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**Multnomah County Comprehensive Plan Update  
Air, Land, Water, Wildlife and Hazards Subcommittee Meeting #1**

**July 22, 2015 3:00 – 5:00 p.m.  
Room 126, Multnomah Building  
501 SE Hawthorne Blvd. Portland, Oregon**

**Agenda**

- I. Welcome and Introductory Remarks (5 minutes)
- II. Riparian Corridor Policy Issues (30 minutes)  
*Desired Outcome: An understanding of the issues and provide direction to staff about possible policy language.*
  - A. Review Summary Reports
  - B. Discuss Key Policy Questions
  - C. Public Comment
- III. Wetlands Policy Issues (30 minutes)  
*Desired Outcome: An understanding of the issues and provide direction to staff about possible policy language.*
  - A. Review Summary Reports
  - B. Discuss Key Policy Questions
  - C. Public Comment
- IV. Wildlife Habitat Policy Issues (30 minutes)  
*Desired Outcome: An understanding of the issues and provide direction to staff about possible policy language.*
  - A. Review Summary Reports
  - B. Discuss Key Policy Questions
  - C. Public Comment
- V. Natural Hazards Policy Topics (20 minutes)  
*Desired Outcome: An introduction to policy topics related to natural hazards this subcommittee will be addressing in future meetings.*

- VI. Wrap Up of Subcommittee Tasks ( 5 minutes)
  - A. Recap of Any Follow-up Tasks

- VII. Adjourn

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# Memorandum



July 14, 2015

**To:** Air, Land, Water, Wildlife and Hazards Subcommittee

**Cc:** Project Team

**From:** Rithy Khut, Assistant Planner

**Re:** Comprehensive Plan Policy Issue Analysis - Air, Land, Water, and Wildlife

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## OVERVIEW

This report presents a brief summary of preliminary policy issues that have been identified for further discussion by the Community Advisory Committee (CAC) and subcommittees. The issues are related to policies addressing environmental quality, including air, land, water, and wildlife. Issues are described briefly in this report in order to provide background and context for the CAC, and the Air, Land, Water, and Wildlife and Hazard Subcommittee to begin reviewing and prioritizing them for future discussions.

The basis for identifying these issues included:

- Has been identified as an issue of concern by community members expressed in comments from the November open houses
- Represents a frequent or long-standing area of concern for County staff and/or decision makers
- Involves a policy area or regulatory requirement where the County has discretion and wants to explore multiple options

The policy issues that are analyzed in this memo are related to the following Statewide Planning Goal 5 - Natural Resource topics:

- Riparian Corridors
- Wetlands
- Wildlife Habitat

For each issue topic (as applicable), this memo provides an analysis using the outline below.

1. Description of key policy issues and background information
2. Relationship to state law and potential level of County discretion or flexibility
3. Geographic applicability:
  - Do local conditions or Rural Area Plan policies appear to merit a differing approach among different rural areas?
4. Existing policies:
  - Does the County have existing policies to address this issue?
  - Are current policies or requirements the same across the entire county or do they differ among rural planning areas?

## 5. Related concerns expressed by community members

The information contained in this issue analysis was derived from a variety of sources including several internal memoranda on previous work the County has conducted in compliance with Statewide Planning Goal 5. Prior to reading this analysis, CAC and subcommittee members should refer to the background reports on:

- Goal 5 Inventories and EESE Analysis (dated: November 21, 2014)
- Standard and Safe Harbor Process Analysis (dated: May 19, 2015)

### ISSUE SUMMARY

Statewide Planning Goal 5 requires that counties inventory and adopt a program to protect significant Goal 5 resources. Multnomah County meets the requirements of Goal 5 through creation and application of the various Significant Environmental Concern (SEC) overlays and protection programs. The rationale for the existing inventories and regulations are found in:

- Howard Canyon Reconciliation Report (September 1994. Revised September 1995)
- West Hills Reconciliation Report (May 1996)
- East of Sandy River Wildlife Habitat and Stream Corridor ESEE Report (June 30, 1995; Revised January 1997)
- West of Sandy River Wildlife Habitat and Stream Corridor ESEE Report (December 12, 2002)

Based on these completed reports and analyses, the County currently has eight overlays that address various Goal 5 resources.

Table 1 – Goal 5 Resource and SEC overlays

<b>Goal 5 Resource</b>	<b>SEC Overlay</b>	<b>Rural Area/ Countywide?</b>
<b>Riparian Corridor</b>	SEC-s (Streams)	West Hills and East of Sandy River
<b>Riparian Corridor</b>	SEC-wr (Water Resource)	West of Sandy River
<b>Wetland</b>	SEC-w (Wetlands)	Sauvie Island & Multnomah Channel
<b>Wildlife Habitat</b>	SEC-h (Habitat)	West Hills and West of Sandy River
<b>State Scenic Waterways</b>	SEC-sw (Scenic Waterway)	West of Sandy River
<b>Mineral and Aggregate Resources</b>	PAM (Protected Aggregate and Material Sites) <ul style="list-style-type: none"><li>- Policies already completed and approved by CAC</li></ul>	West Hills
<b>Historic Resources</b>	HP (Historic Preservation) <ul style="list-style-type: none"><li>- Policies will be addressed in a separate memorandum</li></ul>	Countywide
<b>Scenic Views and Sites</b>	SEC-v (Views) <ul style="list-style-type: none"><li>- Policies already completed and approved by CAC</li></ul>	West Hills

## RIPARIAN CORRIDORS

Statewide Planning Goal 5 requires that counties inventory and adopt a program to protect significant riparian areas associated with rivers and streams. The process for creating the inventory and subsequent protection program is found in OAR Chapter 660, division 23. The County has already completed the process of determining significant riparian corridors from the riparian inventory. Additionally, the County has analyzed the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use to create regulations that are contained in the SEC-s and SEC-wr protection program.

Since the completion of the existing County riparian inventory and SEC protection programs, the State created additional rules that provided an alternative method to determine significant riparian corridors and forgo the need to conduct an ESEE analysis. This method, or “safe harbor,” uses objective standards to complete the Goal 5 inventorying process. The creation of a protection program also has “safe harbor” provisions that can be used in place of conducting an ESEE analysis.

Because the County is updating its Comprehensive Plan voluntarily rather than as part of a standard required “Periodic Review” process, the County is not required to add new riparian corridors to its inventory or create a new protection program based on the newly created inventory. However, staff recommends adding select streams by applying the objective “safe harbor” standards to those streams and updating the location of existing protected rivers and streams based on more precise data from the Oregon Department of Fish and Wildlife (ODFW) (see Figure 1A and 1B) . This will give the County the ability to use a GIS-based approach to add riparian corridors that were not originally determined as significant and update its existing inventory based on the latest available data.

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### KEY POLICY QUESTIONS

Following are key policy questions:

- *Should other streams corridors not currently in the inventory be added to the inventory based on County recommendations?*
- *If so, should these additional streams be protected following “safe harbor” provisions? [Note: the alternative would be to use existing SEC-s requirements which would require additional environmental analysis by the County];*
- *Should any of the rural area plan policies for riparian areas be applied county-wide?*

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### STATE REQUIREMENTS AND DEGREE OF DISCRETION

Outside of Periodic Review, state law does not require updating the riparian corridor inventory and protection program. As discussed in the memo, “Standard and Safe Harbor Process Analysis (dated: April 09, 2015)” the County can elect to add streams to the inventory using either the standard or “safe harbor” process and if streams are added to the inventory, they can

be protected using either the standard or “safe harbor” process. The standard process requires an ESEEE analysis, whereas the safe harbor process does not.

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## GEOGRAPHIC APPLICABILITY

This issue is generally applicable or relevant to all of the rural areas where:

- Streams and rivers were not considered significant due to lack of data
- Streams and rivers were not previously inventoried and could be re-evaluated to determine if they should be included in the inventory
- Streams and rivers were incorrectly mapped and the location can be improved based on new data

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## EXISTING COUNTY POLICIES

The Comprehensive Framework Plan contains the following policy related to riparian corridors:

### 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).

Policy 16-G also contains strategies that outline the Goal 5 process. Those strategies have been completed as part of the Rural Area Planning process or as part of the Reconciliation process.

In addition, the East of Sandy RAP contains specific policy language that seeks to balance protection of significant streams with use by property owners.

- 22. Encourage cooperative property owner organizations for individual streams and their watersheds to provide technical assistance and information regarding financial resources to people about best management practices necessary to protect streams.  
STRATEGY: Multnomah County will work cooperatively with the East Multnomah Soil and Water Conservation District and the U.S. Natural Resources Conservation Service to promote cooperative property owner organizations.
- 23. Work with the Oregon Department of Forestry to better protect significant streams from any negative impacts associated with timber harvesting.

STRATEGY: Multnomah County will forward this policy to the Oregon Department of Forestry for their consideration.

24. Provide incentives, consistent with current zoning, for new development which is compatible with and enhances significant streams and adjoining riparian habitat.

STRATEGY: When considering amendments to its zoning ordinance, Multnomah County will consider whether such amendments can act as an incentive to new development being compatible with and enhancing significant streams and adjoining riparian habitat.

25. Work with the East Multnomah County Soil and Water Conservation District to provide technical assistance and information regarding financial resources property owners about sound farming practices which also protect significant streams and adjoining riparian habitat.

STRATEGY: Multnomah County will work cooperatively with the East Multnomah Soil and Water Conservation District and the U.S. Natural Resources Conservation Service to develop an educational program which will let landowners become informed on how they can manage their properties to best protect streams and their watersheds while continuing to make productive agricultural use of their land.

26. Use property tax deferral and exemption programs to encourage streamside property owners to maintain and upgrade streams and adjoining riparian habitat.

STRATEGY: Multnomah County will work cooperatively with the East Multnomah Soil and Water Conservation District and the County Assessor to inform landowners become about the property tax deferral and exemption programs available to them for stream enhancement.

27. Monitor educational and/or regulatory programs to protect streams on a regular basis in order to gauge their effectiveness.

STRATEGY: Multnomah County will conduct periodic reviews of stream regulatory and educational programs to gauge their effectiveness.

The West Hills RAP also contains similar policies and strategies related to riparian resources with the following additional policies or strategies:

- Minimize runoff from roads, particularly from County road clearing processes.
- Consider additional streams for significance and protection if requested by a property owner or other interested party.

The proposed Sauvie Island/Multnomah Channel RAP now up for adoption also has one policy related to riparian corridors.

Policy 3.4 - Update the inventory of surface water resources and associated riparian areas in compliance with Goal 5 requirements. Apply the Significant Environmental Concern overlay to significant wetlands (SEC-w) and streams (SEC-s) in the planning area.

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## COMMUNITY MEMBER COMMENTS

The following comments regarding riparian corridors were provided during open house events held last November:

- Focus development towards areas of existing development and small lots and protect higher value areas in riparian and larger undeveloped areas.
- Improve regulations to increase buffer zones along roads and streams.
- It would be nice if the county would be more assertive about people who graze their cows in streams, and enforce riparian rules.
- Protect wildlife, streams and forests.
- Increase protection for wildlife habitat (oak woodlands), streams, and water quality.

## WETLANDS

To meet Statewide Planning Goal 5 - Wetland requirements, at minimum, counties are required to adopt the Statewide Wetland Inventory (SWI). A county may also elect to create a Local Wetland Inventory (LWI) as outlined in OAR Chapter 660, division 23. Multnomah County has completed the process of determining significant wetlands and has a LWI. Wetlands in the LWI are primarily located on Sauvie Island. Additionally, the county has analyzed the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use to create regulations that are contained in the SEC-w protection program.

The County is not required to add new wetlands to its LWI or create a new protection program based on the newly created inventory because the County is voluntarily updating its Comprehensive Plan outside of a Periodic Review process. Staff recommends adopting the Statewide Wetland Inventory and applying SEC-w protections in accordance with the Sauvie Island/Multnomah Channel RAP. Staff also recommends including other wetlands in the state inventory that were not included in previous county analyses as “notification wetlands” in order to ensure that the Oregon Department of State Lands (DSL), which regulates fill and removal of wetlands, is notified in the event of any proposal that would impact these wetlands (see Figure 2). The County can also elect to add other wetlands outside of SIMC area to its LWI that were not originally determined as significant using the Oregon Fresh Water Assessment Methodology (OFWAM). If the County elects to add wetlands to the LWI, it can adopt “safe harbor” provisions or complete an ESEE analysis to create a protection program.

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## KEY POLICY QUESTIONS

Following are key policy questions

- *Do you concur with staff's recommendation and the Sauvie Island policy directing the County to protect wetlands identified on the island as part of previous wetland inventories?*



- *Do you agree with the project team's recommendation to include wetlands shown in the state wetland inventory but not currently covered by the SEC-w overlay as "notification wetlands?"*
- *Should any of the rural area plan policies for wetlands be applied County-wide?*

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## STATE REQUIREMENTS AND DEGREE OF DISCRETION

Outside of Periodic Review, state law does not require updating the wetland inventory and protection program. The County can adopt the Statewide Wetland Inventory and require that applications for development notify the Department of State Lands (DSL), if the development encroaches on identified wetlands. Additionally, if the County feels that there are wetlands in the SWI that are significant or there are significant wetlands that were not identified in the SWI, the County could elect to add those wetlands to its LWI using OFWAM.. Once added to the LWI, the County can decide to use either the standard or "safe harbor" process to create a protection program for those wetlands.

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## GEOGRAPHIC APPLICABILITY

This issue is generally applicable or relevant to all of the rural areas where the SWI differs from Multnomah County's mapping efforts. This issue is also relevant to wetlands on Sauvie Island/Multnomah Channel that are not currently protected by the SEC-w overlay.

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## EXISTING COUNTY POLICIES

Within the Comprehensive Framework Plan, wetlands are included in Policy 16-G, which can be read above in the Riparian Corridors section of this analysis.

The West Hills RAP has one strategy concerning wetlands as it relates to water quality.

**POLICY 19:** Protect water quality in areas adjacent to Multnomah Channel through control of runoff from West Hills Rural Area streams.

**STRATEGY:** Revise the ESEE analysis and protection program for Burlington Bottoms to include discussion of water quality impacts from West Hills drainages into this wetland, and adopt appropriate zoning ordinance amendments to protect water quality in Burlington Bottoms.

The West of Sandy River has the following strategy:

**Strategy 1.2:** Multnomah County shall utilize the Statewide Wetland Inventory to identify the general location of wetlands within the West of Sandy River Rural Area.

The proposed Sauvie Island/Multnomah Channel RAP also has three policies related to wetlands that will be implemented as part of the Long Range Planning program upon adoption of the SIMC RAP by the Multnomah County Board of Commissioners.

Policy 3.4: Update the inventory of surface water resources and associated riparian areas in compliance with Goal 5 requirements. Apply the Significant Environmental Concern overlay to significant wetlands (SEC-w) and streams (SEC-s) in the planning area.

Policy 3.8: Encourage educational programs regarding the maintenance and restoration of wildlife habitat in the planning area, including programs addressing:

- (a) Maintenance and restoration of wildlife corridors.
- (b) Restoration and enhancement of wetlands, riparian areas and grasslands.
- (c) Planting of native vegetation hedgerows.
- (d) Conserving Oregon white oak habitat and bottomland cottonwood/ash forests.
- (e) Use of wildlife-friendly fencing.

Policy 3.12: Recognize and celebrate the heritage value of the natural resources of Sauvie Island to Native American tribes, including historic wetlands, riparian areas, water bodies and oak uplands. Encourage and support the protection and restoration of these resources.

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#### COMMUNITY MEMBER COMMENTS

The following comment regarding wetlands was provided during open house events held last November:

- The weed control is an issue, along streams, wetlands and forests. Regulations in place now are not enforced! Where is the soil and water department?

#### WILDLIFE HABITAT

To meet Statewide Planning Goal 5 – Habitat requirements, counties must inventory and adopt provisions to create a program to protect significant wildlife habitat resources. The county has already completed the process of inventorying significant wildlife habitat. Additionally, the county has analyzed the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use to create regulations that are contained in SEC-h protection program.

The County is not required to add new wildlife habitat to its inventory or apply the SEC-h to possible newly identified significant wildlife resources because the County is voluntarily updating its Comprehensive Plan.

However, the County may elect to add wildlife habitat using either the standard process or “safe harbor” provisions. There are two areas documented as big game habitat by the Oregon Department of Fish and Wildlife (ODFW) that are not already covered by the County’s SEC-H overlay (see Figure 3A and 3B). To add these areas to the inventory using “safe harbor” provisions, one or more of the following conditions must exist:

- (a) The habitat has been documented to perform a life support function for a wildlife species listed by the federal government as a threatened or endangered species or by the state of Oregon as a threatened, endangered, or sensitive species;
- (b) The habitat has documented occurrences of more than incidental use by a species described in subsection (a) of this section;
- (c) The habitat has been documented as a sensitive bird nesting, roosting, or watering resource site for osprey or great blue herons pursuant to ORS 527.710 (Oregon Forest Practices Act) and OAR 629-024-0700 (Forest Practices Rules);
- (d) The habitat has been documented to be essential to achieving policies or population objectives specified in a wildlife species management plan adopted by the Oregon Fish and Wildlife Commission pursuant to ORS Chapter 496; or
- (e) The area is identified and mapped by ODFW as habitat for a wildlife species of concern and/or as a habitat of concern (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, or pigeon springs).

There are no “safe harbor” provisions for creating a protection program, so if the County elects to add wildlife habitat to the inventory, the County is obligated to complete an ESEE analysis to apply the SEC-h protection program to the newly added wildlife habitat.

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#### KEY POLICY QUESTIONS

Following are key policy questions

- *Should the SEC-h overlay be applied to certain wildlife habitat areas not currently protected? [Note: This may result in additional restrictions on development in rural residential and/or other areas of the County in the East of Sandy River and Multnomah Channel areas. Additionally to use existing SEC-h requirements which would require additional environmental analysis by the County]]*

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#### STATE REQUIREMENTS AND DEGREE OF DISCRETION

Outside of Periodic Review, state law does not require updating the wildlife habitat inventory and protection program. As discussed in the memo, “Standard and Safe Harbor Process Analysis (dated: April 09, 2015)” the County can elect to add wildlife habitat to the inventory using either the standard or “safe harbor” process. If additional wildlife habitat is added to the inventory, the County must use the standard process and conduct an ESEE analysis to either apply the SEC-h provisions or create a new protection program.

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#### GEOGRAPHIC APPLICABILITY

This issue is generally applicable or relevant to all of the rural areas where wildlife habitat is not currently protected by an SEC-h overlay. However, the only documented wildlife habitat areas not already covered by the SEC-h overlay (per state data) are in the East of Sandy and SIMC areas.

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## EXISTING COUNTY POLICIES

The Comprehensive Framework Plan contains the following policy and strategies related to wildlife habitat. Strategy A and C have been completed:

### 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.
- 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.

The West Hills RAP also has various policies and strategies that address wildlife habitat. Some of the policies have been completed through the implementation of the SEC-h protection program. The West Hills RAP policies and strategies include:

**POLICY 26:** Balance protection of wildlife habitat with flexibility of use by property owners

STRATEGY: Enforce existing animal control restrictions on free-ranging domestic pets which can have a negative impact on wildlife.

STRATEGY: Develop programs to educate people about how wildlife habitat can co-exist with other uses on private property.

STRATEGY: Continue to collect data and information on the status of wildlife and wildlife habitat in the West Hills.

STRATEGY: Work with the Oregon Department of Forestry to better protect wildlife habitat from the negative impacts associated with timber harvesting.

STRATEGY: Work with the local Soil and Conservation Districts to educate farmers about sound farming practices which also protect wildlife habitat.

STRATEGY Provide incentives for development compatible with wildlife habitat.

The East of Sandy RAP has similar policies that direct the County to work with the Soil and Water Conservation District and Department of Forestry. The plan also suggests incentives for development that are compatible with wildlife habitat.

The proposed Sauvie Island/Multnomah Channel RAP also has similar policies and strategies that direct the County to work and collaborate with various agencies and groups. A new policy not found in other RAPs is:

Policy 3.2: Encourage voluntary conservation efforts such as conservation easements and community-based restoration projects that complement Multnomah County's Goal 5 (Natural and Cultural Resources) and Goal 15 (Willamette River Greenway) regulatory programs and if possible, extend the Wildlife Habitat tax deferral to MUA lands.

The West of Sandy RAP policies and strategies have all been completed as part of the SEC-h protection program.

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#### COMMUNITY MEMBER COMMENTS

During open house events held last November, there were many comments about wildlife. There were seven comments that listed wildlife habitat as something that was valued most. Individuals also commented that if Multnomah County successfully planned for the next 20 years, they would see:

- The community would remain rural with environmental overlays to support wildlife migration through to Forest Park.
- Folks would be more educated about how to encourage a healthy ecosystem outside the park (Forest Park), with special attention paid to wildlife connections to Coast Range.
- Degraded wildlife habitat would be restored and impediments to wildlife movement (including roads and culverts) would be reduced or eliminated... large blocks of wildlife, county policies that support wildlife and healthy streams...

One individual wanted the County to create clearer policy on wildlife protections and development in rural residential zones:

- The land parcels aren't big enough nor is the climate or soil or terrain optimal for large scale farming on most parcels. Recognize this and loosen up some of the allowed uses. If you want this to be a rural preserve, then allow wildlife habitat on rural residential sites. If you don't, then allow more development on smaller parcels of RR designation.

There were also many comments about wildlife habitat and road crossings. Many of the comments directed the county to take action to make road crossings safer for wildlife and drivers.

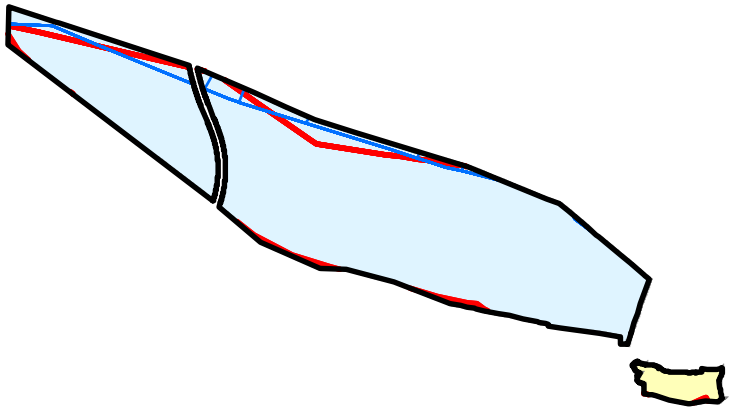
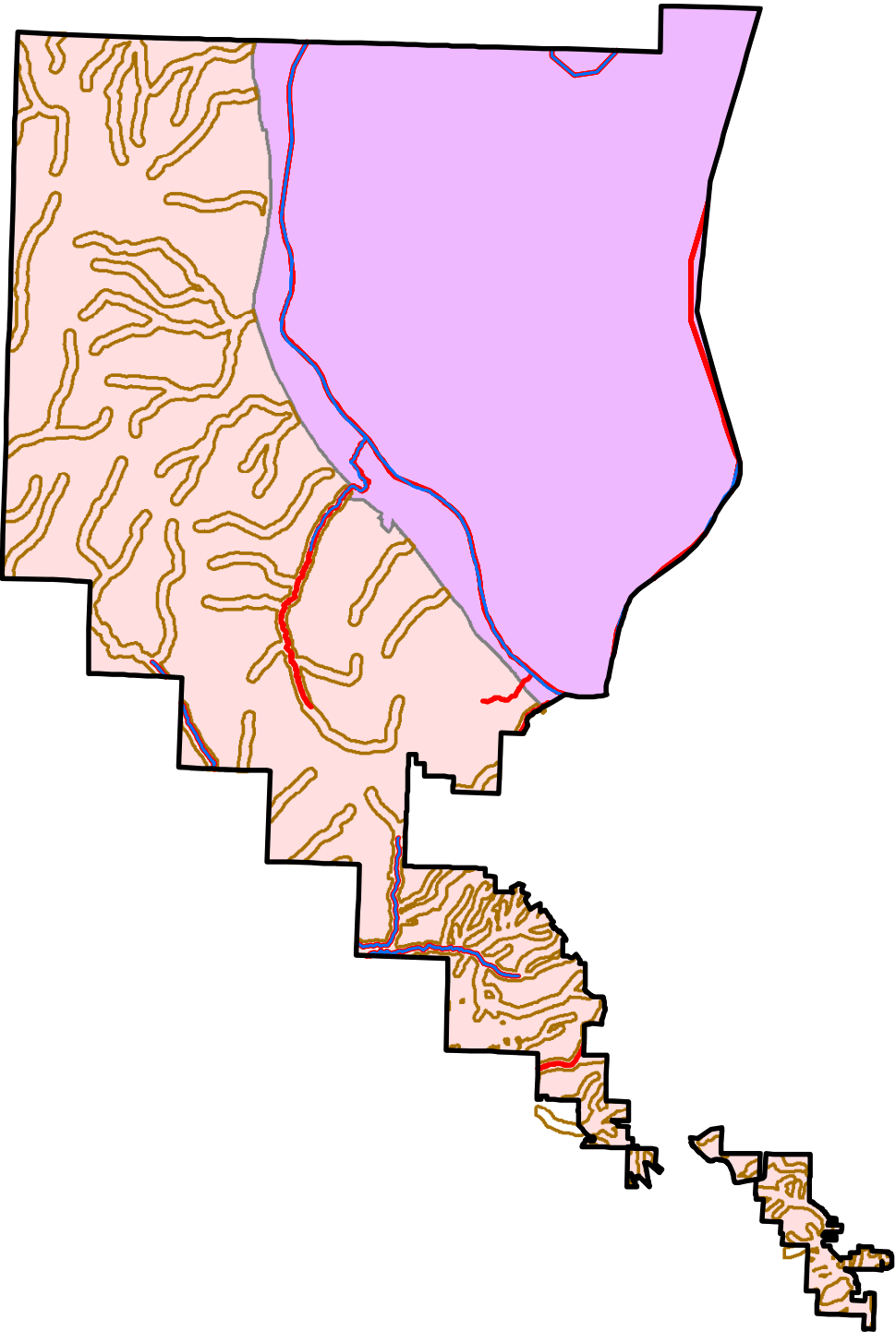


**Comprehensive Plan**

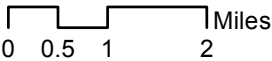
**FIGURE 1A. SEC STREAM -  
EXISTING DATA FISH  
HABITAT WEST**

**Legend**

- Study Area Boundary
  - Fish Habitat (ODFW)
  - Fish Habitat (StreamNet)
  - SEC Stream
  - SEC Water Resource
- Plan Areas
- GOVERNMENT ISLAND
  - INTERLACHEN
  - PLEASANT VALLEY
  - SAUVIE ISLAND
  - WEST HILLS
  - WEST OF SANDY



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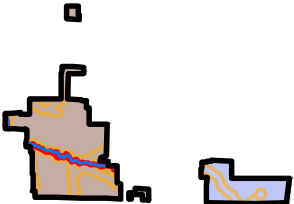


**Prepared By:**  
SWCA

**Date:**  
1/26/2015







**Coordinate System:**  
NAD 1983 HARN State Plane Oregon North FIPS 3601

**Disclaimer:**  
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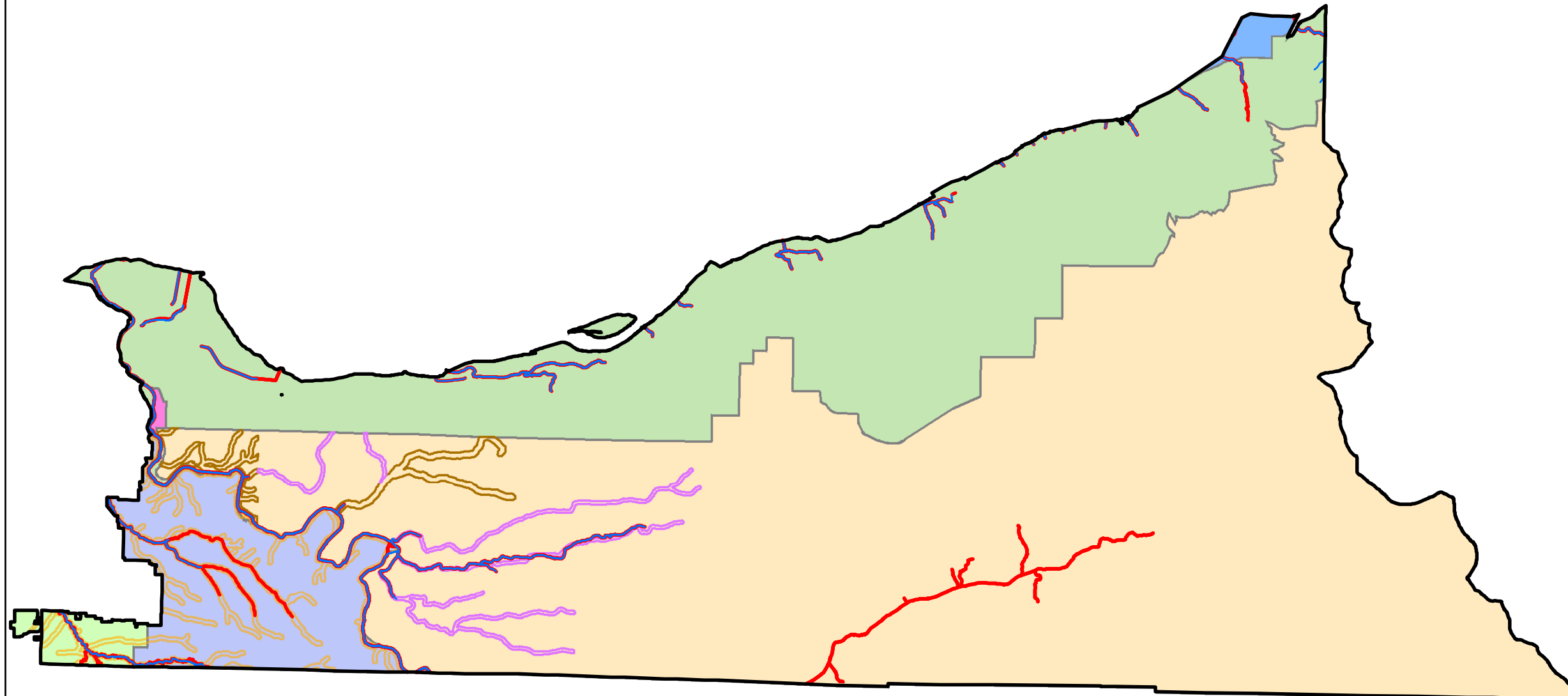
**FIGURE 1B. SEC STREAM -  
EXISTING DATA FISH  
HABITAT EAST**

**Legend**

-  Study Area Boundary
-  Fish Habitat (ODFW)
-  Fish Habitat (StreamNet)
-  Policy 21 Stream
-  SEC Stream
-  SEC Water Resource

**Plan Areas**

-  BONNEVILLE URBAN AREA
-  COLUMBIA RIVER GORGE
-  EAST OF SANDY
-  SPRINGWATER
-  TROUTDALE UPA
-  WEST OF SANDY



**DRAFT**

0 0.5 1 2 Miles



**Prepared By:**  
SWCA

**Date:**  
1/26/2015

**Coordinate System:**  
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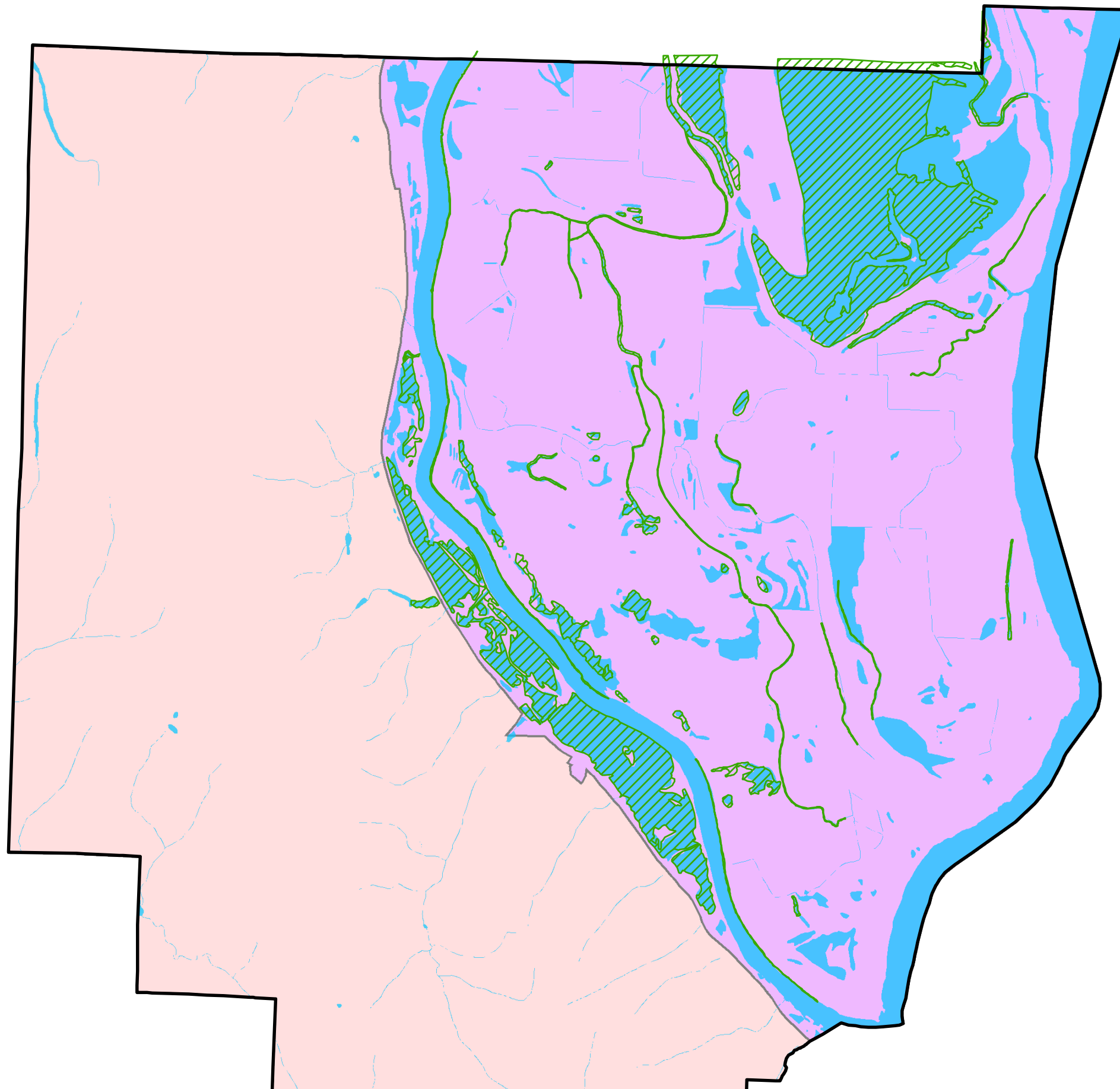
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**FIGURE 2. SEC WETLAND -  
OREGON EXPLORER  
WETLANDS WEST**

**Legend**

-  Study Area Boundary
-  SEC Wetland
-  Wetlands (OR Explorer)
- Plan Areas**
-  SAUVIE ISLAND
-  WEST HILLS



**DRAFT**

0 0.25 0.5 1 Miles



**Prepared By:**  
SWCA

**Date:**  
1/27/2015

**Coordinate System:**  
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**Comprehensive Plan**

**FIGURE 3A. SEC WILDLIFE  
HABITAT - EXISTING DATA  
WILDLIFE HABITAT WEST**

**Legend**

Study Area Boundary

SEC Habitat

Wildlife Linkage Buffers (ODFW)

Black Bear

Black-tailed Deer

Elk

Painted Turtle

Plan Areas

GOVERNMENT ISLAND

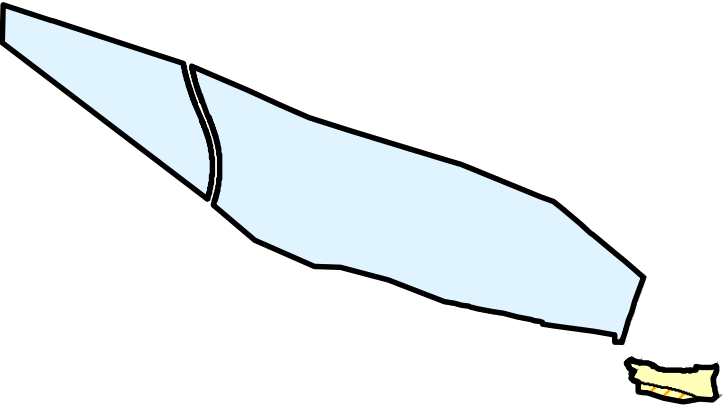
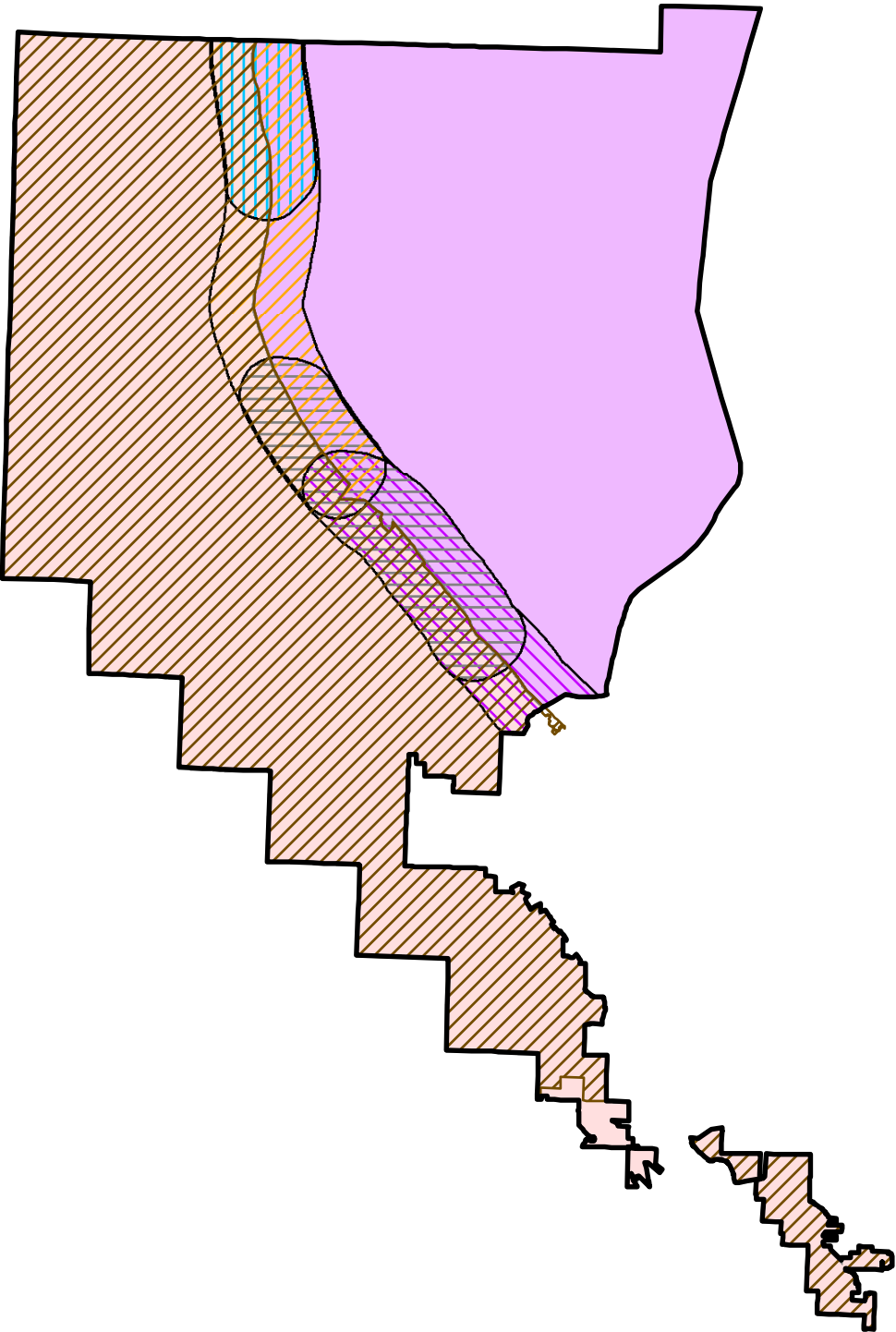
INTERLACHEN

PLEASANT VALLEY

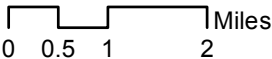
SAUVIE ISLAND

WEST HILLS

WEST OF SANDY



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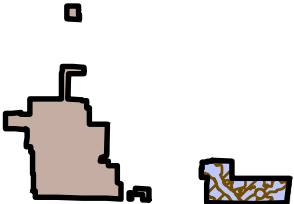


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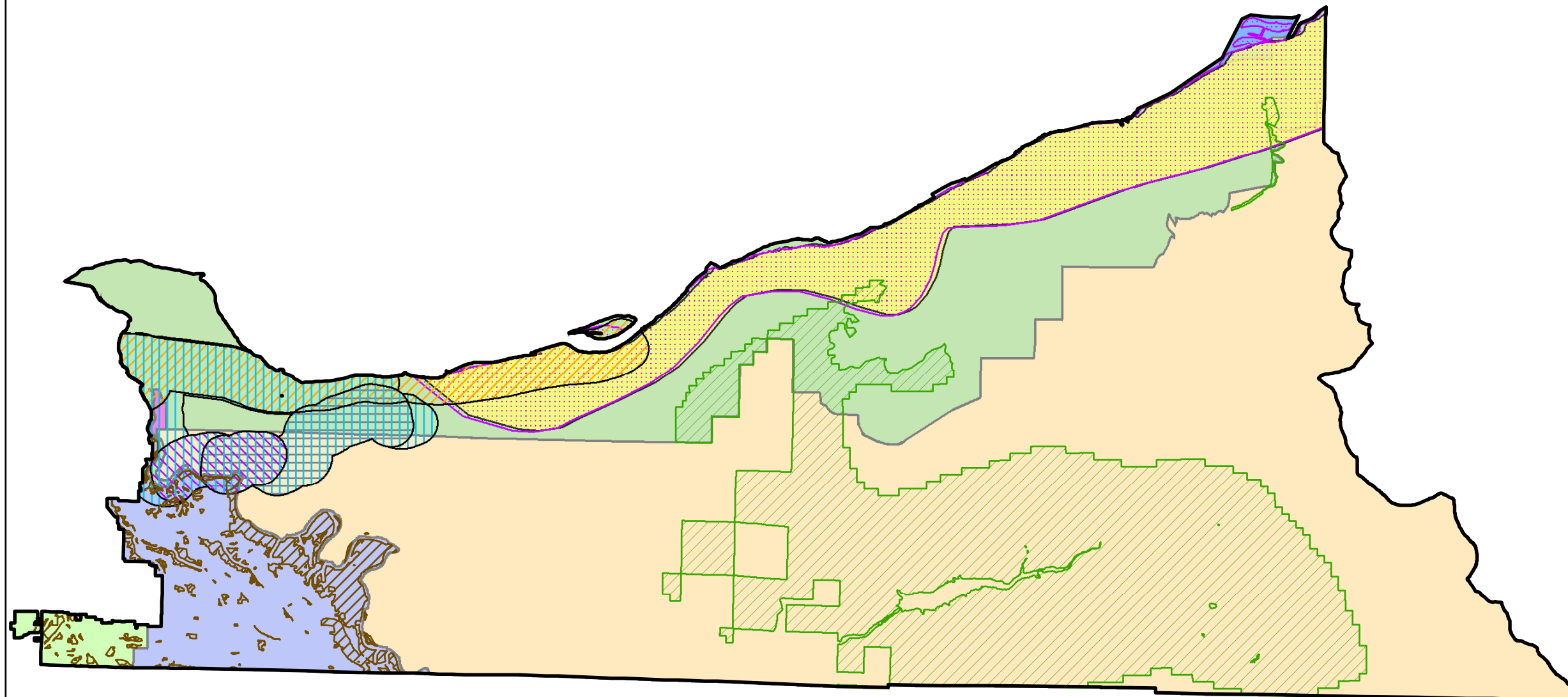
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**FIGURE 3B. SEC WILDLIFE  
HABITAT - EXISTING DATA  
WILDLIFE HABITAT EAST**

**Legend**

-  Study Area Boundary
-  SEC Habitat
-  Critical Habitat (USFWS)
-  Deer Winter Range (ODFW)
-  Elk Winter Range (ODFW)
- Wildlife Linkage Buffers (ODFW)
  -  Black Bear
  -  Black-tailed Deer
  -  Elk
  -  Painted Turtle
- Plan Areas
  -  BONNEVILLE URBAN AREA
  -  COLUMBIA RIVER GORGE
  -  EAST OF SANDY
  -  SPRINGWATER
  -  TROUTDALE UPA
  -  WEST OF SANDY



**DRAFT**

0 0.5 1 2 Miles



**Prepared By:**  
SWCA

**Date:**  
1/27/2015

**Coordinate System:**  
NAD 1983 HARN State Plane Oregon North FIPS 3601

**Disclaimer:**  
This map is intended for informational purposes only. While this map represents the best data available at the time of publication, Multnomah County makes no claims, representations, or warranties as to its accuracy or completeness. Metadata available upon request.

# Background Report



November 21, 2014

**To:** Air, Land, Water, Wildlife and Hazards Subcommittee  
**CC:** Project Team  
**From:** Rithy Khut  
**Re:** Goal 5 Inventories and EESE Analysis

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## SUMMARY

The purpose of this memo is to provide information regarding past Goal 5 inventories and EESE analyses within Multnomah County. Additionally this memo will look at the methods and conclusions of past inventories to be able to provide direction towards upcoming the Comprehensive Plan updates.

## BACKGROUND

As part of State Planning goals, Oregon has highlighted the need to protect natural resources and conserve scenic, historic, and open space resources as part of Goal 5. More specifically, the goals highlighted the need to inventory various resources including:

- |  |                                      |
|--|--------------------------------------|
| a. Riparian corridors, including water and riparian areas and fish habitat | g. Approved Oregon Recreation Trails |
| b. Wetlands  | h. Natural Areas                     |
| c. Wildlife Habitat  | i. Wilderness Areas                  |
| d. Federal Wild and Scenic Rivers  | j. Mineral and Aggregate Resources   |
| e. State Scenic Waterways  | k. Energy sources                    |
| f. Groundwater Resources   | l. Cultural areas                    |

Local governments and state agencies are also encouraged to maintain current inventories of the following resources:

- a. Historic Resources
- b. Open Space
- c. Scenic Views and Sites<sup>1</sup>

Oregon Administrative Rules (OAR) Chapter 660, divisions 16 and 23 outline how the local governments will achieve these goals. Beginning with the compilation of available data, municipalities determine resources to inventory based on location, quality and quantity.

Based on this determination, sites are classified as:

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<sup>1</sup> <http://www.oregon.gov/LCD/docs/goal/goal5.pdf>

- "1A" not significant and do not include within inventory
- "2B" Insufficient Information and delay inventory until further information is gathered
- "1C" Significant and include resources into the inventory

Once the inventory is established, the local government is required identify conflicting uses and then examine the impacts of either allowing, conditionally allowing or not allowing uses within those inventoried Goal 5 resource sites. The impacts of the use are analyzed by looking at the economic, social, environmental and energy (ESEE) consequences of each use. Based on the determination of the ESEE consequences a designation of either "3A" to preserve the resource, "3B" to fully allow the conflicting use or "3C" to limit the conflicting use is placed upon the resource area.

In Multnomah County, as part of the Comprehensive Framework Plan the establishment of all Goal 5 inventories has been completed as part of the work done during Periodic Review and the Rural Area Planning Program. There have been four ESEE analyses done. Two of the ESEE were requirements of Periodic Review:

- Howard Canyon Reconciliation Report (September 1994. Revised September 1995)
- West Hills Reconciliation Report (May 1996)

The remaining ESEE were conducted as part of the Rural Area Planning Program:

- East of Sandy River Wildlife Habitat and Stream Corridor ESEE Report (June 30, 1995; Revised January 1997)
- West of Sandy River Wildlife Habitat and Stream Corridor ESEE Report (December 12, 2002)

Additionally work done in regards to the County's development code has been found to comply with Title 13 of Metro's Functional Plan (Nature in Neighborhoods). That work was accomplished as part of the 2007 work program.

## FINDINGS

After reviewing the current Comprehensive Framework Plan and various ESEE analyses, these are the findings of the methods and conclusions of various analyses and what the resultant overlays were placed within the zoning code.

## COMPREHENSIVE PLAN

Within the currently adopted Comprehensive Framework Plan, the policies that have been adopted within Policy 16 outline the designation procedures within the various ESEE analyses. The Comprehensive Framework Plan outlines the use of the various designation determinations of "2A", "3A", and "3C". The resource sites that were identified and inventoried were given overlays of protections using the Willamette River Greenway (WRG) designation. For some of the resources, state or federal inventories were used to determine their location. The remaining

inventories for riparian corridors, wildlife habitat, mineral and aggregate resources and scenic views were done as part of the Rural Planning Program.

## HOWARD CANYON RECONCILIATION REPORT

In 1987, the Department of Land Conservation and Development (DLCD) requested that Multnomah County conduct a Periodic Review of the county's Comprehensive Framework Plan. Completing the work in 1989, Multnomah County submitted the review for consideration and was subsequently asked to complete additional work in two areas, Howard Canyon and the West Hills. The resulting Howard Canyon Reconciliation Report looked at the mining operations at Howard Canyon and the surrounding streams.

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### STREAMS

The report focused on three streams, Big Creek, Howard Canyon Creek and Knieriem Creek within the Howard Canyon area. Using a designation classification of "1C" Significant and an appropriate level of protection classification of "3C", the ESEE analysis found that Big Creek, Howard Canyon Creek and Knieriem Creek all met the location, quality and quantity conditions to be considered "1C" significant and "3C" to limit conflicting uses. An overlay was subsequently applied over each of the three creeks.

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### MINERAL AND AGGREGATE RESOURCES

In 1990, the mining of Howard Canyon aggregate was deemed a significant Goal 5 resource. However, during the Periodic Review process, a redrafting and review of the 1990 analysis was conducted to more closely match OAR requirements. After a lengthy review process between the Howard Canyon quarry, Land Conservation and Development Commission (LCDC), and the County, it was determined that mining at Howard Canyon was not a significant Goal 5 resource.

## WEST HILLS RECONCILIATION REPORT

As part of the 1987 Periodic Review, DLCD also requested that Multnomah County submit additional work relating to Goal 5 inventories in the West Hills. Completed in 1996, the West Hills Reconciliation Report looked at scenic views, streams, the Angell Brothers Aggregate site, and wildlife resources.

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### SCENIC VIEWS

The first resource inventory was conducted was on scenic views of the Tualatin Hills. Initially, the County designated the resource as a "1B" (lacking sufficient information to determine significance). As part of the Remand Order, the LCDC required the county to complete the determination. The report identified the eastern facing slopes of the Tualatin Hills as significant due to lack of scenic resources in the western part of the county. The hills also exhibit variety, intactness, lack of development and provide scenic views from many close lying areas. Using

an Observer Inferior position from key areas and an analysis of topography, visual observations and mathematical computation, it was determined that the study area was significant and should be designated “3C”. As part of the ESEE analysis conflicting uses reconciled and the report recommended that agriculture, forestry, uses and structures in Burlington and any other use or structure, which is would not be visible from a key viewing area fully allowed. Additionally, residences, mining and any use or structure which is visible from a key viewing area, unless in Burlington be conditionally allowed.<sup>2</sup>

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## STREAMS

The second resource studied within the West Hills was streams. As part of the stream inventory, all of the streams located in the West Hills were analyzed using a modified “streamwalk” methodology and a wildlife habitat assessment process. Through this process, a majority of the streams within the study area was deemed to be significant and should be designated “3C” based on the requirements listed in location, quantity and quality. Of the 64.2 miles of streams, only Angell Bros. South”, “Angell Bros. Middle” and Newberry” streams were not considered significant. To complete the Goal 5 process an ESEE analysis was conducted to reconcile conflicting uses. Based on the reconciliation, it was recommended to allow forestry and farming while all other use allowed conditionally. The report also recommended a buffer of 300 ft from the centerline of each significant stream.

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## MINERAL AND AGGREGATE RESOURCES

The Angell Brothers Aggregate area was also studied as part of this Periodic Review process. Prior to this Periodic Review process, a study was completed in 1990 and it was determined that the aggregate site was significant Goal 5 Mineral and Aggregate resource. The Periodic Review confirmed that determination that the 114-acre site should remain “3C”.

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## WILDLIFE RESOURCES

The final resource studied during this Periodic Review was wildlife. As part of the significance analysis, the report described the location, quality and quantity of the wildlife habitat in the West Hills. Based on this determination, it was found that because of the moderate-to-high value habitat that was close to a major metropolitan area that linked Forest Park to the Coastal Range, that a majority of the West Hills be designated “3C” significant. The Bonny Slope area was determined to be “1A” not significant. To complete the Goal 5 process an ESEE analysis was conducted to reconcile conflicting uses. Based on the reconciliation, it was recommended to allow forestry and farming while all other use allowed conditionally.

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<sup>2</sup> West Hills Reconciliation Report Revised – May 1996, pg VI-17



## EAST OF SANDY

As part of the Rural Area Planning Program, Multnomah County conducted an ESE Analysis for the East of Sandy in 1995, which was revised in 1997. Conducted by Winterowd Planning Services (WPS), the consultant group looked at both wildlife and stream resources. The study area was limited to watersheds that were within the jurisdiction of Multnomah County that were not within the jurisdiction of the Mt. Hood National Forest, the Columbia River Gorge National Scenic Area, or the USDA Forest Service. Additionally the study did not conduct stream walks on Thompson, Cat, Veil, Donahue and Young creeks due to private access issues and did not look at the previously analyzed Howard Canyon, Knieriem Creek and Big Creek areas. The East of Sandy River Rural Area contract study areas are comprised of five watersheds and stream corridors: Smith, Pounder, Buck, Gordon, Trout and Latourell Creeks. This ESEE analysis concluded in adding additional stream overlays.

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### WILDLIFE RESOURCES

As part of the steam walk process, WPS conducted a Wildlife Habitat Assessment (WHA) that was originally developed for the City of Beaverton. Based on the scoring of the WHA and a determination of location, quality and quantity, WPS determined that more than 80% of the East of Sandy was significant wildlife habitat. Therefore, all land within the East of Sandy River was classified as “1C” wildlife habitat resource. Based on this classification, the ESEE analysis looked at the possible conflicting uses and how best of resolve those conflicts. It was determined that within the more heavily populated areas in the west of the East of Sandy the addition of an SEC overlay would provide insignificant gains in wildlife protection and have negative economic and social impacts. Additionally within the eastern portion of the Plan Area the CFU zoning in place was already providing safeguards so that an additional SEC overlay was redundant.

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### STREAM RESOURCES

WPS conducted an analysis of the various watersheds and stream corridors. They elected to use the same stream walk methods as the previous Howard Canyon and West Hills Reconciliation Report to provide internal consistency with previous reports. The found with within the five watersheds and stream corridors: Smith, Pounder, Buck, Gordon, Trout and Latourell Creeks that each stream corridor was classified as “1C” significant. Based on this classification, it would seem that an SEC overlay was placed on all of the streams in each of the five watersheds. Additionally based on the zoning map and zoning code, the same restrictions placed as part of the Howard Canyon Reconciliation process were adopted to match the newly added streams in the East of Sandy Plan Area.

## WEST OF SANDY

The final ESEE analysis was done in the West of Sandy rural planning area. Adopted in 2002, Conducted by Fishman Environmental Services (FES), the consultant group looked at both wildlife and riparian resources. The study area encompassed all of the land between the urban growth boundary to the west and the Sandy River east. This included the three large riparian corridor systems of Beaver Creek, Johnson Creek and Kelly Creek North and South. FES used a modified application of the Wildlife Habitat Assessment and a newly developed system to look at riparian resources. Since the study area was assessable and crisscrossed by roads, an offsite inventory and assessment method was preferred over a “stream walk” method. The resulting analysis and inventory added additional wildlife and water resource overlays to the planning area.

### WILDLIFE RESOURCES

As part of the analysis, FES looked at wildlife habitat units in areas that were stream-associated (riparian/upland) forests and isolated (upland) forests. They identified twenty-nine wildlife habitat units of which twenty are stream-associated and nine are isolated. All stream-associated wildlife habitat units were determined to be significant. Five of the isolated wildlife habitat units were also determined to be significant. Based on this determination, the ESEE analysis recommended that an SEC overlay be placed on significant area and that all conflicting uses should be limited. The SEC overlay in most places follows the major creeks or are along the Sandy River.

### STREAM RESOURCES

WPS conducted an analysis of the various watersheds and stream corridors. They elected to use a newly developed system to look at riparian resources that was markedly different from the stream walk method. This new system was aided by the fact that most streams were easily assessable by road. The analysis found that each of the three creeks, Beaver, Johnson and Kelly and their tributaries were significant. Based on this classification, an SEC overlay was placed on each of the creeks and tributaries in the West of Sandy that limited conflicting uses. Additionally as part of the protection program the report looked at Metro Title 3 requirements for Water Quality and Floodplain. Based on those Metro requirements, it was determined that the impact area for riparian corridors would be between 15-200 feet from all streams that are mapped in the study area.

## TITLE 13 – NATURE IN NEIGHBORHOODS

In 2005, Metro placed additional requirements on cities and counties to become compliant with Title 13 of Metro’s Functional Plan regarding fish and wildlife habitat. Title 13 or Nature in Neighborhoods sought to create regional regulations that would help cities and counties meet statewide Goal 5 requirements. The ordinance did give cities and counties some flexibility by



allowing local jurisdictions to adjust the model ordinance to fit local needs or alternatively allow each municipality to develop their own code to meet the requirements.

Multnomah County chose to use their current code and conduct an analysis of their current SEC zoning to see if it complied with Title 13 requirements. Based on a code analysis and comparison, it was found that the SEC-wr and SEC-s zones that were within Metro boundaries were generally compliant with Metro requirements.

## CONCLUSION

The above Reconciliation Report and EESE analyses have a number of potential implications for the Multnomah County Comprehensive Plan Update. Each of these documents provides the underlying information for the application of SEC overlays. It would seem that a majority of the creeks, streams, habitat and other Goal 5 resources have been identified, inventoried and if required appropriate protections have been applied. Based on when the overlay was created there is some inconsistency to the requirements. Generally, overlays that were applied more recently have more flexibility yet also have more requirements for approval.

# Background Report



May 19, 2015

**To:** Air, Land, Water, Wildlife and Hazards Subcommittee

**CC:** Project Team

**From:** Rithy Khut, Assistant Land Use Planner

**Re:** Goal 5, Natural Resources – Standard and Safe Harbor Process Analysis

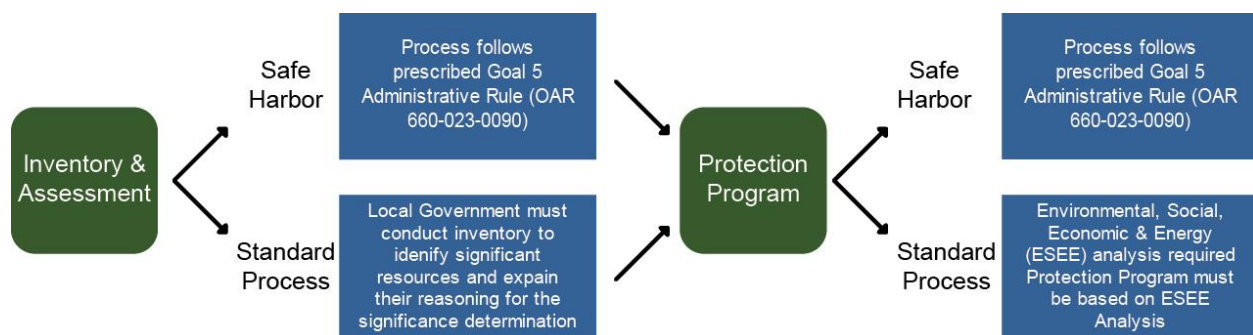
## SUMMARY

The purpose of this memo is to provide background information regarding the requirements for complying with Statewide Planning Goal 5, Natural Resources. In particular, this analysis will focus on both the standard process and safe harbor provisions within Oregon Administrative Rule 660, Division 23. After discussing each methodology, the analysis will compare the current West Hill significant environmental concern (SEC) overlays to safe harbor provisions. Since the West Hills SEC overlays are similar to those applied in other rural areas of the county, this comparison will verify whether the County's protection program is compliant with safe harbor provisions.

## BACKGROUND

There are two methodologies to achieve compliance with Statewide Planning Goal 5. As of 1996, local governments can choose either the "standard" approach or the "Safe Harbor" approach. Using the standard approach requires the local government to create an inventory of the resource and carefully justify its decision to protect or not protect the resource using an economic, social, environmental, and energy (ESEE) consequence analysis. This approach can be costly, time consuming and open to legal challenge. Alternatively, the local government can choose to use the safe harbor approach. The safe harbor approach is standardized and prescriptive thereby lowering the cost and time because there is less flexibility for local governments to cater their protection to local conditions.

**Figure 1 – Goal 5 Significant Resource Process**



Using either method can be broken into a two-step process. The first part is to create an inventory of significant resources specific to Goal 5. The second part is to adopt measures to protect the resource. Local governments have the ability to use either method, standard or safe harbor for each of the parts (Figure 1). For example, a jurisdiction could elect to use the safe harbor approach to create its inventory of significant resources and then conduct an ESEE analysis to determine its protection program.

## RIPARIAN RESOURCES (OAR 660-0023-0090)

### STANDARD PROCESS

To conduct the standard inventory process, the local government must meet the requirements of OAR 660-023-0030. To accomplish this task the government must collect information on all water areas, fish habitat, riparian areas and wetlands within riparian corridors. At a minimum, the following resources should be used to determine the inventory:

- (a) Oregon Department of Forestry stream classification maps;
- (b) United States Geological Service (USGS) 7.5-minute quadrangle maps;
- (c) National Wetlands Inventory maps;
- (d) Oregon Department of Fish and Wildlife (ODFW) maps indicating fish habitat;
- (e) Federal Emergency Management Agency (FEMA) flood maps; and
- (f) Aerial photographs

The local government can also elect to conduct field investigations to verify the location, quality and quantity of resources.

Once an inventory is created, a protection program can be developed. To develop this program, the local government is required to conduct an ESEE analysis as outlined in OAR 660-023-0040. The goal of the analysis is to balance the protection of the riparian resource and other local priorities.

There are four steps in the ESEE process:

- Identify conflicting uses;
- Determine the impact area;
- Analyze the ESEE consequences; and
- Develop a program to determine whether to allow, limit, or prohibit identified conflicting uses for significant resource sites

In developing the protection program, the local government must identify at least the following activities as conflicting uses in riparian corridors:

1. The permanent alteration of the riparian corridor by placement of structures or impervious surfaces, except for water-dependent or water-related uses and replacement of existing structures with structures in the same location that do not disturb additional riparian surface area; and

2. Removal of vegetation in the riparian area, except as necessary for restoration activities, the development of water-related or water-dependent uses, and on lands designated for agricultural or forest use outside UGBs.

Additionally, local governments must follow the requirements of OAR 660-023-0050 on creating its program to achieve Goal 5. For each resource site, local governments must adopt comprehensive plan provisions and land use regulations to implement the decisions made pursuant to ESEE analysis. The plan and implementing ordinances must:

- Describe the degree of protection intended for each significant resource site, and
- Clearly identify those conflicting uses that are allowed and the specific standards or limitations that apply to the allowed uses

Implementing measures must contain clear and objective standards or alternatively a performance standard that describes the outcome to be achieved by the design, siting, construction, or operation of the conflicting use, and specifies the objective criteria to be used in evaluating outcome or performance.

#### SAFE HARBOR

The local government may elect to use safe harbor provisions to create its inventory and protection program. For the inventory, a local government may determine the boundaries of significant riparian corridors using a standard setback distance from all fish-bearing lakes and streams. Using the same resources and maps listed above from the standard process, the inventory consists of the following:

- (a) Along all streams with average annual stream flow greater than 1,000 cubic feet per second (cfs), the riparian corridor boundary shall be 75 feet upland from the top of each bank.
- (b) Along all lakes, and fish-bearing streams with average annual stream flow less than 1,000 cfs, the riparian corridor boundary shall be 50 feet from the top of bank.

Once an inventory is determined, a protection program to meet the Goal 5 requirements will be created using safe harbor provisions. The local jurisdiction must adopt specific ordinances that:

1. Prevent permanent alteration of the riparian area by grading or by the placement of structures or impervious surfaces, except for the following uses, provided they are designed and constructed to minimize intrusion into the riparian area:
  - Streets, roads, and paths;
  - Drainage facilities, utilities, and irrigation pumps;
  - Water-related and water-dependent uses; and
  - Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area
2. Control the removal of riparian vegetation, except for the removal of:
  - Non-native vegetation and replacement with native plant species; and
  - Vegetation necessary for the development of water-related or water-dependent uses

Additionally, the ordinance must include a procedure to consider hardship variances, claims of map error, and reduction or removal of the restrictions for any existing lot or parcel demonstrated to have been rendered not buildable by application of the ordinance. The ordinance may also authorize the permanent alteration of the riparian area by placement of structures or impervious surfaces within the riparian corridor boundary established upon a demonstration that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures. In no case shall such alterations occupy more than 50 percent of the width of the riparian area measured from the upland edge of the corridor.

## WETLANDS RESOURCES (OAR 660-0023-0100)

### STANDARD PROCESS

The local government may elect to conduct a local wetland inventory (LWI). If a local wetland inventory is conducted for areas outside an urban growth boundary (UGB) or an urban unincorporated community (UUC), OAR 660-023-0100 requires that the local government follow the same requirements for areas inside the UGB or UUC. The procedures are outlined in OAR 141-086-0110 through 141-086-0240. Significant local wetlands to be added to the LWI are required to be identified following the criteria created by the Division of State Lands pursuant to ORS 197.279(3)(b).

Once a LWI is created, the process to create a protection program requires the local government to conduct an ESEE analysis. The ESEE process for wetlands is the same as for riparian areas as discussed earlier.

### SAFE HARBOR

For areas outside of an urban growth boundary or an unincorporated community, the safe harbor inventory is the statewide wetland inventory (SWI). If the local government elects to use safe harbor provisions to create its protection program, it must adopt land use regulations that require notification to Department of State Lands (DSL) concerning applications for development permits or other land use decisions affecting wetlands on the inventory, as per ORS 227.350 and ORS 215.418.

If the local government outside of the UGB or UUC elects to create a LWI, the local government may elect to use safe harbor provisions. The local jurisdiction must adopt two specific ordinances:

1. The protection ordinance shall place restrictions on grading, excavation, placement of fill, and vegetation removal other than perimeter mowing and other cutting necessary for hazard prevention; and
2. The ordinance shall include a variance procedure to consider hardship variances, claims of map error verified by DSL, and reduction or removal of the restrictions under

paragraph (A) of this subsection for any lands demonstrated to have been rendered not buildable by application of the ordinance.

## WILDLIFE RESOURCES (OAR 660-0023-0110)

### STANDARD PROCESS

To conduct the standard inventory process, local governments must collect habitat information from various state and federal agencies. At minimum, the local government must conduct an inventory process described in OAR 660-023-0030 based on:

- (a) Threatened, endangered, and sensitive wildlife species habitat information;
- (b) Sensitive bird site inventories; and
- (c) Wildlife species of concern and/or habitats of concern identified and mapped by ODFW (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs)

After the inventory is established, the standard ESEE procedures and requirements of OAR 660-023-0040 and 660-023-0050, which were discussed earlier, must be followed to develop the protection program.

### SAFE HARBOR

For safe harbor, the local governments are required to collect the same habitat information as if they were conducting the standard process. However, to determine significance, they do not need to follow OAR 660-023-0030, instead they must designate significant wildlife habitat by choosing sites where one or more of the following conditions exist:

- (a) The habitat has been documented to perform a life support function for a wildlife species listed by the federal government as a threatened or endangered species or by the state of Oregon as a threatened, endangered, or sensitive species;
- (b) The habitat has documented occurrences of more than incidental use by a species described in subsection (a) of this section;
- (c) The habitat has been documented as a sensitive bird nesting, roosting, or watering resource site for osprey or great blue herons pursuant to ORS 527.710 (Oregon Forest Practices Act) and OAR 629-024-0700 (Forest Practices Rules);
- (d) The habitat has been documented to be essential to achieving policies or population objectives specified in a wildlife species management plan adopted by the Oregon Fish and Wildlife Commission pursuant to ORS Chapter 496; or
- (e) The area is identified and mapped by ODFW as habitat for a wildlife species of concern and/or as a habitat of concern (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, or pigeon springs).

Once the inventory is completed and a determination of significance has been made, there are no safe harbor provisions to guide the creation of the wildlife protection program. Local governments must use the standard ESEE procedures and requirements of OAR 660-023-0040 and 660-023-0050, as discussed earlier.

#### COMPREHENSIVE PLAN UPDATE

SWCA, the county's consultant on Goal 5 compliance, recommends that Multnomah County use the safe harbor methodologies to identify new significant goal 5 resources. The inventories for riparian corridors, wetlands, and wildlife habitat have been completed using safe harbor provisions. However, SWCA has yet to identify which protection program methodology they will recommend. For riparian corridors and wetlands, the county may elect to use either the standard process or safe harbor. For wildlife resources, there are no safe harbor provisions so further discussion with DLCD and SWCA is needed.

# Summary Report

## Comprehensive Plan Update

July 14, 2015

**To:** Air, Land, Water, Wildlife and Hazards Subcommittee  
**From:** Matt Hastie, Angelo Planning Group  
Rich Faith and Rithy Khut, Multnomah County Planning  
**Re:** Comprehensive Plan Policy Issues Analysis – Natural Hazards

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### OVERVIEW

This memo presents an analysis of policy issues related to natural hazards that have been identified for discussion by the Air, Land, Water, Wildlife and Hazards Subcommittee, as well as the project Community Advisory Committee (CAC). These represent issues where the County may revise current policies or adopt new policies to address these issues as part of the Comprehensive Plan update.

The basis for identifying these issues included:

- Has been identified as an issue of concern by community members.
- Represents a frequent or long-standing area of concern for County staff and/or decision makers.
- Involves a policy area or regulatory requirement where the County has discretion and wants to explore multiple options.
- Was identified through an initial review of existing Comprehensive Framework Plan and Rural Area Plan policies as a gap in the County's policies.

Using this information, the project team has prepared a brief preliminary list of possible policy issues for review and discussion with the CAC and relevant subcommittees. Additional issues may be identified by the CAC or subcommittee and this memo may be expanded to address such issues, if needed.

The policy issues that are analyzed in this memo are related to the following topics:

- Steeps slopes and landslide hazard areas
- Floodplain and channel migration
- Wildfire hazards

For each issue topic (as applicable), this memo provides an analysis using the outline below.

1. Description of key policy issues and background information
2. Relationship to state law and potential level of County discretion or flexibility
3. Geographic applicability:
  - Do local conditions or Rural Area Plan (RAP) policies appear to warrant unique approaches in the different rural areas?



4. Existing policies:
  - Does the County have existing policies to address this issue?
  - Are current policies or requirements the same across the entire county or do they differ among rural planning areas?
5. Related concerns expressed by community members

The information contained in this report was derived from a variety of sources including the County's draft Hazard Mitigation Plan and memos that summarize state requirements and available data related to natural hazards.

## ISSUE DESCRIPTIONS AND ANALYSES

### STEEP SLOPE AND LANDSLIDE HAZARDS

State Planning Goals call for cities and counties to adopt Comprehensive Plan policies and implementation measures to reduce risks associated with a variety of hazards, including those associated with erosion and landslides. The County currently regulates development on steep slopes to address risks in such areas related to erosion or landslides. The County's Hillside Development Overlay Zone is applied to these areas and includes a number of requirements related to the assessment and documentation of risk and restrictions on development where slopes exceed 25%. Since those requirements were put into effect, newer data has become available via the Oregon Department of Geology and Mineral Industries (DOGAMI) that identifies other locations that also may be susceptible to landslides, such as locations of previous landslides and/or other areas.

The County could choose to update its current maps and regulations to regulate development in these additional potential hazard areas. A number of other counties in the state have taken this approach. The County's Natural Hazards Mitigation Plan (2012) recommended that the Hillside Development Overlay be updated to better reflect information about landslide hazards identified in that plan.

In addition, there currently are conflicting policies in the County's Comprehensive Framework Plan and West Hills RAP. The Framework Plan calls for regulating areas with slopes greater than 20%, while the West Hills RAP and the Development Code (Hillside Development Overlay Zone) regulate development on slopes greater than 25%.

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### KEY POLICY ISSUES

- *Should the existing County-wide policy related to these hazards be changed to apply to slopes steeper than 25% as recommended in the West Hills RAP to address the discrepancy between the two planning documents and to be consistent with the existing Hillside Development Overlay zone?*
- *Should the County expand its Hillside Development Ordinance to address areas such as landslide hazard areas recently mapped by DOGAMI (which reach beyond steep*

*slopes), buffer areas adjacent to a steep slope, or other similar areas, as recommended by County's Natural Hazards Mitigation Plan (2012)?*

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#### STATE REQUIREMENTS AND DEGREE OF DISCRETION

Statewide Goal 7 governs regulation of natural hazard areas. In general the rule calls for local jurisdictions to do the following:

1. Adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards, including landslides.
2. Review new hazard information provided by the state or federal government.
3. Evaluate the risk to people and property based on the new inventory information and an assessment of the frequency, severity and other aspects of the risk.
4. Allow an opportunity for citizen review and comment on the new inventory information and the results of the evaluation and incorporate such information into the comprehensive plan, as necessary.
5. Adopt or amend, as necessary, based on the evaluation of risk, plan policies and implementing measures, including avoiding development in hazard areas where the risk to people and property cannot be mitigated; and prohibiting the siting of essential facilities, major structures, hazardous facilities and special occupancy structures, in identified hazard areas, where the risk to public safety cannot be mitigated, except under special circumstances.

The state does not have any specific administrative rules or statutes that implement Goal 7. As a result, there is a significant amount of flexibility in the specific policies and regulations that can be adopted by a city or county.

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#### GEOGRAPHIC APPLICABILITY

This issue is applicable to most rural areas within the County although it has limited applicability in the Sauvie Island/Multnomah Channel area, given the relatively flat topography in that area.

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#### EXISTING COUNTY COMPREHENSIVE PLAN AND RURAL AREA PLAN POLICIES

The County's existing Comprehensive Framework Plan includes one policy (#14) related to potential natural hazards which includes the following language related to this topic:

*A. 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;

.....

*Land subject to slumping, earth slides or movement.*

### *Strategies*

2. County development standards should include provisions for:
  - a. Geologic impact analysis utilizing the County's Geologic and Slope Hazard Study;
  - b. Sediment and erosion control;

.....

*d. Retention of vegetation and significant natural or habitat areas where these will mitigate natural hazards.*

The West Hills RAP also includes a policy and strategy related to this topic. None of the other RAPs address this topic.

**POLICY 23:** *Protect lands having slopes greater than 25% from inappropriate development.*

**STRATEGY:** *Revise the Multnomah County Comprehensive Framework Plan to designate lands with average slope greater than 25% as having development limitations. This action will resolve an inconsistency between the Comprehensive Framework Plan and the Hillside Development Overlay provisions of the Multnomah County Zoning Ordinance.*

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## COMMUNITY MEMBER COMMENTS

The following comments regarding landslide hazards were provided during open house events:

- Regulate and restrict building on steep slopes. Earthquake and slide failure is a great hazard.
- Concerned that DOGAMI Lidar surveys will be used to restrict buildable areas due to landslide hazard. People should have information and make their own decisions on the risk of The Big One.
- Landslide and earthquake hazard is real and needs to limit building on steep areas.

## FLOODPLAIN PROTECTION AND CHANNEL MIGRATION

Like other local jurisdictions, Multnomah County has policies and regulations which limit or regulate development in areas prone to flooding, including floodways and floodplains. A variety of County policies and regulations address this issue, including participation in the National Flood Insurance Program. Flood insurance maps for the County were updated in 2009 and the County's Development Code was updated in 2008 to add regulatory requirements to preserve floodplain function. In 2011, County staff completed and provided an assessment of potential changes to flood-related regulations to the Planning Commission. The 2012 NHMP noted that existing County regulations exceed minimum federal requirements and did not identify any additional recommended changes to the County flood-related regulations.

In some places, areas subject to flooding can change as river channels shift. This is particularly the case along the Sandy River, where the river channel has “migrated” significantly over time. DOGAMI is in the process of conducting channel migration studies throughout the state. At this time, the agency has completed a channel migration study for only one river in Multnomah County – the Sandy River.

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#### KEY POLICY ISSUES

- *Should the County expand floodplain protection areas beyond the existing 100-year floodplain to address channel migration, thereby potentially exceeding minimum requirements to be a participant in the National Flood Insurance Program?*
- *How else should new channel migration studies be applied to floodplain, erosion or other hazard areas?*
- *Are any other policies needed to address flood-related hazards?*

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#### STATE REQUIREMENTS AND DEGREE OF DISCRETION

As noted previously, Statewide Goal 7 governs regulation of natural hazard areas, including hazards in areas subject to flooding as generally described in the previous section. In addition to those general requirements, the Rule says that “local governments will be deemed to comply with Goal 7 for coastal and riverine flood hazards by adopting and implementing local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements.”

The state also has a model floodplain ordinance, drafted in 2009 which provides local jurisdictions with model language which can be used to meet state and federal standards associated with addressing flood hazards.

Beyond the language in Goal 7 and the model ordinance, the state does not have any specific administrative rules or statutes that implement the rule or any specific requirements related to channel migration. As a result, there is a significant amount of flexibility in the specific policies and regulations that can be adopted by a city or county.

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#### GEOGRAPHIC APPLICABILITY

This issue is applicable to most rural areas within the County although it has limited applicability in the West Hills given the absence of rivers or streams subject to significant flooding in that area. It is most applicable to areas near the Sandy River and its tributaries and Willamette River/Multnomah Channel.

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#### EXISTING COUNTY COMPREHENSIVE PLAN AND RURAL AREA PLAN POLICIES

The County’s existing Comprehensive Framework Plan includes one policy (#14) related to potential natural hazards, which includes the following language related to this topic:

A. 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:

.....

C. Land within the 100 year flood plain;

.....

## Strategies

B. The following should be addressed in the preparation of the Community Development Title:

1. The Zoning Code should include:

a. Standards for development within the 100 year flood plain, recognizing the standards and criteria established by the Federal Emergency Management Agency. The Flood Plain should be applied to all areas within the 100 year flood plain as designated by the U. S. Army Corps of Engineers, U. S. Soil Conservation Service, and any special studies prepared by the County; [Note: this has been done.]

The Sauvie Island/Multnomah Channel RAP includes this policy:

*Policy 3.6. Multnomah County should work collaboratively with the Sauvie Island Drainage Improvement Company, state and federal agencies, and non-profit organizations to maintain the drainage and flood-control functions provided by the Company while restoring natural systems where appropriate.*

The West of Sandy River RAP includes the following policy and strategies:

*Policy 20. Multnomah County will regulate flood management areas consistent with the requirements of Title 3 of the Metro Functional Plan in order to reduce the risk of flooding, prevent or reduce the risk to human life and property, and maintain functions and values of floodplains such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems.*

## Strategy:

*20.1 Multnomah County shall implement this policy by establishing standards to reduce the risk of flooding and maintain the functions and values of floodplains pursuant to Title 3 of the Metro Urban Growth Management Function Plan, including:*

- *Establishing a definition of "flood management areas" which includes the area of inundation for the February 1996 flood, as well as all lands within the 100- year floodplain, flood areas and floodways as shown on the Federal Emergency Management Agency Flood Insurance Maps.*
- *Requiring development, excavation and fill within flood management areas be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.*

- *Requiring all fill placed at or below the design flood elevation in flood management areas be balanced with at least an equal amount of soil material removal. Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.*
- *Requiring temporary fills permitted during construction be removed.*
- *Prohibiting areas of unconfined hazardous materials as defined by DEQ in the Flood Management Areas.*

[Note: Most of the items listed under the individual bullets above are required within the Metro boundary and already have been addressed through development code provisions.]

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## COMMUNITY MEMBER COMMENTS

There have been no comments specific to this issue provided at community events.

## WILDFIRE HAZARDS

State Planning Goals call for cities and counties to adopt Comprehensive Plan policies and implementation measures to reduce risks associated with a variety of hazards, including those associated with wildfires. The County currently has a limited number of policies associated with reducing risk related to wildfires although it addresses this issue through development code requirements applied in its Commercial Forestry Use (CFU) zones.

The development code requirements generally match the guidance from the Oregon Department of Forestry (ODF), and Oregon Administrative Rule chapter 660, division 6, rule 29 and rule 35. Rule 35 requires that counties adopt the fire-siting standards provisions in the publication, "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" developed by ODF.

The County's 2012 Natural Hazard Mitigation Plan (NHMP) includes updated mapping of wildfire risks. The Plan recommends that the County review and amend as necessary planning and development regulations to incorporate mitigation strategies for urban/wildland interface fires based on the recommendations in the 2011 Multnomah County Community Wildfire Protection Plan. That Plan included development of a homesite assessment program, but did not result in changes to development code regulations related to wildfires.

An update of the NHMP which is currently underway includes new West-side Wildfire Risk Assessment data from the ODF. ODF is currently considering how best to present the risk levels associated with that data and County staff plan to review the data with local fire chiefs before using it to establish specific policies or regulations. Staff recommend that it be used as guidance which must be backed by a site-specific assessment until it has been field-checked more thoroughly. Areas identified as potentially at risk include land zoned for CFU, as well as for rural residential and other uses.

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## KEY POLICY ISSUES

- *Should existing fuel break or other requirements associated with wildfire hazards which are currently applied to the CFU zone also be applied to other zones in fire prone areas?*

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## STATE REQUIREMENTS AND DEGREE OF DISCRETION

As noted previously, Statewide Goal 7 governs regulation of natural hazard areas, including hazards in areas subject to wildfires as general described in the previous section.

Oregon Administrative Rule Chapter 660, division 6, rule 29 has general provisions concerning the minimizing of wildlife hazards in siting of dwellings and structures within the forest zones. These provisions include setbacks, clustering near or among existing structures, siting close to existing roads and siting on portions of land that are least suited for growing trees. Development is also required to have evidence of a domestic water supply.

Oregon Administrative Rule Chapter 660, division 6 rule 35 sets fire-siting standards for dwellings and structures. Counties are required to adopt fire-siting standards and fuel-free break area (fire safety zone) provisions from the publication, "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" developed by ODF.

However, there is flexibility in the specific policies and regulations that can be adopted by a city or county.

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## GEOGRAPHIC APPLICABILITY

This issue is applicable primarily to the East of Sandy River and West Hills areas where larger forested areas are located. The issue is also applicable to the West of Sandy River area in forested areas just west of the Sandy River.

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## EXISTING COUNTY COMPREHENSIVE PLAN AND RURAL AREA PLAN POLICIES

As noted previously, the County's existing Comprehensive Framework Plan includes one policy (#14) related to potential natural hazards. However, this policy does not include any reference to wildfire-related hazards.

The East of Sandy River RAP includes the following policy and strategy related to this topic:

*(Policy) 56. Require development east of the Sandy River to meet fire safety standards, including driveway and access way standards.*

*STRATEGY: Multnomah County shall forward all development proposals to the Rural Fire Protection District for review regarding effects on fire services.*

County Development Code requirements include provisions related to fire breaks, access for emergency vehicles, inclusion in a fire protection district, access to water for fire suppression and alternative methods of fire protection.

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#### COMMUNITY MEMBER COMMENTS

There have been no comments specific to this issue provided at community events.