahrenheit (°F) or higher and a 50 percent chance of the growing season occurring within the start and end date as stated. Therefore, the April field investigation was conducted within the growing season.

Wetland presence and absence was determined according to the methodology described in the 1987 U.S. Army Corps of Engineers Wetland Delineation Manual (USACE 1987) and the 2010 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region (Version 2.0) (USACE 2010). Wetland plant indicator statuses were obtained from the 2016 State of Oregon Regional National Wetland Plant List for the Western Mountains, Valleys, and Coast Region (USACE 2016). During fieldwork, sample plots were established to document the



presence or absence of field indicators of wetland hydrology, hydric soils, and hydrophytic vegetation. The data were recorded on standardized wetland determination data forms, which are included in Appendix B. Locations for sample plots were established in low-lying areas and areas with observable wetland characteristics. Sample plot locations, OHW lines, and wetland boundaries were recorded with GPS devices (a TOPCON © Real Time Kinematic [RTK] positioning system and an Arrow-100 GPS unit) capable of achieving sub-meter accuracy and are shown in Figure 6 (a, b, and c).

The OHW lines of Johnson Creek and the overflow channel were determined in accordance with current DSL and Corps methodology. Army Corps Guidance Letter No. 05-05 (USACE 2005) states:

*"The term ordinary high water mark means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas."*

Ground-level color photographs were taken of the sample plots and study area conditions and are included in Appendix C. Directional Photo Point locations are shown in Figure 6 (a, b, and c). General observations of vegetative communities and site conditions were collected in the form of notes in the field.

## 6.0 Description of All Wetlands and Other Non-Wetland Waters

A total of fifteen sample plots (SP-1 through SP-15) were recorded during the field investigation to document the presence or absence of wetland field indicators within the study areas (Figure 6 [a, b, and c], Appendix B). Three wetland areas were identified and delineated within the study area: Wetland A, B, and C (Figures 6a and 6b). Ditch 1, an east and a west segment, was also identified (Figures 6a and 6c). The OHW line for Johnson Creek and the overflow channel were also identified and mapped (Figure 6 [a, b, and c]).

## 6.1 Wetland A

Wetland A is palustrine forested wetland located in the northeastern corner of the study area. Wetland A is located entirely within the study area and is 0.167-acre (7,272 square feet) in size. The hydrogeomorphic (HGM) classification of Wetland A is flats (Adamus 2001) because it is fed by precipitation and surface runoff and is inundated seasonally. It is located in a topographically low area of the study area but is only slightly lower (~1 foot) than the adjacent uplands.

### 6.1.1 Hydrology

The primary sources of hydrology at Wetland A are precipitation and surface runoff from an adjacent development. Rills formed by surface runoff from the adjacent parking lot were observed upslope of Wetland A along the eastern edge of the study area. The hydrological indicators at SP-3 include the following: water-stained leaves, oxidized rhizospheres along living roots, sparsely vegetated concave surface, and geomorphic position. No water was observed in the soil pit. The paired upland sample plot (SP-4) contained dry soils and there were no wetland hydrology indicators observed.

### 6.1.2 Soils

Wetland A has one NRCS soil map unit mapped (Figure 4): Wapato silt loam (soil map unit 55), which is rated as hydric (66-99%). The soil texture observed within Wetland A during the field investigation was silt loam for the upper eight inches and silt clay loam for eight to twenty inches below the ground surface. Soil matrix colors within the wetland (SP-3) included 10YR 3/2 to eight inches below the ground surface and 10YR 4/2 starting at eight inches to twenty inches below the ground surface. Redoximorphic features were found within the entire soil profile. SP-3 met the criteria for the hydric soil indicators for depleted below dark surface (A11), depleted matrix (F3), and redox dark surface (F6). The paired upland sample plot (SP-4) consisted of 10YR 3/2 silt loam without redoximorphic features.

### 6.1.3 Vegetation

Though sparsely vegetated, Wetland A included plant species in the tree, shrub, and herbaceous strata. The tree layer had a total of 50% cover and was dominated by Oregon ash (*Fraxinus latifolia*) and English hawthorne (*Crataegus monogyna*, FAC). The shrub layer (2% cover) included English hawthorne saplings. Herbaceous vegetation (3% cover) included Himalayan blackberry (*Rubus armeniacus*, FAC) and sticky-willy (*Galium aparine*, FACU).

Dominant vegetation in the upland area (SP-4) included bitter cherry (*Prunus emarginata*, FACU), English hawthorne, common snowberry (*Symphoricarpos albus*, FACU), English holly (*Ilex aquifolium*, FACU), Himalayan blackberry, trailing blackberry (*Rubus ursinus*, FACU), and grape hyacinth (*Muscari armeniacum*, UPL).

## 6.2 Wetland B

Wetland B is palustrine emergent wetland located within the eastern segment of Ditch 1 located just downslope of the Springwater Corridor Trail. Wetland B is located within a topographically low spot within Ditch 1 and is 0.017-acre (745 square feet) in size. The HGM classification of Wetland B is depressional closed nonpermanent (Adamus 2001) because it is located in a depression and it not hydrologically connected to a permanent river or lake. It is located in a topographically low area of the study area and is approximately 4 feet lower than the adjacent uplands.

### 6.2.1 Hydrology

The primary sources of hydrology at Wetland B are precipitation and surface runoff surrounding upslope areas, including the Springwater Corridor Trail. The hydrological indicators at SP-5 include the following: drainage patterns and geomorphic position. No water was observed in the soil pit, but the soil was moist. The paired upland sample plot (SP-6) was also located in Ditch 1 but was about four inches higher than SP-5. In terms of wetland hydrology indicators, this point had a similar geomorphic position, but drainage patterns were not observed.

### 6.2.2 Soils

Wetland B has one NRCS soil map unit mapped (Figure 4): Wapato silt loam (soil map unit 55), which is rated as hydric (66-99%). The soil texture observed within Wetland B during the field investigation was silt loam for the entire soil profile (0-20 inches). Soil matrix colors within the wetland (SP-5) included 10YR 4/2 to twelve inches below the ground surface and 10YR 3/2 starting at twelve inches to twenty inches below the ground surface. Redoximorphic features were found within the entire soil profile. SP-5 met the criteria for the hydric soil indicator depleted matrix (F3). The paired upland sample plot (SP-6) consisted of 10YR 3/2 silt loam without redoximorphic features to fourteen inches below ground surface. Below the 14 inches was layer of gravel and rocks that impeded further excavation.

### 6.2.3 Vegetation

Wetland B included plant species in the shrub and herbaceous strata. The shrub layer (10% cover) included bitter cherry saplings. Herbaceous vegetation (100% cover) consisted of a reed canarygrass (*Phalaris arundinacea*, FACW) monoculture.

Dominant vegetation in the upland area (SP-6) included big-leaf maple (*Acer macrophyllum*, FACU), bitter cherry, English hawthorne, common velvetgrass (*Holcus lanatus*, FAC), Himalayan blackberry, and English ivy (*Hedera helix*, FACU).

### 6.3 Ditch 1

Ditch 1 is located along the northern edge of the study area just downslope of the Springwater Corridor Trail. There are two segments of Ditch 1, an east and a west segment. These segments are dissected by SE Lambert Street that runs east-west through the center of the study area to the mid-channel island. There is no culvert connecting the east segment of Ditch 1 to the west segment. The east segment of Ditch 1 is approximately six feet wide. The vegetative community in the east segment is dominated by English ivy, sword fern (*Polystichum munitum*, FACU), Himalayan blackberry, tall fescue (*Schedonorus arundinaceus*, FAC), common velvetgrass, big-leaf maple, and bitter cherry. As previously stated, Wetland B is located in the east segment of Ditch 1 and appears to occupy a low spot, as there is no obvious flow direction in the ditch. The west segment of Ditch 1 slopes westward and is approximately 10 feet wide. The vegetative community along the west side of Ditch 1 is dominated by trailing blackberry, tall Oregon grape (*Mahonia aquifolium*, FACU), vine maple (*Acer circinatum*, FAC), tall fescue, cow parsnip (*Heracleum maximum*, FAC), Fuller's teasel (*Dipsacus fullonum*, FAC), common velvetgrass, and orchard grass (*Dactylis glomerata*, FACU).

### 6.4 Wetland C

Wetland C is a constructed water quality facility swale located in the southeast corner of the study area that conveys stormwater runoff from adjacent developments to Johnson Creek. It exhibits wetland indicators and can be classified as palustrine emergent. Wetland C is 0.046-acre (1,998 square feet) in size and has an HGM classification of riverine flow-through (Adamus 2001) because it has no inlet connection to Johnson Creek and is a ditch fed by stormwater runoff that discharges into the overflow channel of Johnson Creek. Wetland C is approximately 4 feet lower than the adjacent uplands.



#### 6.4.1 Hydrology

The primary sources of hydrology at Wetland C are precipitation and surface runoff, primarily from the SE 89<sup>th</sup> Avenue catch basin drain. The hydrological indicators at SP-10 include the following: sparsely vegetated concave surface, drainage patterns, and geomorphic position. No water was observed in the soil pit. The paired upland sample plot (SP-11) contained dry soils and there were no wetland hydrology indicators observed.

#### 6.4.2 Soils

Wetland C has one NRCS soil map unit mapped (Figure 4): Wapato silt loam (soil map unit 55), which is rated as hydric (66-99%). The soil texture observed within Wetland C during the field investigation was silt loam for the entire soil profile. Soil matrix colors within the wetland (SP-10) included 10YR 3/2 to ten inches below the ground surface and 10YR 5/2 from ten to fourteen inches below the ground surface at what point there was shovel refusal due to compacted fill material. Redoximorphic features were found starting at 8 inches below the ground surface. SP-10 met the criteria for the hydric soil indicator depleted below dark surface (A11). The paired upland sample plot (SP-11) consisted of 10YR 3/3 silt loam without redoximorphic features.

#### 6.4.3 Vegetation

Though sparsely vegetated at the northern end, Wetland C included plant species in the tree and herbaceous strata. The tree layer had a total of 40% cover and was dominated by Scouler's willow (*Salix scouleriana*, FAC). Herbaceous vegetation (37% cover) included dovefoot geranium (*Geranium molle*, UPL), reed canarygrass, dandelion (*Taraxacum officinale*, FACU), and lesser poverty rush (*Juncus tenuis*, FAC). It should also be noted that within the southern one-third of Wetland C, BES staff identified a dense matrix of annual grasses and weeds dominated by ripgut brome (*Bromus diandrus*, NOL, assumed to be UPL). This was observed in May more than a month after W2r's field investigation. During the W2r field investigation, this grass was not identifiable as it was in an early growth stage. This seasonal shift in vegetation may be indicative of drier conditions as temperatures increase throughout the growing season.

Dominant vegetation in the upland area (SP-11) included common velvetgrass, Kentucky bluegrass (*Poa pratensis*, FAC), and ripgut brome.

## 6.5 Johnson Creek Mainstem and the Overflow Channel

Johnson Creek is a perennial stream that flows east to west through the study area, which is located approximately six miles upstream of Johnson Creek's confluence with the Willamette River. At the upstream end of the study area, Johnson Creek flows through a split channel, where Johnson Creek runs to the right at low-flow conditions and activates a WPA-constructed overflow channel (an intermittent stream) during minor high flows (see Section 3.0 for further details). According to the OHW survey, the approximate width of Johnson Creek within the study area is 30 feet and the overflow channel is 15 feet.

In terms of streambed and bank armoring within the study area, the streambed is armored with WPA rock along Johnson Creek in the split channel area in the eastern portion of the study area. The banks in this location are armored with a combination of large boulders, informal placements of rubble and concrete, and a concrete wall. WPA rock was observed along the streambed of the overflow channel as well. In the western portion of the study area, the banks of Johnson Creek are "tiled" with WPA rock but the streambed is not armored.

## 7.0 Deviation from LWI or NWI

A Local Wetland Inventory (LWI) was not available for this area. The National Wetland Inventory (NWI, Figure 3) shows the potential for freshwater emergent wetlands to be found along Johnson Creek within the study area. Only Wetland C, a stormwater ditch, that discharges into the overflow channel was identified in this area during the field investigation. On the west side of the study area, the NWI shows a large freshwater forested/shrub wetland bisected by potential riverine wetlands. Wetlands were not identified during the field investigation in this area. Therefore, the results of the field investigation show that wetland areas occur at the study area less than what is shown in the NWI data provided by the U.S. Fish and Wildlife Service (USFWS).

## 8.0 Mapping Method

Sample plot locations, OHW lines, and wetland boundaries were recorded with GPS devices (a TOPCON © Real Time Kinematic [RTK] positioning system and an Arrow-100 GPS unit) capable of achieving sub-meter accuracy. Data were then geo-referenced and transferred to site maps. The physical feature lines, points, and polygons were generated using ESRI ArcMap version 10.7, based on point data collected during the survey. Figures 1 through 6 were created in ArcMap 10.7. Point and line data with existing shapefile layers such as, NRCS soil map units, NWI wetland layers, and

Multnomah County tax lot layers were assembled by Elisabeth Bowers, Rachel Wilson, and Joe Rudolph. Wetland boundaries were determined based on topographical breaks, changes in vegetation, and changes within the soil profiles.

## 9.0 Results and Conclusions

W2r was contracted by the City of Portland BES to conduct a wetland/waters determination for areas within Multnomah County along Johnson Creek in Southeast Portland, Oregon. During the field investigation, three wetland areas (wetlands A, B, and C), one ditch (Ditch 1), one perennial stream (Johnson Creek), and the overflow channel, which is intermittent were identified within the study area. Table 9-1 below summarizes these findings.

Table 9-1 Wetlands and Waters Summary

Wetland/Water	Size	Cowardin Classification	HGM Classification	Notes
Wetland A	0.167 acre	Palustrine Forested	Flats	Wetland in northeast corner of the study area.
Wetland B	0.017 acre	Palustrine Emergent	Depressional closed nonpermanent	Small wetland located within the east segment of Ditch 1.
Wetland C	0.046 acre	Palustrine Emergent	Riverine flow-through	A stormwater ditch in the southeast corner of the study area.
Ditch 1	East: ~6-ft wide West: ~10-ft wide	N/A	N/A	Ditch adjacent to the Springwater Corridor Trail along the northern edge of the study area.
Johnson Creek	~30-ft wide	N/A	N/A	Perennial – flows from east to west through study area
Overflow Channel	~15-ft wide	N/A	N/A	Intermittent – flows east to west through study area during minor high flows



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## 10.0 Required Disclaimer

This report documents the investigation, best professional judgment, and conclusions of the investigator. It is correct and complete to the best of my knowledge. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters and used at your own risk unless it has been reviewed and approved in writing by the Oregon Department of State Lands in accordance with OAR 141-090-0005 through 141-090-0055.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Elisabeth Bowers", is written over a horizontal line.

Elisabeth K. Bowers

Professional Wetland Scientist (Certification #2634)

## 11.0 References

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## Exhibit 2: Vicinity Maps

### Site Location Map

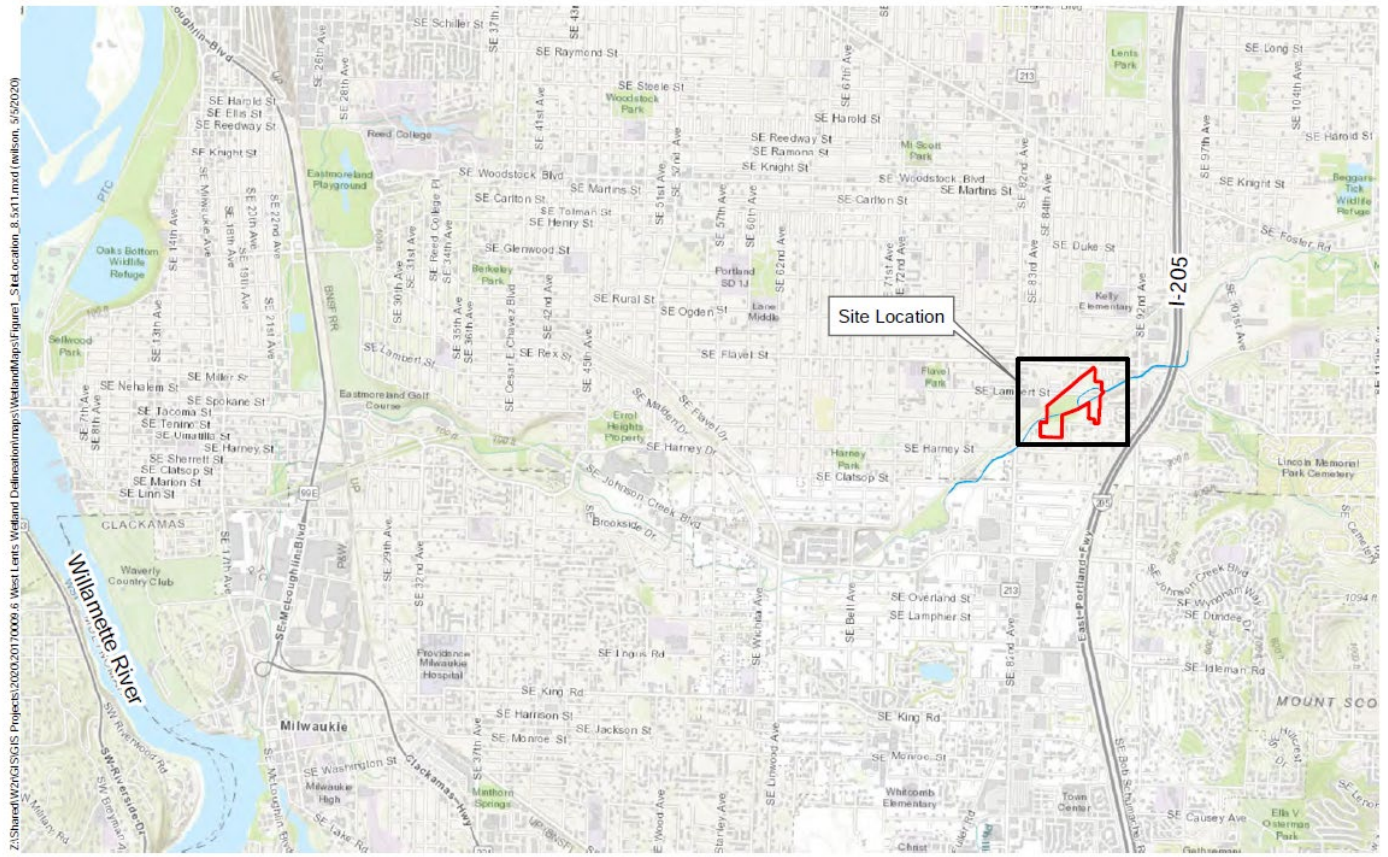


Figure 1

**Site Location**  
West Lents Floodplain  
Restoration  
Portland, OR

0 0.25 0.5 1 1.5 Miles



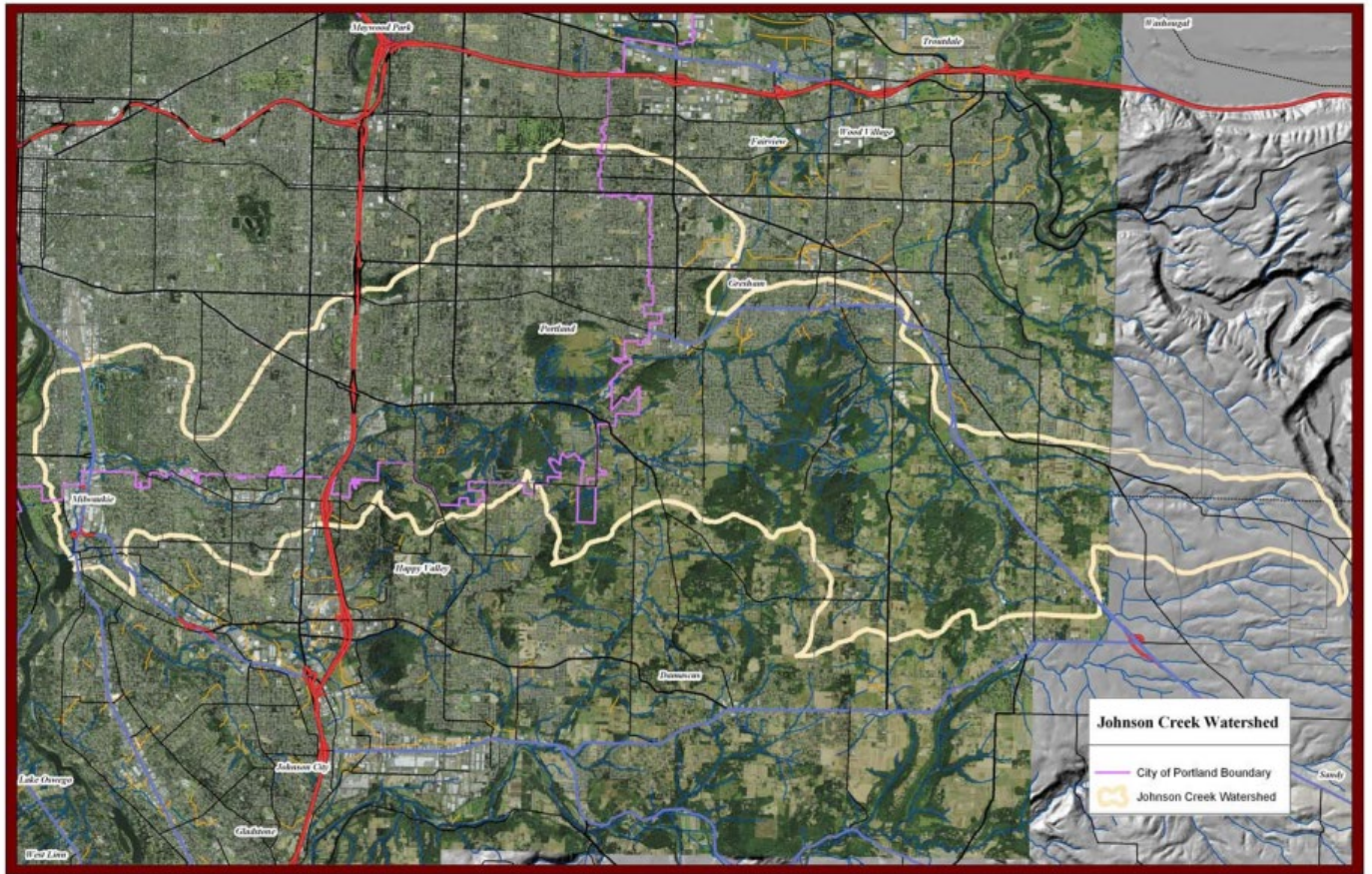
 Study Area



Source: City of Portland, OR  
EX-22-117597-APP-1



# Johnson Creek Watershed



“Johnson Creek originates near Boring, Oregon and runs 26 miles west through six jurisdictions before draining into the Willamette River in Milwaukie, Oregon. The Johnson Creek watershed covers an area of 54 square miles, much of which is highly urbanized. 38% of the watershed is within the City of Portland.

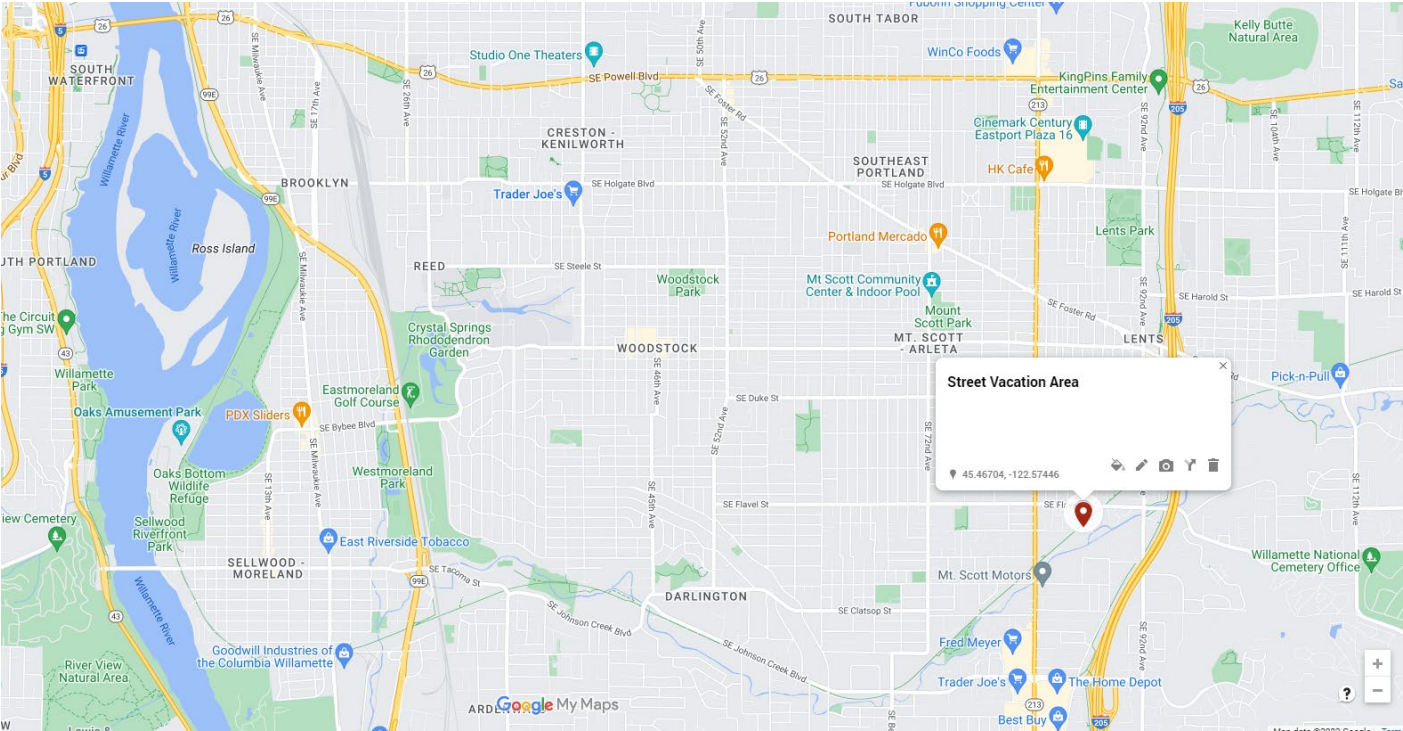
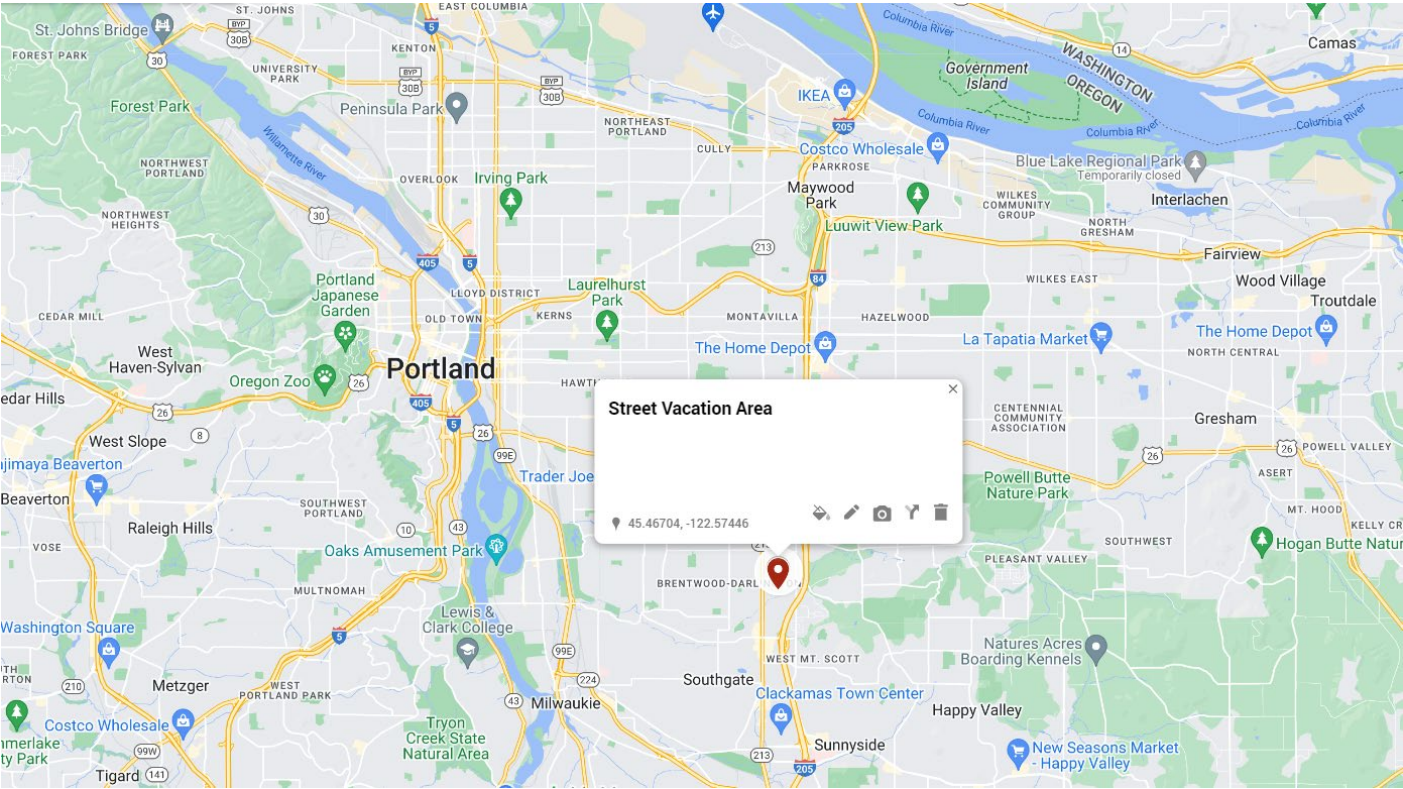
Johnson Creek provides critical habitat for coho and Chinook salmon, and steelhead trout, which are listed as threatened species under the Endangered Species Act. The creek has a history of flooding, on average, every two years. Dating back to the early 1900’s various federal, state, and local agencies attempted to reduce or eliminate flooding in Johnson Creek. The most significant alteration, done in the 1930’s as part of the Work Progress Administration (WPA), deepened, straightened, and armored the creek by installing large basalt rock lining along its banks and streambed. This disconnected the stream from its floodplain which previously absorbed, stored, and conveyed floodwater. The WPA work eliminated aquatic habitat such as riffles, pools, and large wood and impaired the streams ability to migrate and recruit gravels and large wood (see Photo 1).

The 2001 Johnson Creek Restoration Plan (JCRP) takes a comprehensive approach to the restoration of natural floodplain functions, focusing on nuisance flooding, water quality issues, and fish and wildlife declines related to flooding. The goals of the JCRP are to reconnect the floodplain; restore riparian, wetland, and aquatic habitat; and improve water quality. The Plan identifies various actions to achieve these goals including protecting and restoring natural function through land acquisition, fish passage

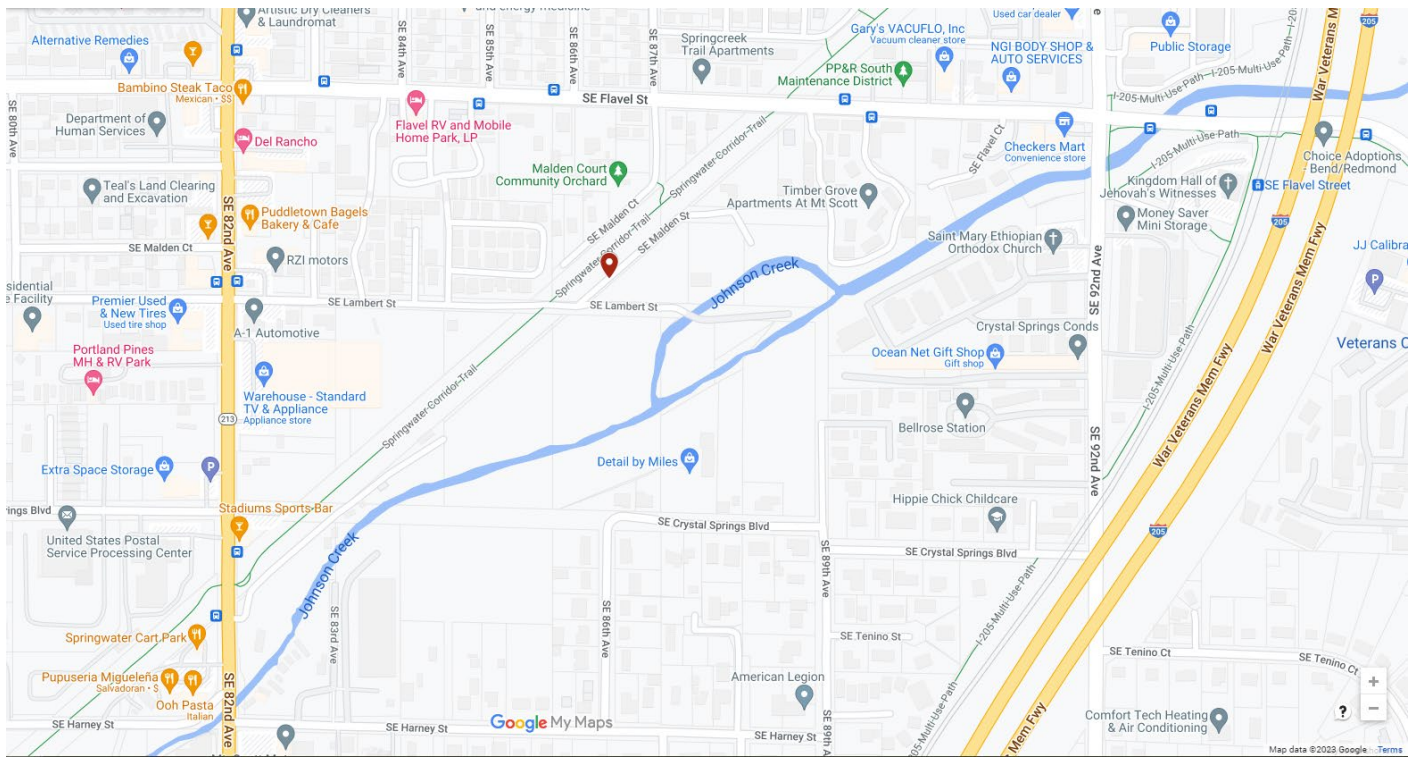
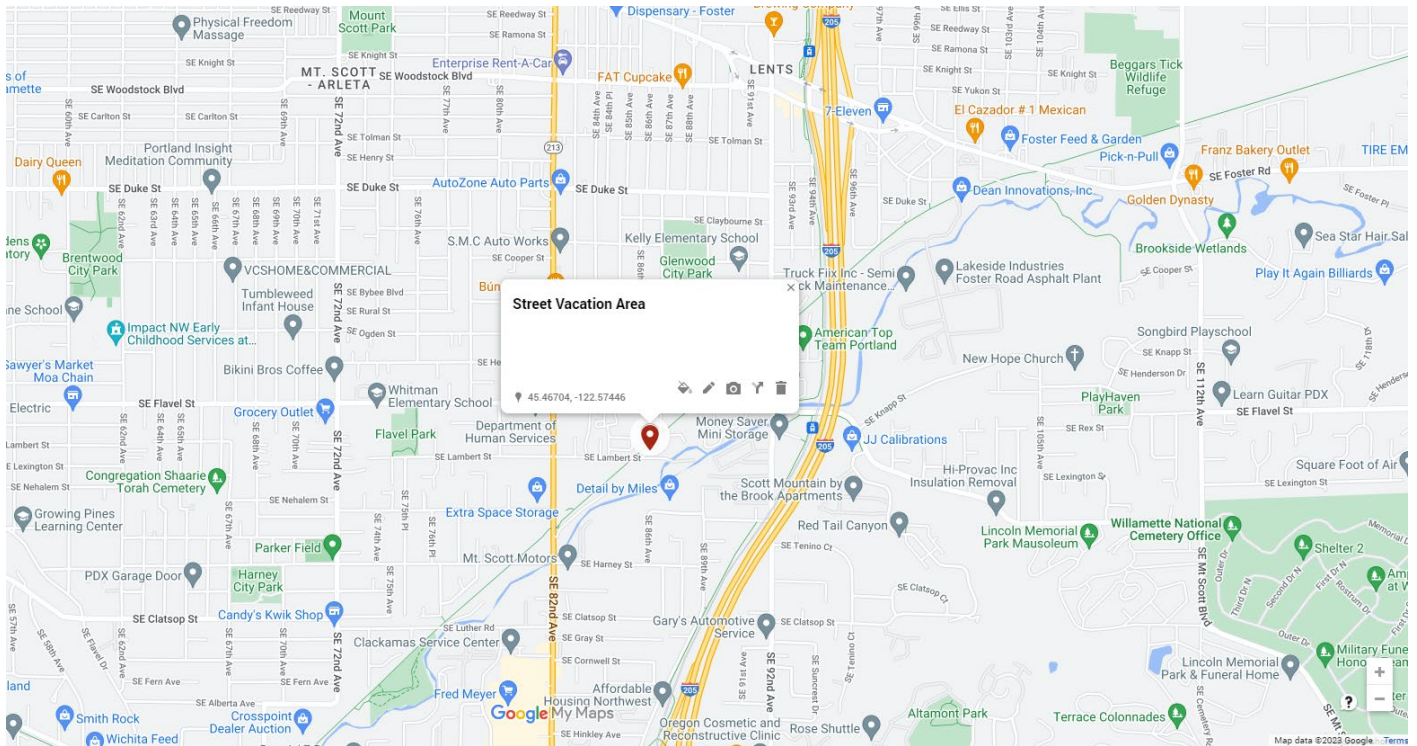
barrier removal, stream bank reconstruction and stabilization, increasing instream complexity, mitigating water quality and hydrology impacts from stormwater outfalls, and vegetating riparian corridors. The JCRP identified eight priority action areas, four of which are within the City of Portland. These areas include Tideman Johnson Natural Area, West and East Lents, and Powell Butte (Figure 1). By early 2010, BES completed six restoration projects in three of the priority action areas. The Tideman Johnson Natural Area project and Errol Creek projects are located in the Tideman Johnson target area (Figure 2). The Brookside Wetland Project is located in the East Lents target area (Figure 3), and the Kelley Creek Confluence project and the Schweitzer Restoration project are located in the Powell Butte target area (Figure 4). These projects are described in more detail in the following section. Restoration projects have not yet been constructed in the West Lents target area.” - Bureau of Environmental Services (BES). 2012. “Johnson Creek Restoration Projects Effectiveness Monitoring. <https://www.portlandoregon.gov/bes/article/428010>



Street vacation vicinity maps

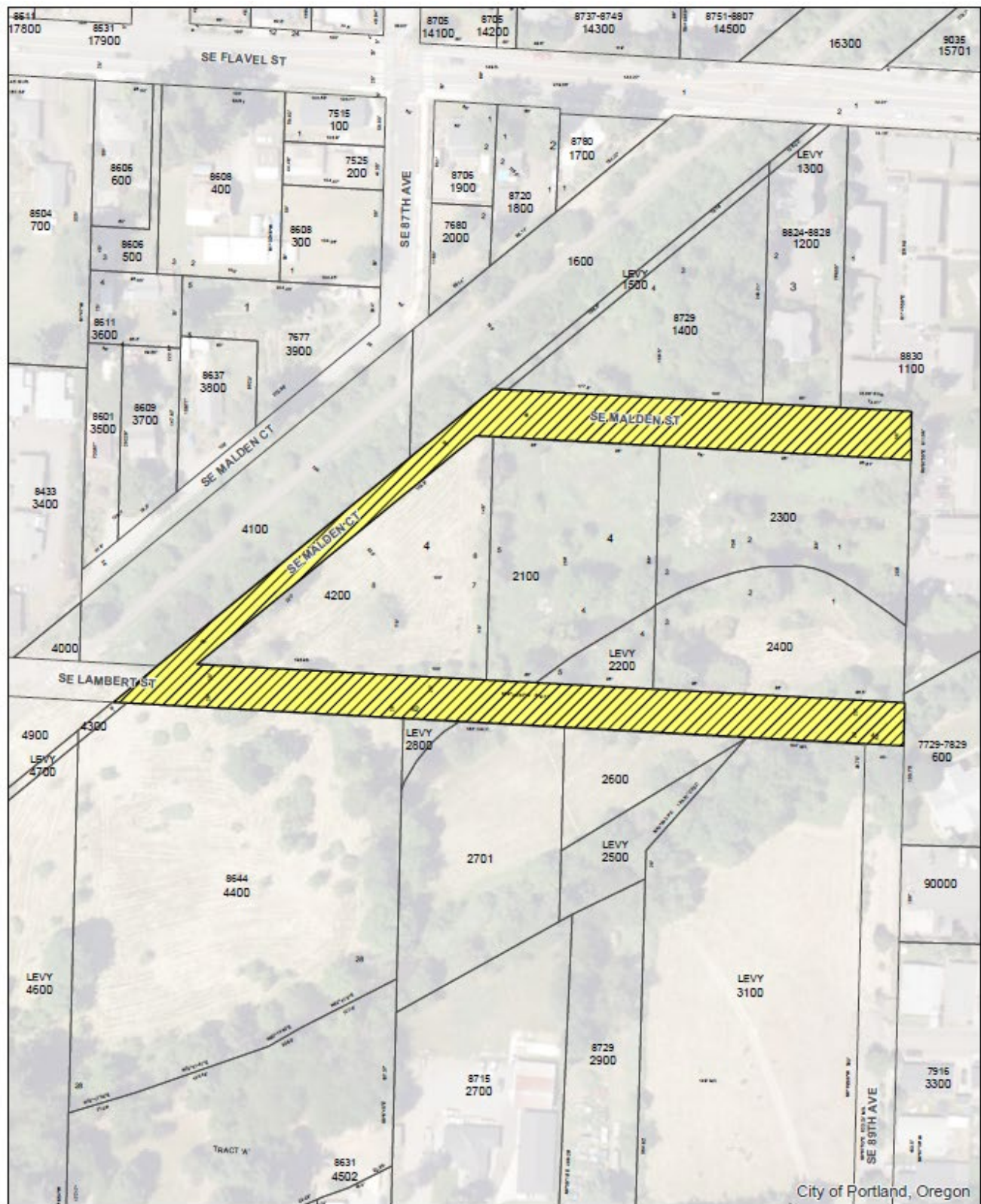








**Exhibit 3: Area Proposed for Vacation**



**SE Lambert Street, SE Malden Court, and SE Malden Street**







## working for clean rivers

The Bureau of Environmental Services works with Portland residents and businesses to protect water quality, public health, and the environment through wastewater collection and treatment, sewer construction and maintenance, stormwater management, and stream and watershed restoration.



# West Lents Floodplain Restoration



An Environmental Services field scientist studies the makeup of the stream bed in the West Lents project area of Johnson Creek. The creek is critical habitat and home to many fish and wildlife.

One of the last free-flowing streams in the Portland area, Johnson Creek provides critical habitat for coho and Chinook salmon, steelhead and cutthroat trout as well as many amphibians, birds, mammals, and native plants. Environmental Services and its partners – the Johnson Creek Watershed Council, Portland Parks and Recreation, Portland Bureau of Transportation, and the community – are working together to develop the West Lents Floodplain Restoration Project that will restore healthy ecosystems for fish and wildlife and provide connections to the natural area for the community.

The project covers approximately 20 acres of publicly owned property along Johnson Creek between SE 82nd and SE 92nd avenues. See project map on back.

In an effort to control flooding in the 1930s, the Federal Works Progress Administration partially straightened Johnson Creek and armored the stream banks with rock. Unfortunately, those changes disconnected the creek from its natural floodplain and increased downstream flooding. The deep, rock-lined channel flushes sediment, debris, and fish through the stream in a way that degrades the habitat and impacts water quality.

The West Lents Restoration Project will restore in-stream habitat and address flooding.

*continued on back*



ENVIRONMENTAL SERVICES  
CITY OF PORTLAND

working for clean rivers

Mingus Mapps, Commissioner  
Dawn Uchiyama, Interim Director

## West Lents Floodplain Restoration Project

### Next steps

Large restoration projects like these take years to plan, design, and complete. The City is working in partnership with regulatory agencies, and community members to design the project.

### For more information

For project updates, go to [portland.gov/bes/WestLents](https://portland.gov/bes/WestLents) or contact

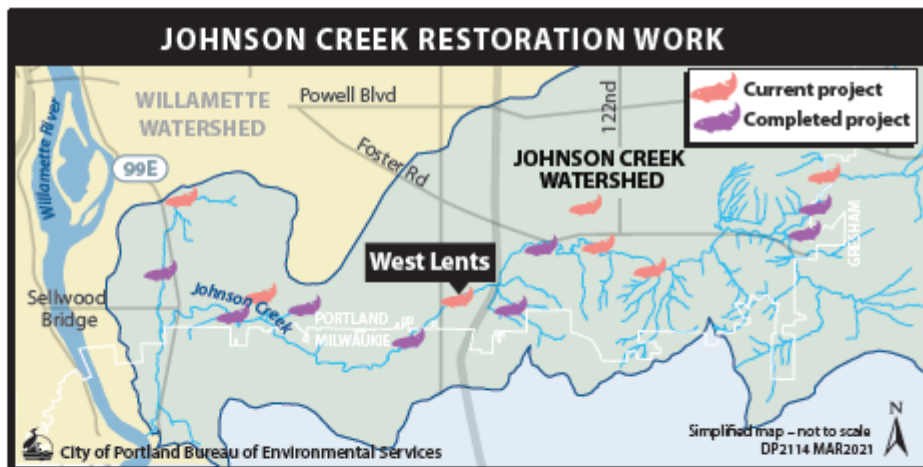
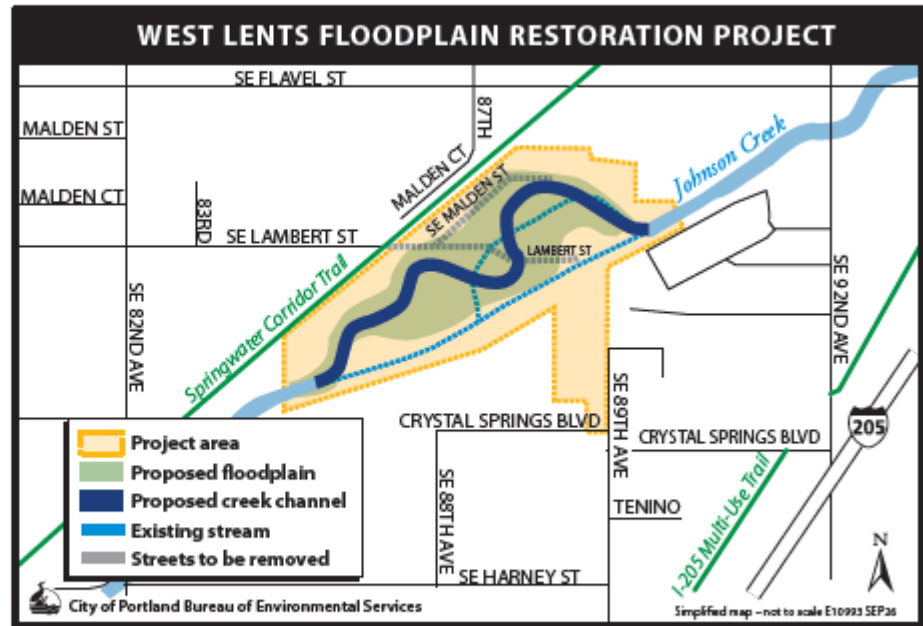


K. Bullock Clayton at [K.BullockClayton@portlandoregon.gov](mailto:K.BullockClayton@portlandoregon.gov) or 503-823-5759.

### Camping and Safety

**Concerns.** We understand the community might have camping or safety concerns. To report concerns, call City/County information at 311 or 503-823-4000. To report online, go to the City's Homelessness Toolkit One Point of Contact at [portlandoregon.gov/toolkit/70039](https://portlandoregon.gov/toolkit/70039). Email [reportpdx@portlandoregon.gov](mailto:reportpdx@portlandoregon.gov) for updates.

**In the case of an emergency, call 911.**



Building on past work reduces the risk of flooding and improves the health of Johnson Creek. For more than 25 years, Environmental Services has been working with the community and our partners to address environmental issues along Johnson Creek. Together, this work improves flood control, restores lost habitat, and makes Portland more resilient.

The Bureau of Environmental Services is committed to providing meaningful access. To request translation, interpretation, modifications, accommodations, or other auxiliary aids, please call 503-823-7740 or Oregon Relay Service 711.

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| Письменный или устный перевод | Traducere sau Interpretare | Письмовий або усний переклад | Turjumida ama Fasiraadda |  
الترجمة التحريرية أو الشفهية | 筆訳または通訳 | անուրազ տեքստի թարգմանություն | अनुवाद तथा दोभाषे सेवा ☎ 503-823-7740

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Exhibit 5: Site Detail

Aerial photo showing study area





Figure 2  
Tax Lots  
West Lents Floodplain Restoration  
Portland, Oregon



Source: City of Portland BES

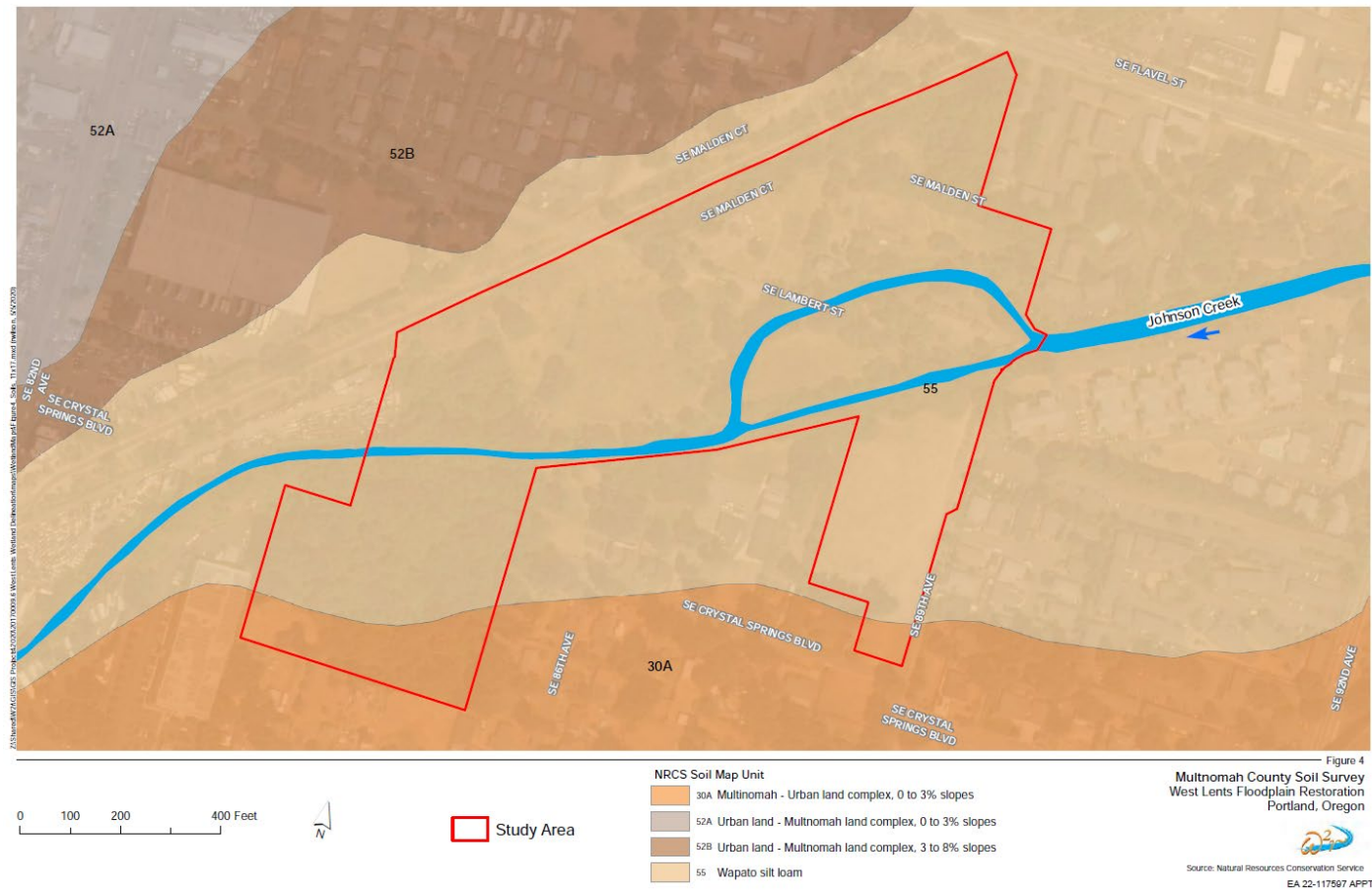
EA 22-117507 APPT



Aerial Photo showing surrounding wetlands



Aerial photo showing surrounding soil types





**Exhibit 6: Site Photos**

SE Lambert St, multiple views



Springwater Corridor Trail looking east to SE Lambert St





SE Lambert & SE Malden St- Looking east



SE Lambert & SE Malden St- Looking west





Driveway to single family home that has since been demolished on SE Lambert



Single-family house that has since been demolished following willing seller acquisition





Bridge at end of SE Lambert



Bridge at end of SE Lambert





## SE Malden Ct, multiple views



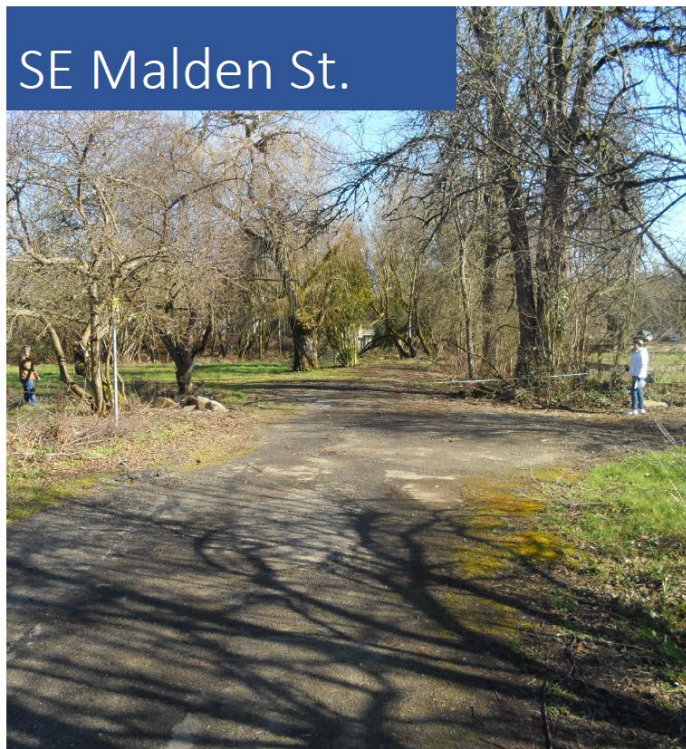
SE Malden Ct.

Closed-off second driveway on SE Malden Ct for single-family house on SE Lambert St that has since been demolished





## SE Malden St, multiple views



## North bend of SE Malden St

