



TO: Planning Department

FROM: Scot Siegel, Director of Planning and Building Services

SUBJECT: Director's Interpretation: RP Protected Riparian Area 25 ft./30 ft. versus 50 ft.

DATE: January 6, 2017

Director's Interpretation: This Director's Interpretation is issued pursuant to LOC 50.01.003.2.a.i.

The need for an interpretation arises regarding Lot 9 of Centerpointe Subdivision, however because the interpretation is of general interest to properties subject to the Sensitive Lands Resource Protection (RP) Overlay District, this Director's Interpretation is issued.

Affected Code Provisions: LOC 50.07.004.8.d and Table 50.07.004-7.

Question Presented: Where does the 50 ft. (and not the 25 ft. or 30 ft.) Protected Riparian Area apply?

Interpretation: The text of LOC 50.07.004.8.d contains the following standards for Protected Riparian Areas:

- (1) Class I Wetlands and Class II Wetlands abutting Class I Stream Corridors – 30 ft. or 50 ft.
- (2) Other Class II Wetlands – 25 ft. or 50 ft.
- (3) Class I Stream Corridors – 30 ft. or 50 ft.
- (4) Class II Stream Corridors – 25 ft. or 50 ft.

The text of Table 50.07.004-7 describes where these standards apply and how they are measured. The excerpt below is for Class II but the methodology is the same for Classes I and II.

Table 50.07.004-A: Stream and Wetland Riparian Area Measurement		
Stream/Wetland Classification	Slope Adjacent to Resource	Width of Vegetated Corridor and Method of Measurement
Class II	<25%	25- <u>50</u> feet, measured from the <u>outer</u> edge of <u>the</u> stream corridor or delineated wetland as shown on the Sensitive Lands Map and as detailed in Figure 50.07.004-A.
	>=25%	25- <u>50</u> feet, measured from the outer edge of the stream corridor or delineated wetland to the natural break in the 25% slope, <u>as shown on the Sensitive Lands Map and</u> as detailed in Figure 50.07.004-A. <u>Slope is measured perpendicular to and at intervals of not more than 25 feet along the outer edge of the stream or wetland. Where a stream or wetland is confined by a ravine or gully, the top of ravine is where there is a consistent break in the 25% slope that is more than 25 feet from the stream/wetland edge; the width of the vegetated corridor may vary.</u>

While the map amendments in Ordinance 2687 expanded the protected riparian areas of some RP districts from 25 ft. or 30 ft. to 50 feet, this occurred only where they abutted an RC District that was removed and replaced with the Habitat Benefit Area overlay, but only where the distance from the stream to the top of bank was less than 50 ft. The expansion of the protected riparian area to 50 ft. did not occur where a stream corridor consisted of steeply sloped areas, ravines, or areas with topographic variations and the distance from stream to top of bank was already 50 ft. or greater. As shown on the Sensitive Lands Map, both of the streams on Lot 9 of Centerpointe are located in ravines where the streams themselves are at least 50 ft. below the top of bank, and therefore they have the standard 25-foot or 30-foot protected riparian area, as measured from the top-of-bank.

The protected riparian area was expanded to provide not less than 50 ft. of shade-producing buffer adjacent to streams and wetlands, in order to meet water quality requirements under the City's Total Maximum Daily Load (TMDL) Plan, pursuant to DEQ and Metro Title 3 requirements. This was typically already accomplished in steep sloping stream corridors because the distance measured from the stream to the top of bank exceeded 50 ft. Though the outcome of the map amendments for non-steeply sloping stream corridors where RC districts were removed (replaced with HBA) was to extend the riparian protection area to 50 ft., as indicated by the dark blue fringes shown on the public hearing draft ([Planning Commission Recommendation Map](#)). Note that a 200 ft. maximum RP width also applies, and this is measured from the edge of the ordinary high water line of the stream corridor. The ordinary high water line is defined according to Oregon Administrative Rule (OAR) 141-085-0510.

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 The PC Recommendation Map is now available in the "Map" link in the Interpretation Log entry note.