

Appendix 5: Natural and Cultural Resources Background Report

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Photo of Significant Goal 5 Resource – Maybe Sturgeon Lake (Citation)

Introduction

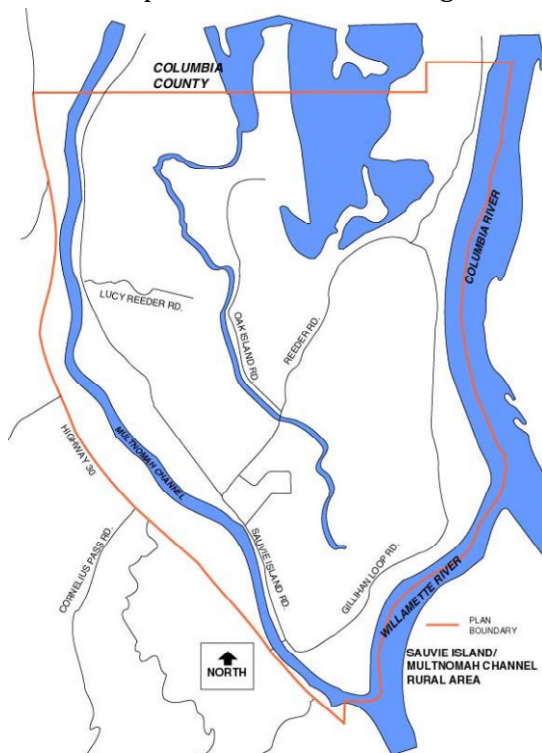
As described on the Multnomah County website:

The Sauvie Island/Multnomah Channel Rural Area includes those portions of Sauvie Island and the Multnomah Channel within Multnomah County. The Plan Area is bounded by U.S. Highway 30 on the west, Columbia County on the north, the Columbia River on the east, and the Willamette River and the city of Portland on the south. The area is dominated by agricultural uses and a wildlife refuge, with various water-related uses on and along Multnomah Channel, ranging from protected wetlands to marinas.

Appendix 5 – Natural and Cultural Resources Background Report is the fifth of a series of topic-specific background documents that are intended to serve as the factual and analytical basis for the 2013-2014 update of the *Sauvie Island – Multnomah Channel Rural Area Plan and Transportation System Plan* (SIMC Plan). Appendix 5 addresses natural (riparian and upland wildlife habitat, wetlands, stream and river corridors, floodplains, etc.) and cultural (archeological and historic) resources in the SIMC planning area.

Maps 1 and 2 below show SIMC Planning Area. Map 1 is taken from the 1997 SIMC Plan. Map 2 shows a 2012 aerial photo of the SIMC Planning Area.

Map 1. 1997 SIMC Planning Area



Map 2. 2012 Aerial Photo



Historical Context

The following statement provides historical context for the *Cultural and Natural Resources Background Report*.¹

“The island was once a center of trade for Native Americans stretching from the Willamette Valley to Idaho and Wyoming. Meriwether Lewis and William Clark, explorers for the young republic of the United States, noted the island during their 1804-06 expedition, calling it Wapato Island after the large beds of arrowhead, or wild potato, growing there. The Native American name for the plant is wapato.

A French-Canadian employee of the Hudson’s Bay Company, Laurent Sauve, for whom Sauvie Island is now named, established the first non-native settlement in 1838—a dairy. Since then, little other than agricultural development has occurred on the island. The channel is mostly a peaceful water way featuring quiet moorages, lush vegetation, plentiful song birds and waterfowl.

Multnomah Channel begins three miles upstream from the Willamette’s main confluence with the Columbia. It traverses the west flank of Sauvie Island for 21 miles until it, too, connects with the Columbia River (at St. Helens).”

Acknowledgments

Appendix 5 resulted in large part from the work and recommendations of the SIMC Community Advisory Committee (CAC), the SIMC Technical Advisory Committee (TAC) and most particularly the Marinas and Floating Homes Subcommittee, comprised of select CAC and TAC members who expressed an interest in and knowledge of the complex issues addressed in this report. Subcommittee members who actively participated in the preparation of this appendix include the following:

CAC Subcommittee Members

- Donna Matrazzo, Island Resident
- Linda Wisner, Sauvie Island Neighborhood Association President
- Jan Hamer, Marina Owner

TAC Subcommittee Members

- Dick Springer, West Multnomah Soil and Water Conservation District
- Michael Karnosh, Grand Ronde Tribe
- Esther Lev, The Wetlands Conservancy
- Sue Beilke, Oregon Department of Fish and Wildlife
- Jane Hartline, Sauvie Island Habitat Partnership
- Tim Couch, Sauvie Island Drainage Improvement Company

¹ The quotation is provided courtesy of the Oregon State Marine Board. Please follow this link for the full report to the Willamette River Guide: <http://www.oregon.gov/OSMB/library/docs/willametteriverguide-07/willametteriverguidepdf-multnomahchannel.pdf>

The process leading up to these recommendations is documented in Appendix 2: Community Involvement Plan and in Section 6 of this report.

Relation of Appendix 5: Natural & Cultural Resources to the SIMC Plan

The SIMC Plan itself will include a vision statement, plan policies and implementation strategies, plan and zoning maps, and land use regulations for the entire SIMC planning area. The SIMC Plan will also include basic explanatory text and tables, as well as composite inventory maps – but the detailed substantive and procedural information leading up to the adoption of the SIMC Plan is found in the series of appendices listed below. To become effective, the SIMC Plan must be “acknowledged” as complying with all fifteen applicable statewide planning goals; findings documenting compliance with these goals is found in Appendix 9.

The nine appendices listed below will provide the detailed inventory information and analysis, consideration of alternative policy choices, explanation of the reasons for ultimate policy choices, and documentation of the robust community engagement effort that culminated in plan adoption. Section 7 of this document includes a complementary Multnomah Channel vision statement, draft policies and implementation for the Multnomah Channel area that will be incorporated (in some form) into the final SIMC Plan.

Unlike the SIMC Plan, the appendices (background reports) are not intended to serve as policy documents in themselves – but do provide the information required by Statewide Planning Goals 1 (Citizen Involvement) and 2 (Land Use Planning) necessary to support the County’s ultimate policy choices.

- Appendix 1: *SIMC Scoping Report* (CH2M Hill)
- Appendix 2: *Community Involvement Plan, Process and Results* (Zenn Associates)
- Appendix 3: *Agriculture and Agri-Tourism Background Report*
- Appendix 4: *Multnomah Channel Marinas and Floating Homes Background Report*
- **Appendix 5: *Natural and Cultural Resources Background Report***
- Appendix 6: *Public Facilities and Semi-Public Facilities Background Report*
- Appendix 7: *Transportation System Plan Background Report*
- Appendix 8: *Consistency with Applicable Statewide Planning Goals*
- Appendix 9: *Consistency with State and Federal Agency Plans*

Focusing on topical areas is useful when identifying and resolving specific issues. The 1997 SIMC Plan described and mapped known wetlands on the Island – but did little to incorporate this information into an overall planning strategy. This background report recognizes the ongoing efforts of conservation groups such as the Grand Ronde Tribe, the West Multnomah Soil & Water Conservation District, the Sauvie Island Habitat Partnership, The Wetlands Conservancy, the Columbia River Land Trust, the Sauvie Island Drainage Improvement Company and the Scappoose Bay Watershed Council to develop an integrated and primarily voluntary approach to natural and cultural resources restoration and enhancement in the SIMC planning area.

Focusing attention on any specific issue can also lose sight of the big picture. Recognizing this limitation, the CAC will hold a special meeting towards the end of the community involvement process to consider and integrate the results of each topical appendix. The SIMP Plan itself will include a chapter devoted to integrating the series of topical issues and policies into a cohesive and internally consistent rural area planning document.

Maps & Figures

Appendix 5 includes the following maps and figures showing natural resources within and adjacent to the SIMC planning area. In addition to information provided in the 1997 SIMC Plan, the project team is grateful to the West Multnomah Soil and Water Conservation District, Metro, the Scappoose Watershed Council and The Wetlands Conservation for more recent natural resources information and GIS mapping. Portions of the maps and figures listed below will be incorporated into the SIMC Plan for the entire planning area, which includes all of Sauvie Island, Multnomah Channel and land between the Channel and US Highway 30.

Maps Embedded in This Version of Appendix 5

- SIMC Planning Area
- Base Zoning
- Geography Prior to Levee Construction
- Historical Vegetation Cover 1851
- Present Day Wetlands
- Present Day Vegetation
- **Public Lands in 1997**
- Base Flood Areas
- Wetlands and Water Bodies with SEC Zoning
- Present Day Wetlands
- Historic Vegetation
- Historic Habitat
- Existing and Potential Oak Habitat
- Historic Soils Survey (1919)
- Canal System Maintained by the Drainage Company
- Sauvie Island Wildlife Refuge (Southern Portion)
- Scappoose Bay Watershed
- Base Flood Areas

Maps in Process

1. **Annotated aerial photo** showing SIMC Area and natural systems as part of a larger ecosystem including the West Hills, Scappoose Bay, the Columbia River, Smyth and Bybee Lakes and Vancouver Lake.
2. **Zoning Map** showing of SIMC planning area: **Map to be prepared for the February 18 subcommittee meeting.**
 - a. Base Zones (EFU and MUA-20)

- b. Willamette River Greenway
 - c. Floodplains and Floodway
 - d. Significant Environmental Concern District
- 3. Map showing **public land ownership and private land with conservation easements**
 - a. Conservation easements over private property
 - b. Public Ownership (Metro, ODFW, State Parks, Multnomah County, Other)
- 4. In addition to mapped, significant water resources, **water areas map showing other known wetlands and ponds** (from WMS&WCD, The Wetlands Conservancy, Scappoose Watershed Council, other?)
- 5. **Wildlife habitat and natural areas map** showing water areas plus habitat corridors and upland habitat (e.g., Oregon white oak groves, intact prairies, forested areas) and the Sauvie Island Wildlife Refuge and Wapato State Park.
- 6. **Habitat restoration areas map** showing completed and ongoing habitat restoration projects supervised by or coordinated with the Western Multnomah County Soil and Water Conservation District, Metro (in Howell Territorial Park), the Sauvie Island Habitat Partnership or The Wetlands Conservancy or other non-profit organizations.
- 7. A map showing **Native American settlement patterns in the region** – and the role of Sauvie Island as a fishing and trade center.
- 8. Other? Note: some maps may be combined.

SECTION 1: KEY NATURAL AND CULTURAL RESOURCE ISSUES

The following issues are quoted directly from the May 6, 2013 staff report to the Multnomah County Planning Commission related to PC-2013-2659 (Scoping Report in support of updating to the 1997 Sauvie Island – Multnomah Channel Rural Area Plan).

- Concern for maintaining the rural character and agricultural nature of Sauvie Island.
- Desire for preservation, restoration and enhancement of natural habitat.
- Examine consistency of Policy 15 Willamette River Greenway with corresponding statewide planning goal. Incorporate changes needed to maintain consistency into policy and land use regulations WRG, base zones, and conditional/community service use regulations.
- Examine zoning code provisions for riparian habitat protection along the channel for consistency with community goals and both state and federal law.
- Consider new RAP policy for protection of dark skies and reduction of light pollution through the use of appropriate lighting.
- Consider new RAP policy regarding acknowledging the history, prehistory, and cultural resources of the Island and Channel (Native Americans, Lewis and Clark, settlers, and early farming and dairying through to present day) in consultation with SHPO, Historic Society, Tribes, and other stakeholders.
- Consider expanding wildlife deferral option to more zones.
- Review and if necessary amend RAP and TSP policies for consistency with the 2009 Climate Action Plan. Consider Plan Objective #7 (Climate Change Preparation – community resilience, adaptation, levees /flood control), and Objective #4 (Forests and Natural Systems - with consideration of watershed health).
- Review and if necessary amend RAP and TSP policies for consistency with the 2006 Multnomah County Natural Hazards Mitigation Plan: The RAP and TSP updates should include coordination with the County Office of Emergency Management.

Related Issues

The timing of the SIMC Plan update is providential. Multnomah County has the opportunity to work collaboratively with Island residents, farmers, property owners, natural resource conservation groups, the Sauvie Island Grange, the Sauvie Island Drainage Improvement Company, the West Multnomah Soil & Water Conservation District, Metro and state agencies to provide a comprehensive survey of natural features on and adjacent to the Island.

This information can serve as the basis for voluntary programs and incentives to restore and enhance Sauvie Island's natural features which are integral to the rural character so highly valued by Island residents and visitors alike. This information can also be used as part of regional efforts to adapt to the effects of climate change and changes in the regional landscape.

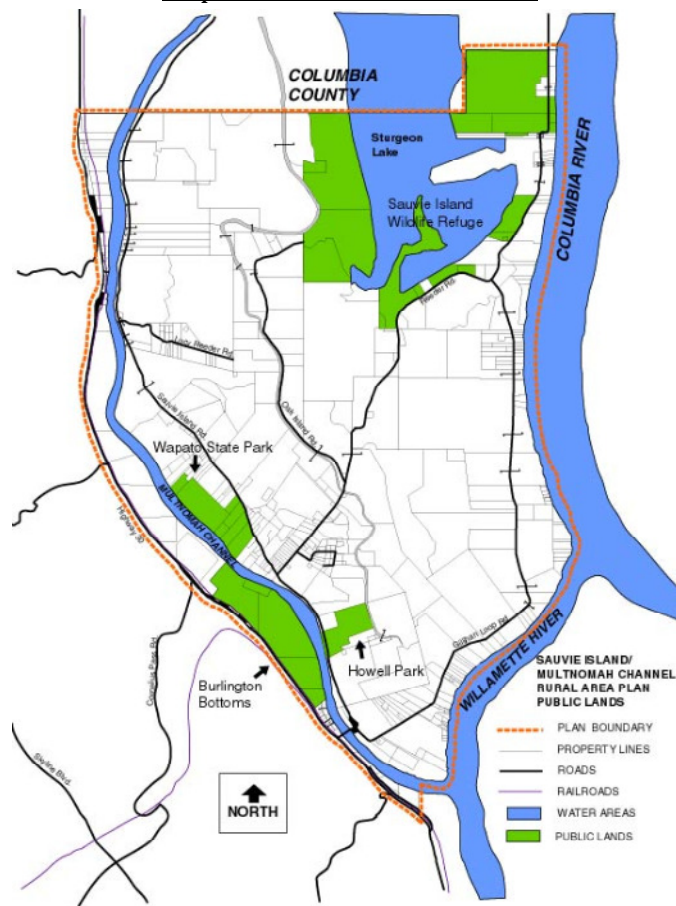
SECTION 2: NATURAL FEATURES INVENTORY & ANALYSIS

This section includes a discussion of Goal 5 inventory information found in the 1997 SIMC Plan and the *Multnomah County Comprehensive Framework Plan* and inventory information provided by other governmental and non-governmental organizations. It will serve as a base for identifying and analyzing natural resources and developing coordinated programs for their protection, restoration and enhancement.

1997 SIMC Plan

The following maps and text related to natural and cultural resources are provided below. Map 2 shows public lands. Please see the Public and Semi-Public Facilities Background Report for a more detailed description of parks, wildlife refuges and public facilities. This map does not show private lands with conservation easements.

Map XX. Public Lands in 1997

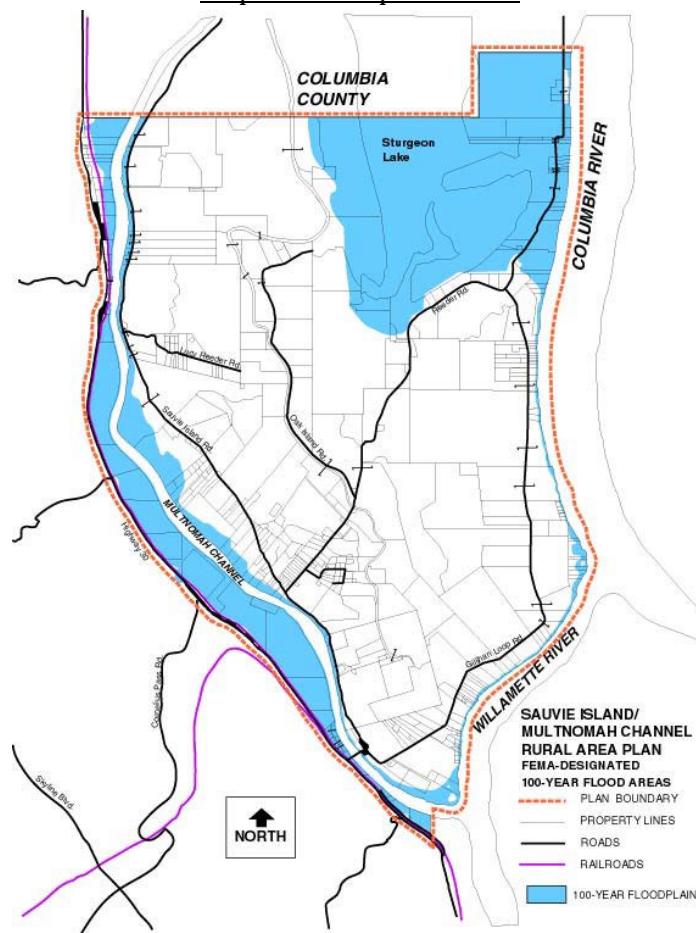


Source: SIMC Plan 1997

The map on the following page is also taken from the 1997 SIMC Plan and shows the extent of the 100-year floodplain on Sauvie Island. Note that Appendix 6: *Public and Semi-Public Facilities Background Report* includes a discussion of the function and challenges of the Sauvie Island Drainage Improvement

Company. This report recognizes that there is a functional relationship between conservation of wetland systems and flooding – both on the Island and downstream from Sauvie Island.

MapXX. Floodplain Areas



Source: SIMC Plan 1997

As noted in the 1997 SIMC Plan:

The floods of 1996 showed the need for emergency communications and evacuation plans during natural disasters such as flooding, or other potential disasters such as earthquakes or wildfire. Among the needs the flooding demonstrated are: method of notice for evacuation, method of distributing emergency information to Sauvie Island residents, and the need for coordination between Multnomah County, the Sauvie Island Drainage District and the Sauvie Island Fire Protection District. Another expressed need is a flood monitoring station for the reach of the Willamette and Columbia between Portland and St. Helens.

The 1997 SIMC Plan also recognizes high ground-water conditions on the Island:

In Multnomah County a high ground water table is defined as groundwater between 0 and 24 inches below the surface. Areas with period high groundwater levels include parts of Sauvie

Island. Groundwater is a significant factor in determining the suitability of an area for development. High groundwater tables can cause septic tank malfunction, basement flooding and can affect surface drainage.

The 1997 SIMC Plan identified three types of natural resource sites – and determined that all three were “significant”:

1. Large-Scale Significant Resource Sites
2. Historical and Cultural Sites
3. Wetlands

Scenic resources were not included in the 1997 SIMC, but are incorporated into the implementing land use regulations for the West Hill Rural Area Plan). Nine viewing areas are identified , seven of which are located in the SIMC Plan area:

- Bybee-Howell House
- Virginia Lakes
- Sauvie Island Wildlife Refuge
- Highway 30
- Multnomah Channel
- Willamette River
- Public Roads on Sauvie Island

It is important to note that the scenic quality of the West Hills as seen from Identified viewing areas within the SIMC plan area is addressed by an overlay applicable only in the West Hills Rural Plan Area. The Significant Environmental Concern for Scenic Views (SEC-v) standards requires new development and exterior modifications to existing structures to comply with the scenic standards.

The relevant text from the 1997 SIMC Plan is quoted below *in italic font*, followed by comments from the project team.

Multnomah County has conducted two levels of analysis for significant natural and environmental resources on Sauvie Island and Multnomah Channel. The first, done at the time of the initial adoption of the Multnomah County Comprehensive Framework Plan in 1980, identified several large-scale significant resource sites and historic and archaeological sites. The second, done in 1990, identified significant wetlands.

Large-Scale Significant Resource Sites

Sturgeon Lake

This site of approximately 3,000 acres encompasses that portion of the State Wildlife Refuge boundaries in Multnomah County as well as some adjacent private lands along Reeder Road north of its confluence with Gillihan Road. The site is designated as sensitive waterfowl habitat by the Oregon Department of Fish & Wildlife. Additionally, this area was found to have significant natural areas, water areas, wetlands, and groundwater resources, all categories for

protection under Goal 5 of the Oregon Statewide Planning Program. Multnomah County protected these natural and environmental resources by placing the Significant Environmental Concern (SEC) Zoning Overlay on the site. This overlay requires review of all non-agricultural development in order to minimize or eliminate impacts to wildlife habitat, wetlands, water areas, and groundwater resources.

West Side of Multnomah Channel

This site is bounded by Highway 30 on the west. It includes open space, fish and wildlife habitat, natural areas, water areas, wetlands, and groundwater resources which are significant. Multnomah County protected these natural and environmental resources by placing the Willamette River Greenway (WRG) Zoning Overlay on the site. This overlay requires review of all non-agricultural development in order to minimize or eliminate impacts to open space, fish & wildlife habitat, natural areas, wetlands, water areas, and groundwater resources.

Howell Lake and Virginia Lakes

These two sites are found to be significant as open space, fish and wildlife habitat, natural areas, water areas, wetlands, and groundwater resources. Howell Lake is located on the Bybee-Howell County Park (now owned by METRO). Virginia Lakes (now known as the Wapato State Park) are located on the east side of Multnomah Channel, west of Sauvie Island Road north of its intersection with Reeder Road. Multnomah County protected these natural and environmental resources by placing the Willamette River Greenway (WRG) Zoning Overlay on the sites. This overlay requires review of all non-agricultural development in order to minimize or eliminate impacts to open space, fish & wildlife habitat, natural areas, wetlands, water areas, and groundwater resources.

Historical and Cultural Sites

Bybee-Howell House

This Greek Revival styled home was constructed in 1856, and is the oldest structure in rural Multnomah County. It is part of the Bybee-Howell County Park (now administered by METRO). The Oregon Historical Society has completely restored the house and it is listed on the National Register of Historic Places. It is considered protected because of its listing and its location within a public park.

Native American Archaeological Sites

The area around the confluence of the Willamette and Columbia Rivers was a well-known and favored location for Native American settlements from perhaps 3,500 years ago up through the early 1800's. Sauvie Island has several known village sites which were mapped by the Lewis and Clark expedition, as well as the Sunken Village site, located on Multnomah Channel near the southern end of the island. Information about these sites is not made known to the general public, due to the potential for abuse and concern for the private property rights of affected landowners.

Wetlands

As part of the State Goal 5 process, Multnomah County undertook a wetlands and riparian areas inventory during the spring and summer of 1988. Areas surveyed included Sauvie Island and Multnomah Channel. Riparian areas adjacent to the wetlands and water areas were also evaluated and mapped as part of the inventory because of the interrelationship they have for wildlife habitat. The consultant's final report produced the following significant wetland and riparian areas for Sauvie Island and Multnomah Channel, along with each area's wildlife assessment rating, which measures its value as wildlife habitat (More detailed discussion of the wildlife habitat value of each site can be found in the original report):

1. Virginia Lakes (Score: 79-81 Points) -- now known as Wapato Access Greenway.

The Virginia Lakes area is approximately 280 acres, bordered on the south by Multnomah Channel and Sauvie Island Road to the north. It is a complex of six different vegetative community types. Most of Virginia Lakes is owned and managed by the State of Oregon as a state park. The site is protected by the Willamette River Greenway Overlay Zone, which prevents all non-agricultural disruptions of the significant wetland area.

2. Rafton Tract (Score: 74 Points)

Rafton Tract (Burlington Bottoms) is located west of Sauvie Island, on the west side of Multnomah Channel. The site is a mosaic of riparian forest, emergent wetland, marshes and sloughs and grass/sedge meadows. Once a high quality wetland and wildlife habitat site, due to its species and structural diversity, the area's value has been greatly diminished by intensive cattle grazing. In 1993 the Bonneville Power Administration (BPA) purchased most of the Rafton-Burlington Bottoms site as mitigation for impacts to wetlands elsewhere in the Northwest. It is anticipated that the BPA will transfer ownership of its holdings to METRO. The BPA, in coordination with the Oregon Department of Fish & Wildlife, produced an analysis of existing conditions on this land in 1994. In 1995, Portland area voters approved a bond issue for METRO Parks and Greenspaces. This bond issue authorized METRO to purchase lands to the north of the BPA holdings in Burlington Bottoms for protection as open space and wetlands preservation. The Burlington Bottoms area has potential as a wildlife viewing area which could relieve the pressure of such recreational uses on the Sauvie Island Wildlife Refuge. The site is protected by the Willamette River Greenway Overlay Zone, which prevents all non-agricultural disruptions of the significant wetland area.

3. Sturgeon Lake (Score: 71-73 Points)

Sturgeon Lake is a maze of floodplain lakes influenced by the Columbia River. Inflow and outflow of this shallow-bottomed lake is through the Gilbert River. The lake area is 2,928 acres with an elevation of eight feet and occupies the middle of Sauvie Island. Water levels are determined by Willamette Valley and Columbia River tidal influences. The lake complex receives a lot of human use: bird watching, hiking, canoeing, fishing and seasonal hunting on some portions of the lake. Much of the land surrounding Sturgeon Lake is owned by Oregon Department of Fish and Wildlife and is managed as a refuge, primarily for water fowl. The oak woodlands of Oak Island border Sturgeon Lake to the west with agricultural land to the south. Sturgeon Lake and the

surrounding lands are zoned with the Significant Environmental Concern (SEC) overlay zone. This zone prevents all non-agricultural/forest disruptions of the significant wetland areas.

4. Multnomah Channel (Score: 65 Points)

Multnomah Channel, located on the west side of Sauvie Island, flows north from the Willamette to the Columbia River. The Channel is approximately seven miles long. The degree of slope and type and width of riparian vegetation varies along the channel. The greatest wildlife habitat function of Multnomah Channel is as a travel corridor. The water and adjacent riparian vegetation provide habitat for waterfowl, heron, cormorants and kingfishers. Human use of the channel is high, including several boat moorages, log rafts, day boaters and fishers. Multnomah Channel is zoned with the Willamette River Greenway (WRG) zoning overlay district. This zone prevents all non-agricultural/forest disruptions of significant wetland areas, and requires review of all development proposals for their impact upon such wetlands and wildlife habitat.

5. Dairy Creek, Gilbert River and Misc. Drainage ways (Score: 56 Points)

The riparian strips along the water features are predominantly black cottonwood and Oregon Ash dominated with alder, willow, cherry, hawthorn and big leaf maple. The wildlife habitat value of these riparian strips on Sauvie Island varies depending upon the width of the riparian strip and the adjacent land uses. These waterways are mostly privately owned. The Gilbert River serves as the main drainage way for the Sauvie Island Drainage District's [now the SI Drainage Improvement Company] system. Both of these streams are zoned with the SEC overlay zone which protects the wetlands associated with them from non-agricultural development. "Related drainage ways" are not protected with the SEC overlay zone, because they are of relatively insignificant value as wetland wildlife habitat.

6. Sand Lake (Score: 49 Points)

Sand Lake is a small isolated lake on Sauvie Island surrounded by agricultural land and houses. The land around Sand Lake is privately owned. Residents pump water in and out of the lake and have also treated the lake with chemicals to eradicate algal blooms. These activities effect the wildlife habitat value and use of the lake. Sand Lake is zoned with the SEC overlay zone, which prevents non-agricultural disruptions of the significant wetland areas.

7. Howell Lake (Score: 47 Points)

Howell Lake and the adjacent wetland are located north of the Bybee Howell House. The lake is primarily open-water with about 5% of the surface area covered with emergent aquatic vegetation. Adjacent land use is agricultural. The lake receives limited human use by bird watchers and visitors to the Bybee Howell House. Most of the wetland areas are part of the Bybee-Howell Park, administered by METRO. METRO is currently preparing a master plan for the park. The site is zoned with the Willamette River Greenway (WRG) zoning overlay district, which prevents all non- agricultural and non-forest disruptions of significant wetland areas.

8. Small lake near Wagonwheel Hole Lake (Score: 47 Points)

This small linear lake is densely vegetated with willow, black cottonwood and ash on one side and steep banks with reed canary grass on the other. The impacts of diking, roads and fences

limit the wildlife use of this site. The site is privately owned. The SEC overlay zone which has been placed on the site prevents all non-agricultural disruptions of the significant wetland area.

9. Agricultural Ditches and Sloughs on Sauvie Island (Score: 37-40 Points)

The majority of the waterways bisect agricultural lands. The steep banks and dense mat of vegetation limit access to and from the water for some wildlife species. Water quality may be affected by chemical runoff from adjacent agricultural fields. Water levels in these ditches fluctuate seasonally. These ditches and sloughs are privately owned. Some of the ditches are maintained by the Sauvie Island Drainage District, while the rest are the responsibility of individual property owners. These sites are not protected by the SEC overlay zone because of their small, fragmented nature, and the fact that they are all zoned for rural uses. Most are zoned Exclusive Farm Use, and any non-agricultural use must be approved through a conditional use permit process. Such a process would serve to protect significant wetlands from development or degradation.

10. Wagonwheel Hole Lake (Score: 37 Points)

This is a small body of open water at the northern limit of the county on Sauvie Island. The banks have been severely disturbed and are eroding. Human use, primarily fishing, is heavy. The site is mainly important due to its location between Sturgeon Lake and wetlands and Multnomah Channel to the west. Significant wetlands on this site are protected from non-agricultural disruptions by the SEC zoning overlay.

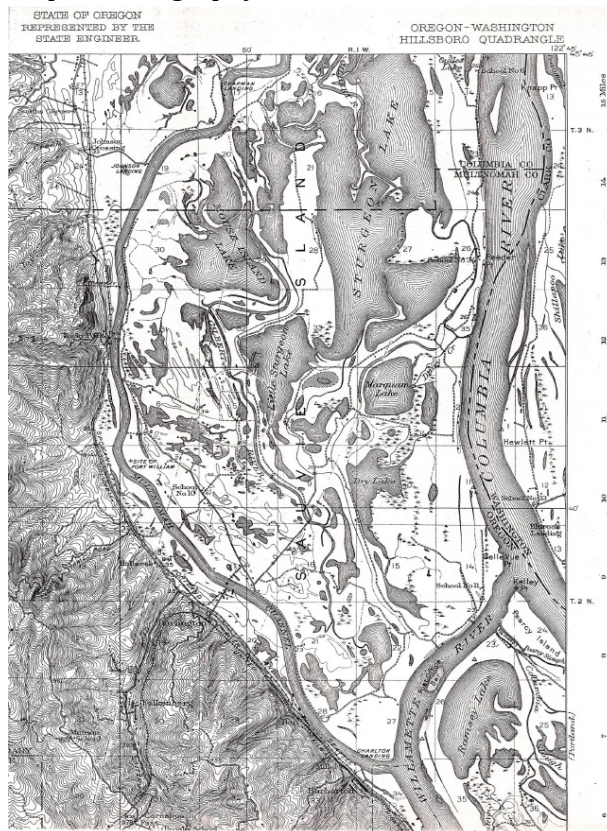
Comment: I was unable to find an ESEE analysis to support application of the SEC overlay to these water area. Did this occur as part of a County-wide ESEE process? I was also unable to find SEC district maps for the Island on-line.

INSERT SEC OVERLAY DISTRICT MAP FOR SIMC PLANNING AREA HERE

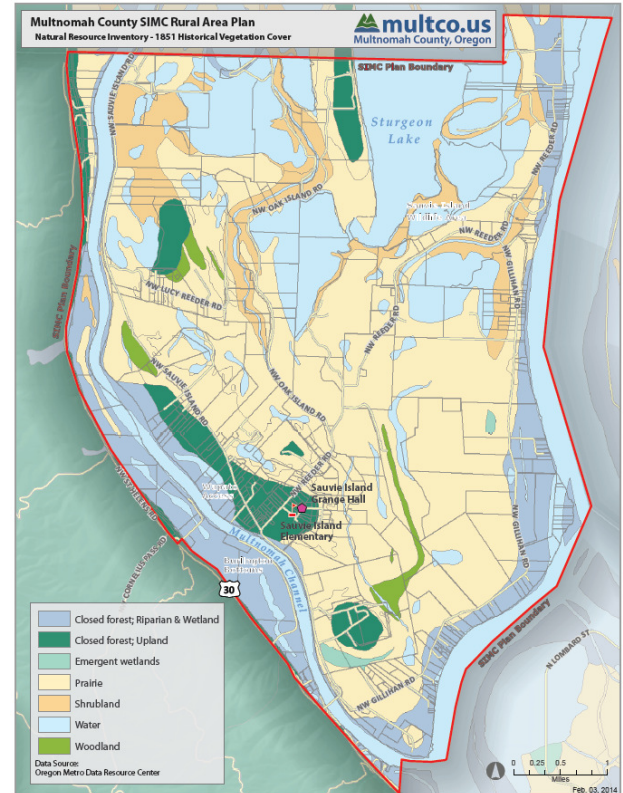
Geography and Natural History

As pointed out by Dick Springer, Executive Director of the West Multnomah Soil & Water Conservation District, the geographical history of the SIMC planning area begins well before colonial settlement. The following maps provide some context for our current planning efforts – and a reference point as we collaboratively pursue programs to restore and enhance natural resources within this planning area. The maps below provide a snapshot of the SIMC planning area before engineering projects changed the Island's ecology in the latter half of the 19th Century.

Map XX. Geography Prior to Levee Construction



Map XX. Historical Vegetation Cover 1851



As the Island and vicinity developed over time:

- Bridge construction improved vehicular access:
- Levee construction protected agricultural areas; and
- Wetlands and water bodies were filled or modified to provide irrigation, drainage, and flood control.

This land “reclamation” process resulted in is a series of small wetlands and areas of vegetation that are often isolated from each other, preventing the interaction that promotes biodiversity and functioning as part of the regional natural resource network. The maps on the following page show existing wetlands and vegetation.

Map XX. Present Day Wetlands



Map XX. Present Day Vegetation



Collaborative Conservation and Mapping Efforts

Over the last few decades, the need to restore and enhance natural systems within the SIMC planning area has resulted in collaborative efforts by Island residents, governmental and non-profit organizations. The following is a partial listing of the ongoing voluntary projects and mapping efforts that are beginning to change the ecological structure of area.

Metro Maps

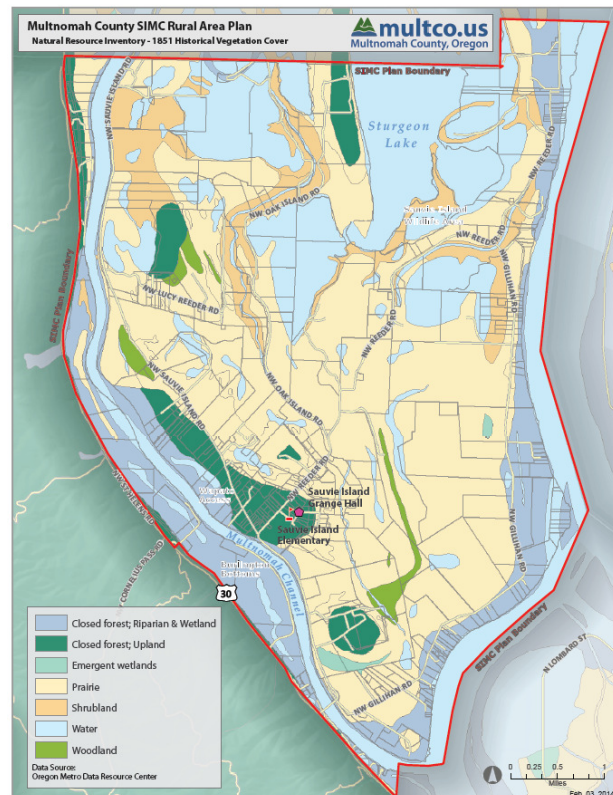
Metro has prepared a number of natural resource inventories and maps. Specific to the SIMC Plan are identification of wetlands and historic vegetation, shown below.

Note that Metro's wetland map shows a number of wetlands that do not appear on the 1997 SIMC Map – which was based on wetlands identified in the National Wetlands Inventory (NWI).

Map XX. Present Day Wetlands



Map XX. Historic Vegetation



West Multnomah Soil & Water Conservation District

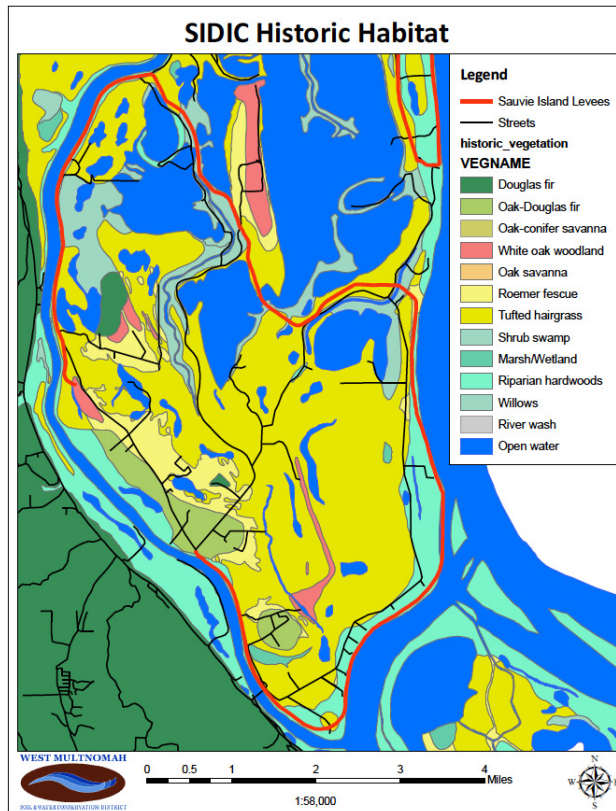
The West Multnomah Soil & Water Conservation District (Conservation District) was established almost 70 years ago as the Sauvie Island Soil Conservation District. It provides funding and technical assistance on restoration projects, farm and agricultural issues, invasive plants, native plants, and oak habitat protection.

The Conservation District has coordinated a variety of projects on Sauvie Island including:

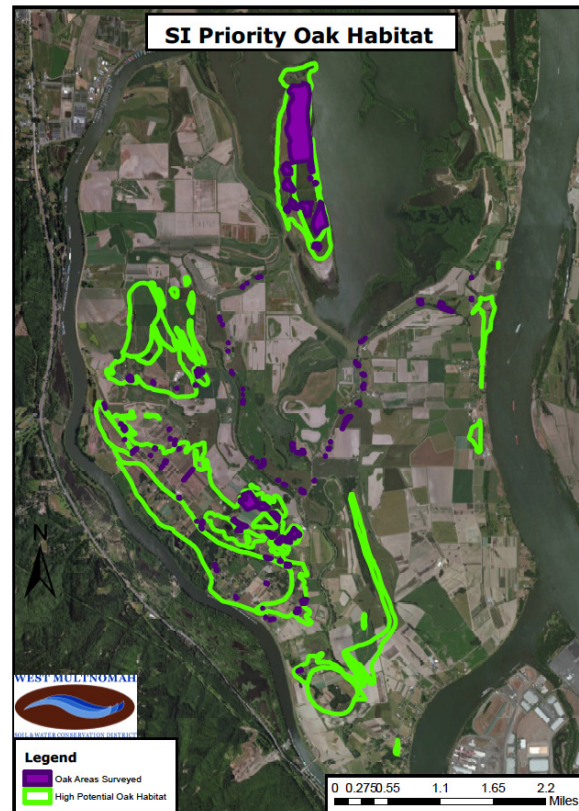
- The Sturgeon Lake Restoration Project;
- Private landowner restoration projects (mud and manure management, riparian and oak habitat restoration, and pasture management);
- Technical assistance to the Sauvie Island Drainage Improvement Company with its hydrology study;

The Conservation District is also providing technical assistance on the SIMC Plan project team by providing mapping of historic and present day soils, wetlands and water bodies, habitat public lands, upland oak locations, and cultural resources. This information is incorporated throughout this appendix as specific resources or resource areas are discussed.

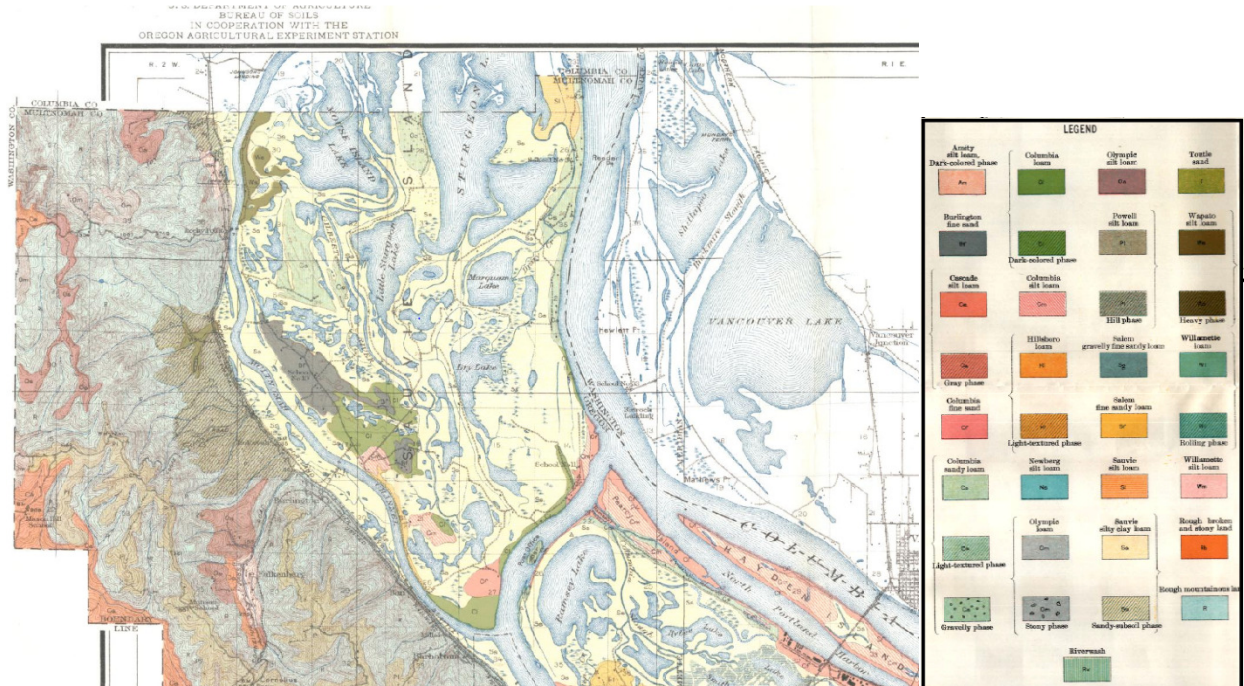
Map XX. Historic Habitat



Map XX. Existing and Potential Oak Habitat



Map XX. Historic Soils Survey (1919)



Sauvie Island Habitat Partnership Information

The mission of the Sauvie Island Habitat Partnership (SIHAP) is conservation and restoration of Sauvie Island habitats and species. SIHAP has an unpaid director and is loosely governed by representatives of organizations that have a stake in habitat work on the island, including the: West Multnomah Conservation District, the Oregon Department of Fish and Wildlife (ODFW), Oregon State Parks, The Wetlands Conservancy, the Sauvie Island Drainage Improvement Company, the Audubon Society of Portland and the National Resource Conservation Service (NRCS). The SIHAP voluntary program effectively supplements Multnomah County's natural resource protection program.

SIHAP works collaboratively with private property owners and other environmental organizations to achieve carry out its mission – without reliance on regulatory programs. According to the Sauvie Island Community Association website, the Sauvie Island Habitat Partnership sponsors a variety of voluntary habitat restoration projects across the Island, including:

Sauvie Island Pond Project

10 ponds on private land have been targeted for habitat restoration by SIHAB. Turtle, amphibian egg mass and aquatic invertebrate surveys have been done on each pond, as well as assessment of current aquatic, riparian and upland plants. A team of technical experts visited each of the ponds in summer 2013 and made recommendations on how to improve the habitat for a variety of species. We'll be implementing the recommendations over the next few years.

Sauvie Island Prairie Project

Meadow wildflowers are being propagated by SIHAB for grassland restoration on three sites on Oregon State Parks and ODFW land on the island. Some planting was done in Spring 2012 and a larger planting was done in Fall 2013. At this point, we are experimenting with small plots to see which plants thrive with minimal care. Students from Sauvie Island Academy assisted with planting and will be monitoring to see how plants hold up to cattle and goose grazing and management practices

Sauvie Island Osprey Project

Ospreys have made a great comeback on Sauvie. As they run out of ideal nesting sites, some have attempted to build nests on power poles. This isn't good for them, since they can get electrocuted, or for PGE and Sauvie Residents, since it can cause power outages. In summer 2012, SIHAB GPS'ed and monitored osprey nests on parts of the island that have power poles to see at what intervals ospreys were nesting. We then helped secure landowner permission so that PGE could erect five new nesting platforms in appropriate locations. Monitoring will continue in subsequent years.

Sauvie Island Turtle Project

Western painted turtles live in the canals, ponds and lakes on the island. SIHAB conducted turtle surveys on non-ODFW lands on the island in 2102 with a grant from WMSWCD and the help of numerous volunteers. ODFW lands were not included in this project since they had been previously surveyed. In summer 2013, SIHAB constructed and placed 11 turtle basking rafts around the island.

Sauvie Island Plant List Project

Sauvie Island has been a “stomping ground” for botanists since the 1800s, and is well represented in Oregon herbariums. Using these records, as well as lists developed by credentialed botanists for ODFW and Oregon State Parks lands, SIHAB is assembling a list of plants that historically and currently occur/red on the island. The list can be used by agencies, private contractors and landowners involved in habitat restoration.

Sauvie Island Aquatic Plant Survey

*This started as a search on the island for *Howellia aquatilis*, a federally-listed aquatic plant that was new to the botanical world when noted botanist Thomas Howell discovered it in his Sauvie pond in 1879. We didn’t find *Howellia*, but we did find a number of other rare species, and we now have a much better idea of what plants inhabit water bodies on all parts of the island.*

Gilbert River Restoration Project

The Sauvie Island Drainage Improvement Company has easements along the island’s drainage/irrigation canals, and has traditionally asked that these be kept free of trees and shrubs to facilitate routine maintenance and dredging. SIHAB and the West Multnomah Conservation District have done three experimental plantings with several test plots to show alternative possibilities for wildlife corridor plantings that could make the canals better habitat for a variety of species.

Sauvie Island Grange Forest Restoration

The 2-acre forest next to and belonging to the Sauvies Island Grange was so infested with ivy that grange members were considering clear-cutting as a solution. In January, 2011 SIHAB organized volunteers and began ivy removal. A grant from WMSWCD provided funds for spraying of some areas of ground ivy, once volunteers had killed tree ivy and removed most of the ground ivy. 48 volunteers provided nearly 500 volunteer hours on this project. We planted a few native plants, but were mostly astonished by the resiliency of the native plants, which must have been lying in wait for decades for the opportunity to make a comeback. We continue to monitor the forest and remove re-sprouting ivy.

Sauvie Island Removal Project

We developed a spreadsheet listing 38 infestations with information about the extent of the infestation, and ownership of the properties, and with a column for the status of treatment efforts. Volunteers treated most of the areas, but WMSCD brought in paid crews for a few of the larger infestations and ODFW sent spray crews into infestations on their property after volunteers had killed tree ivy. In addition to ivy removal, there has been an education campaign, including presentations at island meetings and bulletins in the Sauvie Newslinks to alert island residents to the evils of ivy, to ask for their assistance in spotting ivy that needs to be treated and to recruit volunteers. At this point, nearly all known tree ivy on the island has been killed and we are monitoring for recurrence and for previously unnoticed vines.

Sauvie Landowner Education

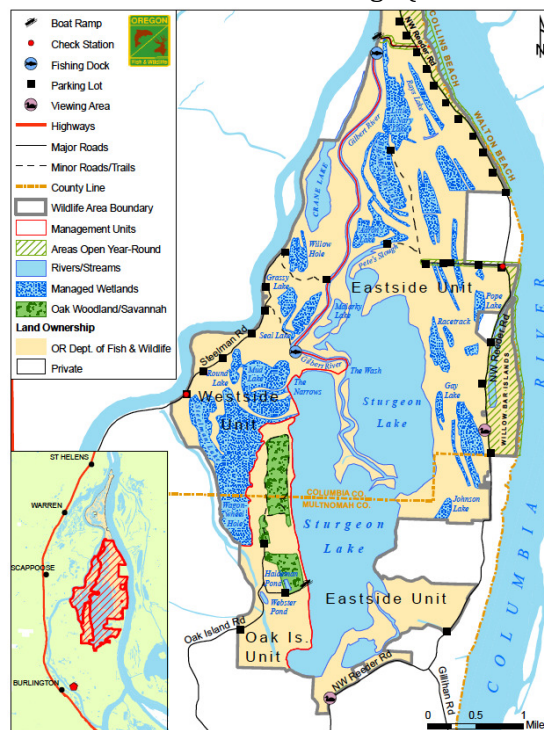
Much of the wildlife habitat on the island is in the hands of private landowners, and many landowners are interested and enthusiastic about enhancing habitat for songbirds, turtles, frogs and other species. SIHAB writes articles on native and invasive plants and animals and habitat restoration for the Sauvie Island Newslinks and has given presentations at Sauvie Island Community Association and Sauvies Island Grange meetings. An evening class on Sauvie Island Native Plants was offered in July 2013.

Sauvie Island Wildlife Refuge

The 12,000 acre Sauvie Island Wildlife Refuge is located on the north portion of Sauvie Island, spanning Columbia and Multnomah Counties. Owned by the State, it is habitat for wintering waterfowl, swans, herons, sandhill cranes, bald eagles and 250 other species. Waterfowl number reach 200,000 and shorebird numbers reach 30,000. Bald Eagles and Peregrine Falcons occur on the Wildlife Area. These wetlands also play an important role in the endangered salmonid life cycles. Active Heron Rookeries are located in the Johnson Unit and Footbridge Unit.

Access is restricted during hunting season and spring. The Refuge includes wetlands, savannah, cottonwood bottomlands, and upland Oregon White Oak forest managed by the Oregon Department of Fish and Wildlife as a Wildlife Area. On the southwest side of the island, Oregon State Parks owns and manages a 180-acre parcel that contains many of the native habitats found elsewhere on the island.

Map XX. Sauvie Island Wildlife Refuge (Southern Portion)



The Wetlands Conservancy

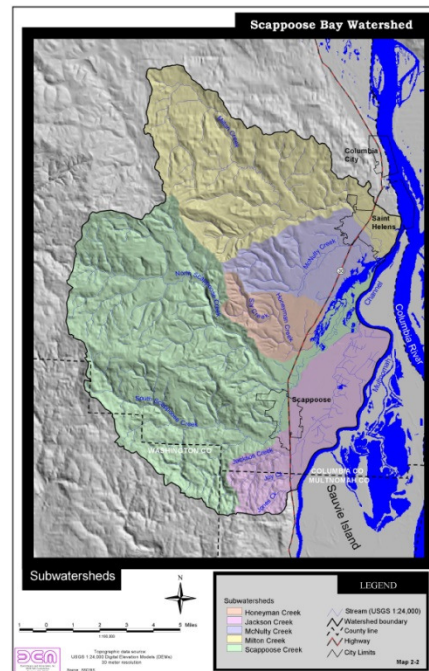
The Wetland Conservancy has recently applied for a Bullitt Foundation grant to support a sub-regional natural resource survey and community outreach effort, with the intent of preparing a voluntary conservation plan as part of a regional conservation strategy.

The intent is to coordinate closely with Multnomah County, Metro, the Scappoose Watershed Council and the Columbia Land Trust to prepare a conservation plan for Sauvie Island and Scappoose Bay. This program will complement the *Regional Conservation Strategy* that was prepared by the Intertwine Alliance in 2012, the vision of which is to create an interconnected system of functioning natural areas that protect the region's air and water quality, help species and habitats recover from past degradation and increase their resilience to change, and promote the role of working lands and built landscape in supporting regional biodiversity.

Scappoose Watershed Council

The Scappoose Bay Watershed consists of a series of creeks on the west side of Multnomah Channel that drain primarily portions of Columbia County, but also a small area in Multnomah County (Jackson and South Scappoose Creeks). The Council educates, advises, and assists landowners in the watershed to improve the quality of the community's creeks and natural areas through monitoring water quality and macro-invertebrates, and supporting a native plant nursery and salmon habitat assessment programs. In addition, the Council is active in restoring and preserving habitat by helping improve watershed health, functions, and uses. This includes opening up 55 miles of salmon spawning streams through culvert removal and replacement, and having a weed management program along 20 miles of creek.

Map XX. Scappoose Bay Watershed



Oregon Natural Heritage Program

The PSU Institute for Natural Resources (successor to the Oregon Natural Heritage Program) indicated that there are no recognized “natural areas” in the SIMC Plan area. Scappoose Bay is, however, a recognized “natural area”. Additional research is necessary to confirm.

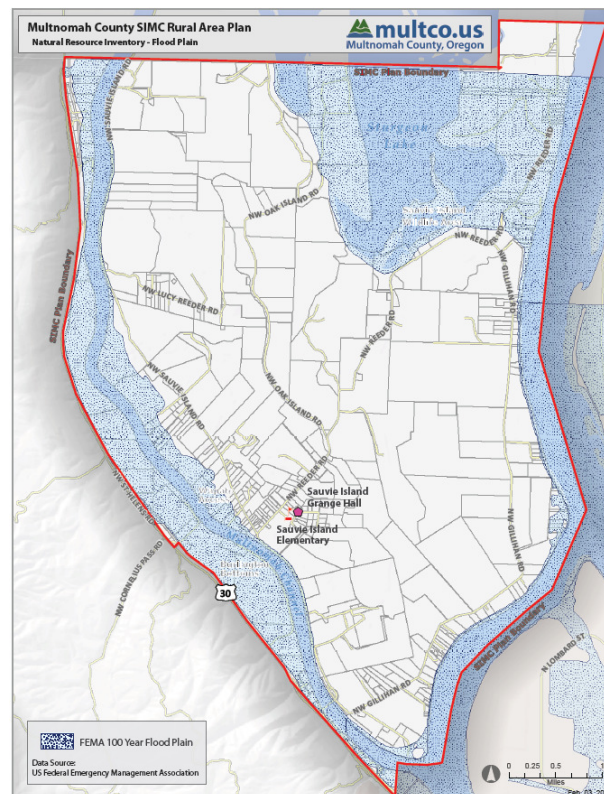
Grand Ronde Tribal Efforts to Restore Cultural and Archeological Resources

To be included following initial subcommittee meeting.

Flood Hazard Mitigation

The map below shows the area that can be expected to flood once every 100 years based on FEMA (Federal Emergency Management Agency) maps. The 1996 flood exceeded the 100-year flood event. As noted below, these maps take into consideration the extensive diking system on the Island.

Map XX. Base Flood Hazard Map



Developed areas on Sauvies Island are protected from flooding by a levee system maintained by the Sauvie Island Drainage Improvement Company to federal standards, allowing residents to purchase federally subsidized flood hazard insurance. In order to maintain federal certification the levees must be inspected by the US Army Corps of Engineers on a periodic schedule. The Drainage Company is presently preparing for an inspection later this year. Failure to comply with federal standards may result in decertification, which in turn will discontinue flood hazard insurance subsidies, forcing landowners to pay substantially higher rates if they can find flood insurance at all. If the levee system is breached or overtopped during a flood event, lowlands within the District boundary will be inundated to the level of

adjacent waters. For a base flood, the water level is established by FEMA at approximately 31 feet at the south end of the island and 29 feet at the Multnomah/Columbia County boundary, so all land and development below that level within the Multnomah County portion of the Island would be inundated.

Sauvie Island Drainage Improvement Company

The Sauvie Island Drainage Improvement Company (Drainage Company) was created to manage flood control works constructed by the US Army Corps of Engineers in the late 1930's and early 1940's. The Drainage Company's **service area** is approximately 11,170 acres in size and is surrounded by a levee system approximately 18 miles long that it maintains.

Land within the Drainage Company **service area** is drained through a series of canals totaling over 35 miles in length. Drainage canals are maintained through periodic dredging and channelization, with the spoils being side-cast onto abutting property. Water is pumped through the drainage system by four internal pump stations and then to Multnomah Channel at the main pump station at the north end of Sauvie Island Road. The map below shows the canal system managed by the Drainage Company.

Map XX. Canal System Maintained by the Drainage Company



Useful Resource Categories

It may be useful to categorize resource inventories based on existing levels of Goal 5 protection. This can help identify future programs and activities necessary to protect, enhance, or expand specific resources to optimize their potential values. Suggested categories are:

- Resource Sites In Public Ownership. These lands are owned and managed for a specific conservation purpose. The reason for their protection is well defined, and often accompanied by a management plan or future development plan that may be limiting, and will need to be considered in analyzing future protection measures.
- Resource Sites In Private Ownership and Protected With Conservation Easements. Similar to public ownership, resource protection through easement is well defined, although management of the area may not be. Resource values protected through easements need to be considered, but development or enhancement of additional values can be considered.
- Resource Sites in Private Ownership with WRG or SEC Protection. This category includes land that is zoned WRG or SEC. These resources may also be regulated by state or federal agencies (as is the case with wetlands and the Multnomah Channel).
- Resource Sites in Private Ownership Without Regulatory or Ownership Protections. This category may include resources that do not meet the regulatory definitions of wetland or water body, or are upland habitats, but are important in the overall functioning of the Island ecosystem. Examples may include small drainageways, wetlands that did not appear on the National Wetlands Inventory (NWI), hedgerows, and forested areas or oak groves. These resources may be protected through a combination of educational, incentive and regulatory programs.

Map XX. Inventoried Resources by Existing Level of Protection

TO BE PROVIDED

SECTION 3: STATEWIDE REGULATORY FRAMEWORK

Oregon’s Statewide Planning Goals and implementing “administrative rules” apply when comprehensive plans are adopted or amended. The Multnomah County Comprehensive Plan and the SIMC Plan have been “acknowledged” by the Oregon Land Conservation and Development Commission (LCDC) as complying with applicable Statewide Planning Goals and administrative rules. Therefore, the County can rely on its acknowledged plans and (in most cases) need not do a separate goal analysis when implementing acknowledged plans.

The exception to this rule occurs when the County *interprets* the meaning of applicable statutes, goals and rules; the Greenfield v. Bella Organics cases are an example of the Oregon Land Use Board of Appeals and the Oregon Court of Appeals reversing and remanding a County decision because those decisions improperly construed applicable statutes.

In any case, the SIMC Plan is part of the Multnomah County Comprehensive Plan; therefore, any amendments to the SIMC Plan must comply with applicable Statewide Planning Goals, rules and statutes. Appendix 7: *Compliance with Applicable Statewide Planning Goals* provides findings of fact and conclusions of law explaining how proposed amendments to the SIMC Plan so comply.

Goal 5 (Natural & Cultural Resources), Division 023 (Goal 5 Rule)

Goal 5 requires local governments to inventory and protect significant natural and cultural resources. Over the years, this general goal has been interpreted by two administrative rules: the “old” (1986-1995) and the “new” (1996-present) Goal 5 rules.²

- When the County plan was reviewed by the Land Conservation and Development Commission in the early 1980s, the County was subject to the “old Goal 5 rule” – OAR Chapter 660, Division 016. During the 1980s and 1990s the County completed the Goal 5 process for wildlife habitat and aggregate resources using the old Goal 5 rule.
- Except for cultural resources which remain subject to the old Goal 5 rule (OAR Chapter 660, Division 016), any amendments to the SIMC Plan will be subject to the “new Goal 5 rule” – OAR Chapter 660, Division 023.

As noted in Section 4 of this report, Multnomah County has completed the Goal applied Goal 5 to three types of resources in Sauvie Island: wetlands, historic resources and scenic areas. Multnomah County’s natural and cultural resource protection program relies on the SEC overlay zone to protect significant wetlands and scenic areas, and the Willamette River Greenway overlay to protect resources along the

² As noted in Section 0250 of the new Goal 5 rule: (1) *This division replaces OAR 660, Division 16, except with regard to cultural resources * * *. Local governments shall follow the procedures and requirements of this division * * * in the adoption or amendment of all plan or land use regulations pertaining to Goal 5 resources. The requirements of Goal 5 do not apply to land use decisions made pursuant to acknowledged comprehensive plans and land use regulations.*

Multnomah Channel. The WRG overlay protects significant natural and cultural resources within its boundaries (150' of the ordinary low water line).³

But an effective natural and cultural resource conservation program typically has additional components that rely on collaborative community processes. Sauvie Island is exceptional in this regard.

For example:

- Conservation groups and community organizations, including the West Multnomah Soil & Water Conservation District, the Sauvie Island Habitat Partnership, the Sauvie Island Grange, The Wetlands Conservancy and the Sauvie Island Academy have been actively promoting voluntary, incentive-based programs to identify, restore and enhance natural resources within the SIMC planning area.
- There are also voluntary programs that place natural resource sites in conservation easements – which ensure long-term protection of such resources by private property owners. These programs are typically managed by groups such as The Wetlands Conservancy, the Columbia River Land Trust, and the National Resource Conservation Service.
- Finally, the Oregon Department of Fish and Wildlife, Oregon State Parks, the Department of State Lands and Metro are responsible for managing natural and cultural resources on public land on the Island and in Multnomah Channel.

GOAL 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

Goal 5 reads as follows:

To protect natural resources and conserve scenic and historic areas and open spaces. Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

The following resources shall be inventoried: a. Riparian corridors, including water and riparian areas and fish habitat; b. Wetlands; c. Wildlife Habitat; d. Federal Wild and Scenic Rivers; e. State Scenic Waterways; f. Groundwater Resources; g. Approved Oregon Recreation Trails; h. Natural Areas; i. Wilderness Areas j. Mineral and Aggregate Resources; k. Energy sources; l. Cultural areas. Local governments and state agencies are encouraged to maintain current inventories of the following resources: a. Historic Resources; b. Open Space; c. Scenic Views and Sites.

Following procedures, standards, and definitions contained in commission rules, local governments shall determine significant sites for inventoried resources and develop programs to achieve the goal.

³ The new Goal 5 rule notes that: *The requirements of Goals 15 [Willamette River Greenway], 16, 17, and 19 [Coastal Goals] shall supersede requirements of this division for natural resources that are also subject to and regulated under one or more of those goals.*

The New Goal 5 Rule

The new Goal 5 Rule, OAR Chapter 660, Division 023 interprets Goal 5 and would apply to any SIMC Plan amendments proposed by the County. Generally, the rule requires that the County conduct a valid inventory (location, quality and quantity of the resource sites); identify conflicting uses and activities; evaluate the ESEE (economic, social, environmental and energy) consequences of alternative protection programs (full protection, limited protection or no protection); and then adopt a program to achieve the Goal (consisting of plan policies and implementing land use regulations or incentive programs).

There are a number of useful Division 023 definitions that may have applicability to the issues raised in Section 1 of this report:

660-023-0010 Definitions

- ***"Conflicting use"** is a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource (except as provided in OAR 660-023-0180(1)(b)). Local governments are not required to regard agricultural practices as conflicting uses.*
- ***"ESEE consequences"** are the positive and negative economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use.*
- ***"Impact area"** is a geographic area within which conflicting uses could adversely affect a significant Goal 5 resource.*
- ***"Inventory"** is a survey, map, or description of one or more resource sites that is prepared by a local government, state or federal agency, private citizen, or other organization and that includes information about the resource values and features associated with such sites. As a verb, "inventory" means to collect, prepare, compile, or refine information about one or more resource sites. (See resource list.)*
- ***"Program"** or "program to achieve the goal" is a plan or course of proceedings and action either to prohibit, limit, or allow uses that conflict with significant Goal 5 resources, adopted as part of the comprehensive plan and land use regulations (e.g., zoning standards, easements, cluster developments, preferential assessments, or acquisition of land or development rights).*
- ***"Protect,"** when applied to an individual resource site, means to limit or prohibit uses that conflict with a significant resource site (except as provided in OAR 660-023-0140, 660-023-0180, and 660-023-0190). When applied to a resource category, "protect" means to develop a program consistent with this division.*
- ***"Resource category"** is any one of the cultural or natural resource groups listed in Goal 5.*
- ***"Resource list"** includes the description, maps, and other information about significant Goal 5 resource sites within a jurisdiction, adopted by a local government as a part of the comprehensive plan or as a land use regulation. A "plan inventory" adopted under OAR 660-016-0000(5)(c) shall be considered to be a resource list.*

- *"Resource site" or "site" is a particular area where resources are located. A site may consist of a parcel or lot or portion thereof or may include an area consisting of two or more contiguous lots or parcels.*
- *"Groundwater" is any water, except capillary moisture, beneath the land surface or beneath the bed of any stream, lake, reservoir, or other body of surface water.*
- *"Historic areas" are lands with buildings, structures, objects, sites, or districts that have local, regional, statewide, or national historic significance. "Historic resources" are those buildings, structures, objects, sites, or districts that have a relationship to events or conditions of the human past. "Historic resources of statewide significance" are buildings, structures, objects, sites, or districts listed in the National Register of Historic Places, and within approved national register historic districts pursuant to the National Historic Preservation Act of 1966 (PL 89-665; 16 U.S.C. 470).*
- *For purposes of this rule, "natural areas" are areas listed in the Oregon State Register of Natural Heritage Resources.*
- *"Riparian corridor" is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.*
- *"Wildlife habitat" is an area upon which wildlife depend in order to meet their requirements for food, water, shelter, and reproduction. Examples include wildlife migration corridors, big game winter range, and nesting and roosting sites.*
- *For purposes of this rule, a "wetland" is an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.*

For purposes of this rule, "open space" includes parks, forests, wildlife preserves, nature reservations or sanctuaries, and public or private golf courses.

For purposes of this rule, "scenic views and sites" are lands that are valued for their aesthetic appearance.

The new Goal 5 rule lays out the Goal 5 process and standards for specific categories of natural and cultural resources. the process and review standards

Goal 6 (Air, Land and Water Quality)

Goal 6 is implemented by County policies to protect air, land and water resource quality. Generally, these policies rely on coordination with the Department of Environmental Quality (DEQ) for their implementation.

Goal 7 (Natural Hazards)

The primary Goal 7 natural hazard is flooding. The Subcommittee raised concerns about earthquakes and human-made hazards including gas pipelines, railroad crossing blockages, coal dust (from rail cars) and oil spills (from rail cars).

Goal 15 (Willamette River Greenway)

Goal 15 Willamette River Greenway is designed to protect natural resources within 150 feet of the ordinary low water line of the Willamette River – which includes the Multnomah Channel. The County’s WRG overlay has been “acknowledged” by the LCDC as complying with Goal 15. See additional discussion in *Marinas and Floating Homes Background Report*.

SECTION 4: RELEVANT COUNTY AND AGENCY PLANS

In addition to master plans identified in Section 2 (e.g., Metro master plans for Howell Territorial Park and Wapato Park, the ODFW master plan for Sauvie Island Wildlife Refuge, Sauvie Island Drainage Company master plan, etc.) the Multnomah County Comprehensive Framework Plan and the Sauvie Island Rural Area Plan have policies that are relevant to management of natural and cultural resources within the SIMC planning area.

Relevant Multnomah County Comprehensive Plan policies regarding Natural and Cultural Resources

In addition to master plans identified in Section 2 (e.g., Metro master plans for Howell Territorial Park and Wapato Park, the ODFW master plan for Sauvie Island Wildlife Management Area, Sauvie Island Drainage Improvement Company master plan, etc.) the Multnomah County Comprehensive Framework Plan and the Sauvie Island Rural Area Plan have policies that are relevant to management of natural and cultural resources within the SIMC planning area.

Policy 13 Air, Water and Noise Pollution

Multnomah County, recognizing that the health, safety, welfare, and quality of life of its citizens may be adversely affected by air, water and noise pollution, supports efforts to improve air and water quality and to reduce noise levels. Therefore, if a land use proposal is a noise sensitive use and is located in a noise impacted area, or if the proposed use is a noise generator, the following shall be incorporated into the site plan: (1) Building placement on the site in an area having minimal noise level disruptions; and (2) Insulation or other construction techniques to lower interior noise levels in noise-impacted areas.

Comment: This policy makes it clear that the County will address air and water quality issues through coordination with regional, state and federal agencies; through the community planning process (such as the SIMC Plan); and by adopting erosion control and design review standards. This policy clearly relies on federal agencies to enforce federal pollution standards.

Policy 14 Development Limitations

The County's policy is to direct development and land form alterations away from areas with development limitations except upon a showing that design and construction techniques can mitigate any public harm or associated public cost and mitigate any adverse effects to surrounding persons or properties. Development limitations areas are those which have any of the following characteristics: A. Slopes exceeding 20%; B. Severe soil erosion potential; C. Land within the 100 year flood plain; D. A high seasonal water table within 0-24 inches of the surface for 3 or more weeks of the year; E. A fragipan less than 30 inches from the surface; F. Land subject to slumping, earth slides or movement.

Natural Resources Policy

The purpose of the Natural Resources policy is to implement Statewide Planning Goal 5: "Open Spaces, Scenic and Historic Areas, and Natural Resources". These resources are necessary to

ensure the health and well-being of the population, and include such diverse components as mineral and aggregate reserves, significant wetlands, historic sites, and scenic waterways. The individual components, as set forth by state law (OAR 660-16), are addressed below as subpolicies 16-A through 16-L.

An overlay classification, "Significant Environmental Concern" will be applied to certain areas identified as having one or more of these resource values.

Policy 16 Natural Resource Protection

The County's policy is to protect natural resources, conserve open space, and to protect scenic and historic areas and sites. These resources are addressed within sub-policies 16-a through 16-l.

Strategies

*A. The County will maintain an inventory of the location, quality, and quantity of each of these resources. * * **

*B. Certain areas identified as having one or more significant resource values will be protected by the designation Significant Environmental Concern (SEC). This overlay zone will require special procedures for the review of certain types of development allowed in the base zones. This review process will ensure the minimum impact on the values identified within the various areas, and shall be designed to mitigate any lost values to the greatest extent possible. * * **

Policy 16-A: Open Space

It is the County's policy to conserve open space resources and protect open spaces from incompatible and conflicting land uses.

Strategies

Designate agricultural and forest lands with large lot zones to conserve the open character of such areas. Apply SEC, WRG, FW and FF overlays along rivers and other water features, as appropriate, to restrict and control the character of development in these areas to enhance open spaces. Review uses conditionally allowed in farm or forest zones to insure that open space resources are conserved and enhanced.

Policy 16-D: Fish And Wildlife Habitat

It is the County's policy to protect significant fish and wildlife habitat, and to specifically limit conflicting uses within natural ecosystems within the rural portions of the County and sensitive big game winter habitat areas.

Strategies

A. Utilize information provided by the Oregon Department of Fish and Wildlife to identify significant habitat areas, and to delineate sensitive big game winter habitat areas. If necessary, supplement this information with additional professional analysis to identify additional significant habitat areas and natural ecosystems within rural portions of the County.

B. Apply the SEC overlay zone to all significant habitat areas not already zoned Willamette River Greenway.

C. Include provisions within the Zoning Ordinance to review development proposals which may affect natural ecosystems within the rural portions of the County and sensitive big game winter habitat areas.

Policy 16-E: Natural Areas

It is the County's policy to protect natural areas from incompatible development and to specifically limit those uses which would irreparably damage the natural area values of the site.

Strategies

A. Utilize information from the Oregon Natural Heritage Program to maintain a current inventory of all ecologically and scientifically significant natural areas.

B. Apply the SEC overlay zone to all areas not otherwise protected by Willamette River Greenway zoning or outright ownership by a public or private agency with a policy to preserve natural area values of the site.

Policy 16-G: Water Resources And Wetlands

It is the County's policy to protect and, where appropriate, designate as areas of significant environmental concern, those water areas, streams, wetlands, watersheds, and groundwater resources having special public value in terms of the following: A. Economic value; B. Recreation value; C. Educational research value (ecologically and scientifically significant lands); D. Public safety, (municipal water supply watersheds, water quality, flood water storage areas, vegetation necessary to stabilize river banks and slopes); E. Natural area value, (areas valued for their fragile character as habitats for plant, animal or aquatic life, or having endangered plant or animal species).

Strategies * * *

E. Assess the natural area value of Water Resource and Wetland Sites and designate "significant" (1C) if: 1) The Oregon Department of Forestry has classified the stream or watercourse as "Class 1 waters" as defined in the State Forest Practices Act; or The water resource or associated vegetation area is the habitat of an endangered or threatened plant or animal species as identified by the Oregon Natural Heritage Program, US Fish and Wildlife Service or other public agency; or 2) A "Wildlife Habitat Assessment" (WHA) rating form has been completed and the site scored 45 or more points of the possible 96 points. Sites with scores between 35-44 points on the WHA form may be determined "Significant" (1C) if they function as essential connections between or demonstrably enhance higher rated adjacent resource areas.

The WHA is a standardized rating system for evaluating the wildlife habitat values of a site. The form was cooperatively developed by staff from the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers,

The Oregon Department of Fish and Wildlife, the Audubon Society of Portland, The Wetlands Conservancy, and the City of Beaverton Planning Bureau.

F. Significant water resource and wetland areas identified as a "2A", "3A", or "3C" site using the Statewide Planning Goal 5 "Economic, Social, Environmental, and Energy analysis" procedure as outlined in OAR 660-16-000 through 660-16-025 shall be designated as "Areas of Significant Environmental Concern" and protected by either the SEC or WRG overlay zone.

G. Wetlands information gathered by and made available to the County shall be utilized as follows: 1) The U.S. Fish and Wildlife National Wetland Inventory (NWI) maps should be consulted at the beginning stages of any development proposal in order to alert the property owner/developer of the U.S. Corps of Engineers and Division of State Lands permit requirements. 2) Wetlands shown on the NWI maps which are determined to not be important by the County after field study should be indicated as such on 1"=200' aerial photographs made part of the State Goal 5 supporting documents. 3) Boundaries of "Significant" wetlands located within the SEC and WRG overlay zones should be depicted on 1"=200' aerial photographs. 4) Additional information on wetland sites should be added to the plan and supporting documents as part of a scheduled plan update or by the standard plan amendment process initiated at the discretion of the County.

H. Although a wetland area may not meet the County criteria for the designation "Significant," the resource may still be of sufficient importance to be protected by State and Federal agencies.

I. The zoning code should include provisions requiring a finding prior to approval of a legislative or quasi-judicial action that the long-range availability and use of domestic water supply watersheds will not be limited or impaired.

Protected Water Resources and Wetland Sites * * *

Rural Westside Sites (listed alphabetically):

- 1) Agricultural Ditches and Sloughs on Sauvie Island * * **
- 4) Burlington Bottoms Wetlands Dairy Creek*
- 6) Gilbert River & tributary drainageways/wetlands (in R1W sections 5, 8, 9, 16, 21, 22, 28, 29, 31, 32 & 33),*
- 7) Howell Lake*
- 10) Multnomah Channel (reach outside Portland)*
- 12) Sand Lake*
- 14) Small Unnamed Lake/Slough west of Virginia Lakes Virginia Lakes*
- 15) Sturgeon Lake*
- 19) Virginia Lakes*
- 20) Wagon Wheel Hole Lake.*

Comment: These significant resource sites are identified in the 1997 SIMC Plan and protected by the SEC overlay zone.

Policy 16-I: Historic Resources

It is the County's policy to recognize significant historic resources, and to apply appropriate historic preservation measures to all designated historic sites.

Strategies

A. Maintain an inventory of significant historic resources which meet the historical site criteria outlined below.

B. Utilize the National Register of Historic Places and the recommendations of the State Advisory Committee on Historic Preservation in the designation of historic sites.

C. Develop and maintain a historical preservation process for Multnomah County which includes:
1) A review of the laws related to historic preservation. 2) A program for ongoing identification and registration of significant sites, working with area citizens groups, the Oregon Historical Society, the Oregon Natural History Museum and other historic and archeological associations. 3) Developing a handbook on historic preservation to assist County staff, area citizen groups, land owners and developers in understanding and using applicable federal and state programs. 4) Fostering, through ordinances or other means, the private restoration and maintenance of historic structures for compatible uses and development based on historic values. 5) Encouraging the installation of appropriate plaques or markers on identified sites and structures.

D. The Zoning Code should: *1) Include an Historic Preservation overlay district which will provide for the protection of significant historic areas and sites. 2) Include conditional use provisions to allow new sites to be established to preserve historic structures and sites. 3) Provide for a 120-day delay period for the issuance of a demolition permit or a building permit that substantially alters the historic nature of the site or building. During this period, a review of the permit application, including the impacts and possible means to offset the impacts should be undertaken. 4) On-site density transfer in order to protect historic areas and protect unique features.*

Policy 16-J: Cultural Areas

It is the County's policy to protect cultural areas and archeological resources, and to prevent conflicting uses from disrupting the scientific value of known sites.

Strategies

A. Maintain information on file regarding the location of known archeological sites. Although not made available to the general public, this information will be used to insure the sites are not degraded through incompatible land use actions.

B. Coordinate with the State Archaeologist in the State Historic Preservation Office regarding the identification and recognition of significant archeological resources.

Comment: Multnomah County maintains records of known archeological sites and notifies the State Historic Preservation Office (SHPO) when development may threaten known resources.

C. Encourage landowners to notify state authorities upon discovering artifacts or other evidence of past cultures on their property.

D. Work with the LCDC Archeological Committee in devising equitable and effective methods of identifying and protecting archeological resources.

Comment: The LCDC Archeological Committee ceased its operations two decades ago. The Committee's goal of identifying and protecting archeological resources on a statewide basis was not realized.

Policy 15 Conservation of Willamette River Natural and Cultural Resources

The County's policy is to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River. Further, it is the County's policy to protect identified Willamette River greenway areas by requiring special procedures for the review of certain types of development allowed in the base zone that will ensure the minimum impact on the values identified within the various areas. The procedures shall be designed to mitigate any lost values to the greatest extent possible.

Comment: This policy is implemented through MCC 34.5800 Willamette River Greenway.

Relevant 1997 SIMC Plan Policies regarding Natural and Cultural Resources

The following policies are quoted in *italic font* from the 1997 Sauvie Island Multnomah Channel Rural Area Plan.

Policy 4: Wildlife Habitat Deferral

Encourage property owners to protect their lands as wildlife habitat through the use of tax deferral programs, and allow switching of tax deferral status from agriculture to open space-wildlife habitat without penalty.

Strategy:

Multnomah County shall forward this policy as an informational item to the Oregon State Legislature and the Association of Oregon Counties.

Policy 20: Metro Greenspaces Plan and Acquisition Program

Promote recreational activities within the rural plan area which are complementary to natural and environmental resources identified pursuant to Goal 5 of the Statewide Planning Program and regionally significant natural areas adopted in the Metro Greenspaces Master Plan and lands approved in Metro's Acquisition Refinement Plan.

Strategy:

Multnomah County shall implement this policy through the current planning permitting process and the Special Plan Area process.

Policy 28: Coordination

Coordinate promulgation and enforcement of air quality, water quality, lighting, and noise pollution issues with the City of Portland and the Port of Portland.

Strategy:

Multnomah County shall implement this policy through developing a program of advocacy for protection of rural area environmental quality issues as part of the long-range planning and budgeting process.

Policy 31: Deposition of Fill from Dredging Activities

Recommend that any fill generated as a result of dredging activities in the Columbia River be located on Sauvie Island only under the following conditions: To assist in flood control; Not on designated wetlands; Not on high value farmland unless placement of such fill improves a farm's soils or productivity; In areas where it will not negatively impact wildlife habitat

Strategy:

Multnomah County shall implement this policy when reviewing any federal dredging projects proposed for the Columbia River.

Policy 41: Selective Dredging in Sturgeon Lake

Explore and encourage opportunities to conduct selected dredging to increase depth, flows, flushing, and circulation action in Sturgeon Lake.

Strategy:

Multnomah County shall implement this policy by forwarding it to the Oregon Department of Fish & Wildlife.

Policy 42: Howell Park Planning

Make recommendations and participate in the planning for Howell Park with METRO.

Strategy:

Multnomah County shall implement this policy by participating in and reviewing the Howell Park Master Plan

Relevant Zoning Ordinance Provisions (EFU and MUA-20 zones)

Definitions (MCC 34.0005)

The following definitions have some relevance to issues raised in Section 2 of this report.

Archeological Resource – A district, site, building, structure or artifact which possesses material evidence of life and culture of the pre-historic and historic past.

Base Flood – A flood of such magnitude as to have a one percent probability of being equaled or exceeded in any given year.

Base Flood Level – The elevation of a Base Flood, referenced to the National Geodetic Vertical Datum of 1929 (NGVD).

Buffer – Base Flood – A flood of such magnitude as to have a one percent probability of being equaled or exceeded in any given year.

Base Flood Level – The elevation of a Base Flood, referenced to the National Geodetic Vertical Datum of 1929 (NGVD).

Board Historical Building – Any building or structure designated under a local government landmark or historic district ordinance, or entered in the National Register of Historic Places, or listed in the Oregon State Inventory of Historical Sites, Buildings, and Properties Approved for Nomination to the National Register of Historic Places by the State of Oregon Advisory Committee on Historic Preservation.

Historical Resources – Those districts, sites, buildings, structures and artifacts which have a relationship to events or conditions of the human past.

Wetlands – Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Exclusive Farm Use Zone (MCC 34.2800)

Land uses and review procedures in the Exclusive Farm Use (EFU) zone are discussed in greater detail in Appendix 3: *Agriculture and Agri-Tourism Background Report*. Habitat restoration and enhancement is permitted in the EFU zone. However, Goal 5 protection measures (i.e., the SEC overlay zone) cannot restrict commercial agricultural activities in the EFU zone.

Natural and Cultural Resource Protection Overlay Districts

(4) **SEC** – Significant Environmental Concern District.

(5) **HP** – Heritage Preservation District.

(8) **WRG** – Willamette River Greenway.

SEC Overlay (MCC 34.4500)

The Significant Environmental Concern (SEC) overlay zone protects significant Goal 5 resource sites, including significant wetlands identified on the National Wetlands Inventory (NWI). It does not apply along the Multnomah Channel because the channel is considered to be part of the Willamette River and is covered by Willamette River Greenway (WRG) standards.

Wetlands within the WRG boundary, in particular, are protected by MCC 34.6855 Significant Wetlands.

§ 34.4500- Purposes

The purposes of the Significant Environmental Concern subdistrict are to protect, conserve, enhance, restore, and maintain significant natural and man-made features which are of public value, including among other things, river corridors, streams, lakes and islands, domestic water supply watersheds, flood water storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats, significant geological features, tourist attractions, archaeological features and sites, and scenic views and vistas, and to establish criteria,

standards, and procedures for the development, change of use, or alteration of such features or of the lands adjacent thereto. (Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 34.4505 Area Affected

Except as otherwise provided in MCC 34.4510 or MCC 34.4515, this subsection shall apply to those lands designated SEC on the Multnomah County Zoning Map. (Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 34.4515 EXCEPTIONS

An SEC permit shall not be required for the following:

(A) Farm use, as defined in ORS 215.203 (2) (a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695 (9) or on upland areas;

(B) The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act;

(C) Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905 (6);

(D) The placing, by a public agency, of signs, markers, aids, etc., to serve the public;

(E) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;

(F) The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except sub-stations;

(G) The maintenance and repair of existing flood control facilities;

(H) With respect to a structure lawfully established on or before November 17, 1994; alteration or expansion of such structure that: (1) For the SEC, SEC-w, and SEC-v overlays does not require any alteration or expansion of the exterior of the structure; (2) For the SEC-h and SEC-s overlays, result in the alteration or expansion of 400 square feet or less of the structure's ground coverage. With respect to expansion, this exception does not apply on a project-by-project basis, but rather extends only to a maximum of 400 square feet of additional ground coverage as compared to the structure's ground coverage on the date above; and (3) For the SEC-h overlay, alteration or expansion of 400 square feet or less of a driveway.

Comment: The SEC-w overlay applies to significant wetlands that are mapped on county inventories. As noted above, the SIMC planning area includes several significant wetlands (originally based on the National Wetland Inventory).

- The **SEC-h** overlay applies to significant wildlife habitat; the County has not applied this designation to land or water in the SIMC planning area.
- The **SEC-h** overlay applies to significant wildlife habitat; the County has not applied this designation to land or water in the SIMC planning area.
- The **SEC-v** overlay applies to significant public viewing areas and is discussed below.

SEC-v Wetlands

As noted in §34.4560 Criteria for Approval of SEC-W permit – Significant Wetlands:

Significant wetlands consist of those areas designated as Significant on aerial photographs of a scale of 1 inch = 200 feet made a part of the supporting documentation of the Comprehensive Framework Plan. Any proposed activity or use requiring an SEC permit which would impact those wetlands shall be subject to the following: * * *

(B) The applicant shall demonstrate that the proposal:

(1) Is water-dependent or requires access to the wetland as a central element of its basic design function, or is not water dependent but has no practicable alternative as de-scribed in subsection (C) below;

(2) Will have as few adverse impacts as is practical to the wetland's functional characteristics and its existing contour, vegetation, fish and wildlife resources, shoreline anchoring, flood storage, general hydrological conditions, and visual amenities. This impact determination shall also consider specific site information contained in the adopted wetlands inventory and the economic, social, environmental, and energy (ESEE) analysis made part of the supporting documentation of the comprehensive plan;

(3) Will not cause significant degradation of groundwater or surface-water quality;

(4) Will provide a buffer area of not less than 50 feet between the wetland boundary and upland activities for those portions of regulated activities that need not be con-ducted in the wetland;

(5) Will provide offsetting replacement wetlands for any loss of existing wetland areas. This Mitigation Plan shall meet the standards of subsection (D).

(C) A finding of no practicable alternative is to be made only after demonstration by the applicant that: (1) The basic purpose of the project cannot reasonably be accomplished using one or more other practicable alternative sites in Multnomah County that would avoid or result in less adverse impact on a wetland. An alternative site is to be considered practicable if it is available for purchase and the proposed activity can be conducted on that site after taking into consideration costs, existing technology, infrastructure, and logistics in achieving the overall project purposes; (2) The basic purpose of the project cannot be accomplished by a reduction in the size, scope, configuration, or density of the project as proposed, or by changing the design of the project in a way that would avoid or result in fewer adverse effects on the wetland; and (3) In

cases where the applicant has rejected alternatives to the project as proposed due to constraints, a reasonable attempt has been made to remove or accommodate such constraints.

SEC-v Significant Views

The **SEC-v** overlay applies to significant scenic sites. As noted in MCC 3445.65:

§ 34.4565 CRITERIA FOR APPROVAL OF SEC-V PERMIT -SIGNIFICANT SCENIC VIEWS

*Significant scenic resources consist of those areas designated SEC-v on Multnomah County sectional zoning maps. (2) Identified Viewing Areas are public are-as that provide important views of a significant scenic resource, and include both sites and linear corridors. Identified Viewing Areas are: **Bybee-Howell House; Virginia Lakes; Sauvie Island Wildlife Refuge; Kelley Point Park; Smith and Bybee Lakes; Highway 30; The Multnomah Channel; The Willamette River** [and] **Public roads on Sauvie Island.** * * **

(C) Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be visually subordinate. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include: (1) Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas. (2) Use of nonreflective or low reflective building materials and dark natural or earthtone colors. (3) No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials. (4) Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods. Trees planted for screening purposes should be coniferous to provide winter screening. The applicant is responsible for the proper maintenance and survival of any vegetation used for screening. (5) Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics. (6) Limiting structure height to remain be-low the surrounding forest canopy level. (7) Siting and/or design so that the silhouette of buildings and other structures re-mains below the skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying the building or structure height and design as well as location on the property, except: (a) New communications facilities (transmission lines, antennae, dishes, etc.), may protrude above a skyline visible from an identified viewing area up-on demonstration that: 1. The new facility could not be located in an existing transmission corridor or built upon an existing facility; 2. The facility is necessary for public service; and 3. The break in the skyline is the minimum necessary to provide the service.

(D) Mining of a protected aggregate and mineral resource within a PAM subdistrict shall be done in accordance with any standards for mining identified in the protection program approved during the Goal 5 process. The SEC Application for Significant Scenic Views must comply only with measures to protect scenic views identified in the Goal 5 protection program that has been designated for the site.

(E) The approval authority may impose conditions of approval on an SEC-v permit in accordance with MCC 34.4550, in order to make the development visually subordinate. The extent and type of conditions shall be proportionate to the potential adverse visual impact of the development as seen from identified viewing areas, taking into consideration the size of the development area that will be visible, the distance from the development to identified viewing areas, the number of identified viewing areas that could see the development, and the linear distance the development could be seen along identified viewing corridors. (Ord. 997, Repealed and Replaced, 10/31/2002; 953 §2, Re-org&Renum, 11/30/2000)

Willamette River Greenway (MCC 34.5800)

The WRG overlay provides an effective means of ensuring that intensification of existing marina and floating home moorages address environmental impacts and fully comply with applicable comprehensive plan policies.

§ 34.5800- Purposes

The purposes of the Willamette River Greenway subdistrict are to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River; to implement the County's responsibilities under ORS 390.310 to 390.368; to establish Greenway Compatibility Review Areas; and to establish criteria, standards and procedures for the intensification of uses, change of uses, or the development of lands within the Greenway. (Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 34.5805 Area Affected

MCC 34.5800 through 34.5865 shall apply to those lands designated WRG on the Multnomah County Zoning Map. (Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 34.5810 USES – Greenway Permit Required

All uses permitted under the provisions of the underlying district are permitted on lands designated WRG; provided, however, that any development, change of use or intensification of use, except as provided in MCC 33.5820, shall be subject to a Greenway Permit issued under the provisions of MCC 34.5830. (Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 34.5815 Definitions

For the purposes of this district, the following terms and their derivations shall have the following meanings. Definitions (A) through (E) are derived from paragraph a. of the Order

Adopting Preliminary Willamette River Greenway Plan of the Oregon Land Conservation and Development Commission, dated December 6, 1975.

*(A) **Change of use** - means making a different use of the land or water than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. Change of use shall not include the completion of a structure for which a valid permit has been issued as of December 6, 1975 and under which permit substantial construction has been undertaken by July 1, 1976. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use for purposes of this order.*

*(E) **Intensification** - means any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure.*

*(F) **Water-dependent use** – means a use which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for waterborne transportation or recreation. Water-dependent use also includes development, which by its nature, can be built only on, in, or over a water body (including a river). Bridges supported by piers or pillars are water-dependent uses. (Ord. 1038, Amended, 05/13/2004; Ord. 997, Repealed and Re-placed, 10/31/2002; 953 §2, Reorg&Renum, 11/30/2000)*

§ 34.5840 Decision by Hearings Officer

(A) A decision on a Greenway Permit application for a Conditional Use as specified either in the underlying district or in MCC 34.6300 through 34.6765, or for a Community Service Use as specified in MCC 34.6000 through 34.6230, shall be made by the Hearings Officer in conjunction with the decision on the use proposal associated therewith.

(A) A decision on a Greenway Permit application for a Conditional Use as specified either in the underlying district or in MCC 34.6300 through 34.6765, or for a Community Service Use as specified in MCC 34.6000 through 34.6230, shall be made by the Hearings Officer in conjunction with the decision on the use proposal associated therewith. (B) Action by the Hearings Officer on a Green-way Permit application shall be pursuant to pro-visions for a Type III Permit as described in MCC Chapter 37.

(C) The findings and conclusions made by the Hearings Officer, and the conditions or modifications of approval, if any, shall specifically ad-dress the relationships between the proposal and the elements of the Greenway Design Plan. (Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 991, Amended, 09/26/2002; 953 §2, Reorg&Renum, 11/30/2000)

§ 34.5855 GREENWAY DESIGN PLAN

The elements of the Greenway Design Plan are:

(A) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and the river.

(B) Reasonable public access to and along the river shall be provided by appropriate legal means to the greatest possible degree and with emphasis on urban and urbanizable areas.

(C) Developments shall be directed away from the river to the greatest possible degree, provided, however, that lands in other than rural and natural resource districts may continue in urban uses.

(D) Agricultural lands shall be preserved and maintained for farm use.

(E) The harvesting of timber, beyond the vegetative fringes, shall be conducted in a manner which shall insure that the natural scenic qualities of the Greenway will be maintained to the greatest extent practicable or will be restored within a brief period of time on those lands inside the Urban Growth Boundary.

(F) Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflicts with farm uses. (G) Significant fish and wildlife habitats shall be protected.

(H) Significant natural and scenic areas and viewpoints and vistas shall be preserved.

(I) Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.

(J) The natural vegetation along the river, lakes, wetlands and streams shall be enhanced and protected to the maximum extent practicable to assure scenic quality, protection from erosion, screening of uses from the river, and continuous riparian corridors.

(K) Extraction of known aggregate deposits may be permitted, pursuant to the provisions of MCC 34.6300 through 34.6535, when economically feasible and when conducted in a manner designed to minimize adverse effects.

(L) Areas of annual flooding, flood plains, water areas and wetlands shall be preserved in their natural state to the maximum possible extent to protect the water retention, overflow and natural functions.

(M) Significant wetland areas shall be protected as provided in MCC 34.5865.

(N) Areas of ecological, scientific, historical or archaeological significance shall be protected, preserved, restored, or enhanced to the maximum extent possible.

(O) Areas of erosion or potential erosion shall be protected from loss by appropriate means which are compatible with the character of the Greenway.

(P) The quality of the air, water and land re-sources in and adjacent to the Greenway shall be preserved in development, change of use, or intensification of use of land designated WRG.

(Q) A building setback line of 150 feet from the ordinary low waterline of the Willamette River shall be provided in all rural and natural re-source districts, except for non-dwellings provided in conjunction with farm use and except for buildings and structures in conjunction with a water-related or a water dependent use.

(R) Any development, change of use or intensification of use of land classified WRG, shall be subject to design review, pursuant to MCC 34.7000 through 34.7070, to the extent that such design review is consistent with the elements of the Greenway Design Plan.

(S) The applicable policies of the Comprehensive Plan are satisfied. (Ord. 997, Repealed and Replaced, 10/31/2002; 953 §2, Re-org&Renum, 11/30/2000)

Comment: WRG design plan provisions that protect significant natural and cultural resources are highlighted in bold font.

Community Service Uses (MCC 34.6000)

§ 34.6000- PURPOSE

MCC 34.6010 through 34.6230 provides for the review and approval of the location and development of special uses which, by reason of their public convenience, necessity, unusual character or effect on the neighborhood, may be appropriate as specified in each district. (Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 34.6005 General Provisions

(A) Community Service approval shall be for the specific use or uses approved together with the limitations or conditions as determined by the approval authority.

(B) Uses authorized pursuant to this section shall be subject to Design Review approval under MCC 34.7000 through 34.7065.

(C) A Community Service approval shall not be construed as an amendment of the Zoning Map, although the same may be depicted thereon by appropriate color designation, symbol or short title identification. (Ord. 997, Repealed and Replaced, 10/31/2002; 953 §2, Re-org&Renum, 11/30/2000)

§ 34.6015 Uses

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

(B) Allowed Community Service Uses in the EFU district are limited to those uses listed in the district.

§ 34.6005 General Provisions

(A) Community Service approval shall be for the specific use or uses approved together with the limitations or conditions as determined by the approval authority.

(B) Uses authorized pursuant to this section shall be subject to Design Review approval under MCC 34.7000 through 34.7065.

(C) A Community Service approval shall not be construed as an amendment of the Zoning Map, although the same may be depicted thereon by appropriate color designation, symbol or short title identification. (Ord. 997, Repealed and Replaced, 10/31/2002; 953 §2, Reorg&Renum, 11/30/2000)

§ 34.6010 Approval Criteria

*In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, * * **

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

(B) Will not adversely affect natural resources;

(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;

(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;

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

(H) Will satisfy such other applicable approval criteria as are stated in this Section. (Ord. 1186, Amended, 10/13/2011; Ord. 997, Repealed and Re-placed, 10/31/2002; Ord. 958, Amended, 02/15/2001; Ord. 953

Comment: CSU review criteria that protect significant natural and cultural resources are **highlighted in bold font**.

§ 34.6015 Uses

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

Allowed Community Service Uses in the EFU district are limited to those uses listed in the district.

Design Review (MCC 34.7000)

The design review process ensures that all County policies and standards are met. This process applies to all community service uses and include provisions to protect natural and cultural resources.

§ 34.7000- Purposes

MCC 34.7000 through 34.7065 provides for the review and administrative approval of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment. (Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 34.7005 Elements of Design Review Plan

The elements of a Design Review Plan are: The lay-out and design of all existing and proposed improvements, including but not limited to, buildings, structures, parking and circulation areas, outdoor storage areas, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures. (Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 34.7010 Design Review Plan Approval Required

No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to this section, nor shall such a use be commenced, enlarged, altered or changed until a final design review plan is approved by the Planning Director, under this ordinance. (Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 34.7020 Application of Regulations

(A) Except those exempted by MCC 34.7015, the provisions of MCC 34.7000 through 34.7060 shall apply to all conditional and community service uses, and to specified uses, in any district.

(C) Siting and design of all pickup and delivery facilities shall insure maximum convenience with minimum adverse visual impacts. (Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

§ 34.7050 Design Review Criteria

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

(1) 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.

(b) The elements of the design review plan should promote energy conservation and provide protection from ad-verse climatic conditions, noise, and air pollution.

- (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.*
- (2) Safety and Privacy – The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.*
- (3) Special Needs of Handicapped – Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheel-chairs and braille signs.*
- (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.***
- (5) Pedestrian and Vehicular circulation and Parking – The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with pro-posed and neighboring buildings and structures.*
- (6) Drainage – Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.*
- (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.*
- (8) Utilities – All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.*
- (9) Signs and Graphics – The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.*
- (B) Guidelines designed to assist applicants in developing design review plans may be adopted by the Planning Commission. (Ord. 997, Repealed and Replaced, 10/31/2002; 953 §2, Re- org&Renum, 11/30/2000)*

Comment: Design review guidelines that protect significant natural and cultural resources are highlighted in bold font.

SECTION 6: RELEVANT STATE AGENCY PLANS & RULES

Three state agencies are primarily responsible for regulating * * * :

- The Department of State Lands (DSL);
- The Oregon Department of Environmental Quality (DEQ).

Department of State Lands (DSL)

The Oregon Land Board and its administrative arm, the Oregon Department of State Lands (DSL), regulates the placement of structures (marinas, moorages, docks, floats, houseboats, boat houses, recreational cabins, etc.) below the “ordinary high water line” in waters of the state – including the Multnomah Channel. Under Oregon’s land use system, local approval or a determination of land use consistency is required before DSL may enter into leases for commercial uses – or register non-commercial uses – below the ordinary high water of the Multnomah Channel.

DSL’s constitutional authority for managing public land and water comes primarily from [Article VIII, Section 5](#) of the Oregon Constitution, which provides:

"The board shall manage lands under its jurisdiction with the object of obtaining the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management."

According to the DSL website (<http://www.oregon.gov/dsl/LW/Pages/waterway.aspx>) the Land Board and DSL hold these lands in trust for the public (under the "Public Trust Doctrine"). DSL works to clarify title and manage uses of these lands in the public’s best interests to ensure that any uses (for example, marinas, docks, sand and gravel mining, and log rafts) are authorized and pay their fair share as compensation to the public for the use of public land.

ORS [Chapter 274](#) Submerged and Submersible Lands provides more specific guidance regarding the leasing and registration of structures in Multnomah Channel. More detailed management guidance is contained in **OAR Chapter 141, Division 082 Rules Governing the Management of, and Issuing Leases, Licenses and Registration for Structures on, and Use of, State-Owned Submerged and Submersible Land.**

DSL Responsibilities: 141-082-0260 General Provisions

Division 082 sets forth the purposes of and scope of the administrative rule in regulating structures below the ordinary high water line as follows:

(1) Pursuant to Oregon law as defined in ORS 274, all tidally influenced and title navigable waterways (referred to as state-owned submerged and/or submersible land) have been placed by the Oregon State Legislature under the jurisdiction of the State Land Board and the Department, as the administrative arm of the State Land Board.

(2) The State Land Board, through the Department, has a constitutional responsibility to manage "the lands under its jurisdiction with the object of obtaining the greatest benefit for the people of

this state, consistent with the conservation of this resource under sound techniques of land management" pursuant to Article 8, Section 5(2) of the Oregon Constitution.

(3) State-owned submerged and/or submersible land is managed to ensure the collective rights of the public, including riparian owners, to fully use and enjoy this resource for commerce, navigation, fishing, recreation and other public trust values. These rights are collectively referred to as "public trust rights."

(4) No person is allowed to place a structure on, or make use of state-owned submerged and/or submersible land, regardless of the length of time the structure may have existed on, or the use may have occurred on the land, without the required authorization described in these rules, unless the structure or use is exempt from such authorization by law or these rules. Ownership of state-owned submerged and/or submersible land cannot be obtained by adverse possession regardless of the length of time the structure or use has been in existence.

(5) All uses of state-owned submerged and/or submersible land must conform to local (including local comprehensive land use planning and zoning ordinance requirements), state and federal laws.

*(6) **The Department shall not authorize a proposed use or structure if it: (a) Is inconsistent with local, state, or federal laws; (b) Is not in compliance with these rules; (c) Would result in an unreasonable interference with the public trust rights of commerce, navigation, fishing and recreation; (d) Would have unacceptable impacts on public health, safety or welfare, or result in the loss of, or damage to natural, historical, cultural or archaeological resources; (e) Is prohibited by a State Land Board or Department-adopted area closure, use restriction, or waterway management plan (such as the Lower Willamette River Management Plan; a Total Maximum Daily Load Plan; or the Oregon Territorial Sea Plan); (f) Is inconsistent with any endangered species management plan adopted by the Department under the Oregon Endangered Species Act (ORS 496.171 to 496.192); or (g) It extends from the bank of a waterway for a distance that exceeds 25 percent of the width of the waterway, unless authorized by the Director. * * ****

(7) No applicant for, or person holding an authorization from the Department shall request from any government agency a change in the zoning for, or approved uses of a parcel of state-owned submerged and/or submersible land without first applying to, and receiving written approval from the Department to request such a change.

(8) When a use or structure subject to written authorization from the Department becomes exempt from written authorization, compensation, or both, by a change in the law or in these rules the holder may terminate the written authorization or allow the written authorization to expire by its terms. If the written authorization is terminated, the holder is not entitled to receive any reimbursement from the Department for any compensation or other fees paid by the holder to the Department under the written authorization prior to expiration or termination.

Comment: During the 2013 SIMC Scoping process and at the Marinas and Floating Homes CAC Subcommittee meeting on December 17, 2013, there was considerable discussion of the Clean Water Act and Endangered Species Act, and how these federal laws should be considered in the review of marina and floating home moorage expansion and redevelopment. (See discussion of new issues in Section 1 of this report.)

DSL has primary responsibility for reviewing development proposals in navigable waterways, and, as noted below, has specific responsibility for carrying out applicable federal law, and implementing the following state plans that help to carry out the CWA and the ESA:

- *Lower Willamette River Management Plan;*
- Any Total Maximum Daily Load Plan;
- The Oregon Territorial Sea Plan);
- Any Endangered Species Management Plan adopted by the Department under the Oregon Endangered Species Act (ORS 496.171 to 496.192).

Comment: Multnomah County may not have the resources to effectively implement the provisions of the CWA and the ESA through the Community Service or Special Area Plan review processes. Perhaps this review function should remain with DSL and the County should continue to focus on impacts to neighboring properties, land use, transportation and the Willamette River Greenway. Notably, DSL rules to encourage voluntary habitat restoration work; but requires agency review of mandatory restoration work that is required as a condition of development approval.

(80) "Voluntary Habitat Restoration Work" means the same as set forth in ORS 274.043(4)(d). Voluntary habitat restoration work does not include: (a) Activities undertaken to satisfy any actual or potential legal obligation; (b) Activities for which the person undertaking the work receives compensation of any kind to do the work; or (c) Work completed by an entity to satisfy an environmental mitigation obligation or to generate, sell or obtain credit as an offset against actual or potential natural resource damages liability.

Department of Environmental Quality Programs

Note: the Department of Environmental Quality (DEQ) has agreed to provide information regarding its programs to protect air, land and water resources quality in the SIMC planning area.

Section 7: PROPOSED NATURAL AND CULTURAL RESOURCES POLICY FRAMEWORK

Preliminary Recommendations to Resolve Issues Identified in Section 1

TO BE PROVIDED BASED ON RESULTS OF FEBRUARY 18, 2014 SUBCOMMITTEE MEETING

Section 8: Subcommittee Meeting Process

Agendas

[INCLUDE AGENDAS FOR FEBRUARY 18, 2014 AND MARCH 18, 2014 SUBCOMMITTEE MEETINGS]

Meeting Summaries

[INCLUDE FUTURE MEETING SUMMARIES FROM 2/18 AND 3/18 SUBCOMMITTEE MEETINGS]

Documents & Materials Considered

TO BE PROVIDED

Detailed Findings & Recommendations

TO BE PROVIDED