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**Multnomah County Comprehensive Plan Update  
Air, Land, Water, Wildlife and Hazards Subcommittee Meeting #2**

**September 2, 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. Historic Preservation Policy Issues (30 minutes) – Rich Faith  
*Desired Outcome: An understanding of the issues and provide direction to staff about possible policy language.*
  - A. Review Summary Report
  - B. Public Comment
  - C. Discuss Key Policy Questions
- III. Riparian Corridor, Wetlands and Wildlife Policies (30 minutes) – Rithy Khut  
*Desired Outcome: Review proposed policies on key issues and make recommendation to the CAC. Public comment will be allowed before a final recommendation is made.*
- IV. Natural Hazards Policies – Landslide, Wildfire, Floods (40 minutes) – Matt Hastie  
*Desired Outcome: Review proposed policies on key issues and make recommendation to the CAC. Public comment will be allowed before a final recommendation is made.*
- V. Public Comment (10 minutes)
- VI. Wrap Up of Subcommittee Tasks (5 minutes)
- VII. Adjourn

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AIR, LAND, WATER, WILDLIFE AND HAZARDS SUBCOMMITTEE MEETING  
ROOM 126, MULTNOMAH BUILDING  
501 SE HAWTHORNE BLVD, PORTLAND OR  
JULY 22, 2015 3:00-5:00 PM

## **MEETING SUMMARY**

### **I. Welcome, Introductions and Announcements**

In attendance:

Subcommittee members

Marcy Houle  
Stephanie Nystrom

Project Team

Rich Faith  
Rithy Khut  
Kevin Cook  
Matt Hastie  
Cathy Corliss

Absent

Catherine Dishion and Jerry Grossnickle

There was three community members in attendance: George Sowder, Paula Sauvageau, Carol Chesarek

Rich Faith welcomed everyone to the first meeting of this subcommittee and briefly explained the items that will on tonight's agenda, which is primarily to provide an understanding of various policy issues and to obtain feedback from the subcommittee so that staff can begin drafting policy language.

### **II. Riparian Corridor Policy Issues**

Rithy Khut summarized the main points in his memorandum on this topic, which is one of many resources that is covered by Statewide Planning Goal 5. The summary included a look at the maps included in the packet (Figures 1A and 1B) and information about the process to inventory and protect Goal 5 riparian corridor resources and the difference between the standard approach and the safe harbor approach. The standard inventory falls on the local government to conduct and requires an Economic, Social, Environmental and Energy (ESEE) analysis to be performed when applying a protection program. A safe harbor inventory uses data or information already collected by other agencies and does not require an ESEE analysis if the protection program applies prescribed standards and criteria.

The following are some major points from the discussion of this topic:

- Another way of interpreting or phrasing the third key policy question in the memo under riparian corridors is: Should the SEC-s and SEC-wr overlay zones be consolidated into one overlay. If yes, this would trigger the need to do an ESEE analysis because the two overlays have different standards for protection of the resource.
- A similar question can be asked about the policies about protecting riparian corridors from the rural area plans in that it might make sense to apply them consistently throughout the county rather than in only one rural area.
- Regarding the first key policy question in the memo, more simply the question is really asking if the two fish-bearing streams not currently part of the inventory should be added to it, and if they are, which approach should be taken for their protection – standard or safe harbor?
- Are headwaters captured in the inventory? Are they being protected through our SEC zones? Policies about riparian corridor protection should address watersheds.
- Subcommittee members agreed that the two streams should be added to the inventory and that as new data becomes available the county should update its inventory maps to include other eligible streams. It is not known how often the State updates its inventory. There should be a policy about the County periodically reviewing new information to keep its inventory up to date.
- Subcommittee members agreed that the SEC-s overlay should be applied to Newberry Creek flowing out the West Hills. If an ESEE analysis needs done, then do it.
- On the East side, the Bull Run River probably doesn't need an SEC overlay because it is within a protected watershed largely owned by the City of Portland or the Forest Service. Nothing is going to happen there anyway.
- To a question whether streams running through the Angell Brothers mining site can be protected through safe harbor provisions, the answer was that those streams would have to be designated as significant, which does trigger an ESEE analysis.

### **III. Wetlands Policy Issues**

Rithy summarized the information on this topic in his memorandum and referred to the wetland map included in the packet (Figure 2). Virtually all of the wetlands on the Statewide Wetland Inventory (SWI) that are not now protected by the County's SEC-w overlay are found on Sauvie Island.

The following are major comments regarding this policy issue:

- Can the SEC-w overlay be applied to all the SWI identified wetlands on Sauvie Island not now covered by the overlay? The answer is yes but it would first require an ESEE analysis of those wetlands.
- Subcommittee members agreed with the two key policy questions about wetland protection posed in the memorandum.

- There was agreement that there should be a policy about protecting wetlands by removal of invasive species. After further discussion it was decided that this policy may fit better under the topic of habitat.
- The existing West Hills RAP policy about protecting water quality by control of runoff from West Hills Area streams should be expanded to address runoff from other sources such as roads and impervious areas.
- Policy 3.8 from the proposed Sauvie Island/Multnomah Channel RAP should be generalized for application countywide.

#### **IV. Wildlife Habitat Policy Issues**

Rithy provided a brief background on this topic and referred to the wildlife habitat maps in the meeting packet (Figures 3A and 3B). Cathy Corliss stated that she was not sure those maps are the most current. They appeared to be an earlier version of wildlife habitat maps produced by our subconsultant specializing in resource protection. She also thought that painted turtles had been taken off the list ODFW maps of important habitat.

Major comments on this subject were:

- Subcommittee members agreed that the SEC-h overlay should be applied to those wildlife habitat areas shown on the maps that are not currently protected. If that triggers the need for an ESEE analysis, then it should be done.
- Regarding the critical habitat areas shown in the East County area, a question was raised about whether all of this habitat is within the boundaries of the National Forest. It was not clear if this is the case, but if it is, the subcommittee did not feel the SEC-h overlay needed to be applied here. Staff should look at the restriction of the CFU zone(s) that applies to this habitat to make sure there is adequate protection provided through the underlying CFU zoning before concluding that the overlay is unnecessary.
- A concern was expressed that painted turtles may still be listed as a sensitive species even if the habitat map does not include them. Staff needs to verify their status.
- Existing plan policies pertaining to wildlife will be revised and brought back for review just as has been done with existing policies on other topics.
- There ought to be a policy encouraging the Oregon Department of Fish and Wildlife (ODFW) to administer the Wildlife Habitat tax deferral program.
- There should be a policy about setting a cap on house sizes in habitat areas.
- There should be a policy specific to high value habitat such as oak woodlands.

#### **V. Natural Hazards Policy Topics**

Matt Hastie gave an overview of this policy topic noting that there are a number of natural hazards that could be examined from a policy perspective, but in the case of the comp plan and what is most relevant to Multnomah County, the three major hazard issues are Steep Slope and Landslides, Floodplains and Channel Migration, and

Wildfire. Matt briefly went over each of three hazard topics as discussed in his summary report included in the meeting packet.

Matt informed the subcommittee that the County's Hazard Mitigation Plan is in the process of being updated and is on a similar track as the comprehensive plan. That process is being handled by a team in the County's Office of Emergency Management. It will be incorporated in some way into the County Comprehensive Plan. Matt proposed that a staff person working on the Hazard Mitigation Plan could be invited to a future meeting of this subcommittee to brief them on that planning effort.

Matt pointed out the difference in County policy and implementing regulations about what percentage slopes are regulated for hazard – 20% versus 25%. He noted the key policy question to address this discrepancy. A subcommittee member asked whether we can just go with 20% as the threshold for Hillside development regulations. After further discussion about this and other hazard topics, Matt said it would be possible for him to draft preliminary policy language on landslides and wildfires for the next subcommittee meeting, but he did not feel he had enough information and feedback to do that for flooding and channel migration.

**VI. Public Comment**

No comments

**VII. Meeting Wrap up**

Rich reminded everyone that the next subcommittee meeting will not be until September 2, the same day as the next CAC meeting. The committee will finish its review of flooding issues and will also be reviewing the subject of historic preservation. Draft policies related to the topics discussed this evening will also be presented at the next meeting.

**VIII. Adjourn**

**The meeting adjourned at approximately 5:05 pm.**

# Summary Report

## Comprehensive Plan Update

August 26, 2015

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

**From:** Rich Faith, Multnomah County Planning and Comprehensive Plan Update Project Team

**Re:** Comprehensive Plan Policy Issues Analysis – Historic Preservation Topics

### OVERVIEW

This report presents a summary of preliminary policy issues related to historic preservation that have been identified for discussion by the Air, Land, Water and Wildlife Subcommittee, as well as the 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.

The policy issues that are analyzed in this memo pertain to historic resources, which are listed in Statewide Planning Goal 5 as a protected resource. The policy issues analyzed in this report are related to the following topics:

- Establishing an active historic preservation program, including incentives
- Allowing land uses not otherwise permitted where beneficial to preserving a historic resource

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?
5. Related concerns expressed by community members
6. Other considerations surrounding the policy issue

## ISSUE DESCRIPTIONS AND ANALYSES

### ESTABLISHING AN ACTIVE HISTORIC PRESERVATION PROGRAM

Goal 5 of Oregon's statewide planning goals covers more than a dozen resources, including historic places. The goal and its administrative rules call for cities and counties to develop land use programs to conserve and protect these resources. Local governments and state agencies are not required, but are encouraged, to maintain current inventories of historic resources, determine significant sites among inventoried resources and develop programs for their preservation and protection.

The County embarked upon a historic inventory and protection program as far back as 1978 when it established a Historic Sites Advisory Committee that developed criteria for evaluating potential sites as historic landmarks. Those criteria are contained in the County Comprehensive Framework Plan under Policy 16-I, Historic Resources.

In 1978 the County applied the historic landmark criteria in conducting a limited survey that resulted in officially designating 18 sites as historic resources. Many of those sites have since been annexed and are no longer part of the County's inventory. Historic sites are subject to Heritage Preservation -1 (HP-1) overlay district zoning which is intended "to provide for the preservation and protection of buildings which satisfy the Historical Site Criteria in the Comprehensive Framework Plan." Currently, only five properties in the rural County are believed to have HP zoning.

In 1988 the County took another major step toward adoption of a comprehensive cultural resource protection plan by hiring a consultant to prepare a report that would guide further steps in the resource protection plan process. The report also expanded upon the County's previous limited inventory. It identified 68 historic sites that were candidates for historic landmark designation. The consultant's report included several recommended goals and priorities for the County to pursue in adopting a comprehensive historic preservation plan and program.

No action appears to have been taken since that time in designating any of the 68 identified historic sites as historic landmarks, applying the HP-1 overlay zone to new sites, or implementing the consultant's recommendations for a more complete preservation program. Although the County meets the minimum requirements of State Planning Goal 5 for historic places, it falls short of having a meaningful program for the preservation and protection of historic resources.

The historic resources inventory compiled over 25 years ago could be updated by using the current database of the State Historic Preservation Office (SHPO) and supplementing it with additional sites identified through a local survey process similar to how it was done in the past. Over the span of the last twenty-five years many additional structures have certainly become candidates for the historic resource listing. An update would likely have to be performed by a consultant or by a County staff position dedicated to that purpose.

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## KEY POLICY QUESTIONS

Following are key policy questions on this topic.

- *Should the County be more involved in historic preservation by updating its twenty-five year old inventory of historic places, by designating significant sites as historic landmarks and by applying heritage preservation overlay zoning to those sites?*
- *Should the County provide incentives for property owners to register and preserve historic resources?*

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## STATE REQUIREMENTS AND DEGREE OF DISCRETION

Statewide Goal 5 historic resources are governed by Oregon Administrative Rule (OAR) 660-023-0200. The rule does not require local governments to amend their comprehensive plans or land use regulations in order to provide new or amended inventories or programs regarding historic resources. However, if a local government decides to compile an inventory and designate significant resources, it is required to follow a prescribed process that involves public notice prior to collecting information about historic resources and notification of landowners about participation in the inventory and designation process.

Once the inventory is completed, the local government must allow owners of inventoried historic resources to refuse designation as a significant historic resource. Local governments do not have to apply the ESEE analysis process in order to determine a program to protect historic resources; but at a minimum the administrative rule encourages adoption of historic preservation regulations regarding the demolition, removal or major exterior alteration of all designated historic resources. Consequently, 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

Any building that is more than fifty years old is a possible candidate for historic resource designation. Because historic resources – buildings, structures, cultural sites, objects, or districts – are scattered throughout the County and in all zoning districts, this issue is applicable countywide.

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## EXISTING COUNTY POLICIES

The County's existing Comprehensive Framework Plan includes one policy (#16-I) and several strategies related to historic resources. Some, but not all of the strategies, have been carried out.

*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.*

The proposed Sauvie Island/Multnomah Channel Rural Area Plan includes a number of policies focused on protection of cultural resources because of the Island's historical significance to this region's Native American tribes.

*Policy 3.9 Coordinate with Native American tribes and the Oregon State Historic Preservation Office (SHPO) to adopt a program to inventory, recover and protect archaeological and cultural resources and prevent conflicting uses from disrupting the scientific value of known sites. Adopt a process that includes timely notice to tribes and*

*SHPO of applications that could impact cultural resource sites, and develop standards to evaluate comments received from the tribes and SHPO.*

*Policy 3.10 Require reporting of the discovery of Native American artifacts and other cultural resources to SHPO and the Native American tribes.*

*Policy 3.11 Where development is proposed on areas of cultural significance, encourage evaluation of alternative sites or designs that reduce or eliminate impacts to the resource.*

*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 comments regarding historic preservation were given during open house events:

- The County should preserve historic buildings and encourage remodel and purchase of them. Why was Bridal Veil church torn down? A huge loss.
- "Historic" should mean something, not just old. When will the County answer to submitted plans for the future Crown Point historical building in Corbett?
- Zoning along the Historic Columbia River Highway that supports historic character while improving life for those who live, work, play, and make their livings along the road.

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## OTHER CONSIDERATIONS

Independent of the County's historic landmark designation process, owners of historic resources can register their property on the National Register of Historic Places (NRHP). Properties on the NRHP automatically become historic resources of statewide significance and are then monitored by the State Historic Preservation Office (SHPO).

The County cannot force the owner of a historic resource to register that property as a national historic landmark, nor can the County designate a historic resource as significant (i.e., a historic landmark) without the consent of the property owner. Many property owners are reluctant to register the site or to allow it to be designated as a historic landmark for fear of additional regulations that would restrict their ability to use, alter or sell the property. However, those owners whose primary objective is in preserving the historic resource might welcome a historic landmark designation if there are incentives and programs they can take advantage of to assist them in fulfilling that objective.

The most notable incentives that local governments can provide are tax abatements, grants and other financial benefits.

## ALLOWING USES THAT BENEFIT PRESERVATION OF THE HISTORIC RESOURCE

Because of their age, maintenance and upkeep of most historic properties can be both challenging and costly. Many people who reside in or simply own an older, historic building may

have purchased the property with all the intentions of fixing it up or at least keeping it from deteriorating, but the reality is that there are high costs associated with those maintenance duties. In addition, the historic significance of a building, whether it be a classic, old house, a vacated school, an old church, or another similar institutional building, usually lends itself to being more than just a converted dwelling. The owners of these structures recognize there are opportunities to showcase the historic property while earning some income that can be applied towards its upkeep.

The problem is that the zoning of the property may not permit the type of use that fits the character of the building. An example would be when the owner of an historic church in the Rural Residential zone wants to rent it out for weddings, receptions, or similar events but the zoning does not permit this type of use.

One way to accommodate owners of historic properties seeking opportunities to use their property in a supportive way is by allowing adaptive uses not otherwise permitted by the underlying zoning if that use would be beneficial to the purposes of historic preservation. There are a number of different ways the zoning code could be amended to allow for adaptive uses, each with its own advantages and limitations.

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#### KEY POLICY QUESTIONS

Following is the key policy question for discussion by the subcommittee for this topic and which will inform potential updates to County policies and development code requirements:

- *To the extent allowed by state law, should the County allow adaptive uses of historic properties not otherwise permitted by the underlying zoning where beneficial to the purposes of preserving the historic resource?*

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#### STATE REQUIREMENTS AND DEGREE OF DISCRETION

State law prescribes what uses are allowed in EFU and CFU zones with only limited local government discretion. Within these zones, the County can only permit uses authorized by statute. For that reason, owners of historic buildings that are not associated with agriculture or forestry operations have very few choices for how the building can be used because agri-tourism and celebratory events are possible options only if these events are incidental and subordinate to existing farm use on the property and the events are related to and supportive of agriculture. Occupancy of the building as a non-farm or non-forest dwelling is often the only choice. Income generating agri-tourism activities may be possible for historic buildings located on a farm site.

Home occupation uses in the EFU and CFU zones, subject to certain statutory restrictions, can be expanded to allow celebratory events and related activities, but by definition the home occupation must be conducted within a dwelling or other buildings on the property normally

associated with a dwelling. Consequently, this option is not workable in these zones for nonresidential historic buildings.

For other rural zones, the opportunities are much greater because the County has more discretion as to what uses are allowed. By amending the current Heritage Preservation overlay zone or creating a new one, the County could allow adaptive uses not otherwise permitted by the underlying zone if the use will contribute to the preservation or reuse of the historic resource. Customarily, adaptive uses would only be allowed under a conditional use permit process.

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#### GEOGRAPHIC APPLICABILITY

Because historic buildings are found throughout the County and in all zoning districts, this issue is applicable countywide. The issue is more constrained for historic buildings in the Exclusive Agricultural and Commercial Forest zones.

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#### EXISTING COUNTY POLICIES

The following strategies from Policy 16-I of the Comprehensive Framework Plan are most relevant to this topic.

- C. Develop and maintain a historical preservation process for Multnomah County which includes:*
  - 4. Fostering, through ordinances or other means, the private restoration and maintenance of historic structures for compatible uses and development based on historic values.*
- D. The Zoning Code should:*
  - 1. Include an Historic Preservation overlay district which will provide for the protection of significant historic areas and sites*

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#### COMMUNITY MEMBER COMMENTS

The owner of a historic school in the East County area has been promoting this issue and has gained public support. (See attached newspaper article and related information.)


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#### OTHER CONSIDERATIONS

None identified.



## Cedar School owner seeks code change, allow zone exemptions for historic buildings

Created on Friday, 24 April 2015 09:49 | Written by [Katy Sword](#) | 

[1 Comment](#)

Sixteen years ago, Colleen Cahill purchased the Cedar School in Troutdale.

"It was in a horrific state of disrepair. Windows falling out, no heat in the building, just basically a barn," Cahill said of the 1857-vintage school on Troutdale Road. "Someone could have demolished it at that point when I purchased it. It might have been easier for me to tear it down."

So she spent the last 16 years fixing up the building, "one window at a time," as she said.



CONTRIBUTED PHOTO: COLLEEN CAHILL - The Cedar School has been owned by Colleen Cahill for 16 years. Now she's hoping to find a way to pay for the school's cost of upkeep.

"It's been definitely a labor of love."

The school has been Cahill's home, as well as her photography studio. But with her last child out of high school, Cahill started taking a hard look at her finances — and if she can afford to keep Cedar School.

"I said I would hold onto the building and keep everything the way it was until she graduated, then I would make some life changes for myself," she said. "Even though it's a labor of love, it's been a burden."

Cahill considered selling, but that wouldn't ensure the school would remain intact.

"If I put it on the market, whoever purchased this building could do anything they wanted to and level it," she said.

"That scared the living daylights out of me that someone could take a historic home like this and demolish it."

Founded in 1857, the school was part of the Cedar District until 1940, when it was consolidated with Troutdale Schools. Cedar was then used as an overflow space until the 1950s, and intermittently by the city of Gresham and Mt. Hood Community College until 1971, when it was abandoned and returned to the heirs of William Jones.

The building has been privately owned since its sale in 1976.

That led Cahill to seek out alternative options to selling, such as renting out the space for events.

"The county said, 'Sure, that would be awesome, but you're not coded for that,'" she said.

But there's the possibility that with the review of land-use laws, Cahill could be given an exception to host events in her space.

"The biggest problem with Cedar School is it's within an exclusive farm-use zone," said Rich Faith, Multnomah County senior planner. "The EFU zone under state land-use laws is the most protected zone. The school, which is currently occupied as a residence ... is simply functioning as a non-farm dwelling. That presents a conflict with the state law in terms of what other activities you're permitted to have there."

This means the county would have to present options to the Citizen Advisory Council to review and determine the best way to allow Cahill — and other historic building owners — to use their space to raise revenue.

"We're exploring how perhaps there are opportunities under the framework of state law that might open the door for these kinds of activities," Faith said. "We are not sure of the answer yet."

The change would likely come under Goal 5 of the Oregon land-use planning goals. Goal 5 addresses a number of things, he said, historic resources among them. Cahill's request would fall under this section of the county's review.

Along with seeking county advice, and hopefully moving toward a solution, Cahill has started a petition online to gather support for her efforts.

"The petition is basically just me wanting to have some ammo to go into Multnomah County," she said. "Right now I'm

teetering on over 500 signatures. The interest is there, and people are passionate about it.”

With her outreach, she’s learned the community is more than supportive of her hope to use Cedar School as an event space. The school down the street offered to let her use the parking lot, free of charge. And her neighbor farmer said he would shut down activity when she hosted events.

“That’s so cool that the people around you are willing to do those things to help you out,” Cahill said. “It really touches your heart to know there are that many people out there that care and are willing to do things to be helpful.”

With the wheels in motion, Cahill just has to wait for the next few months until the process can move forward.

“We usually put together a background paper in some of these major policy issues for the benefit of the advisory committee,” Faith said. “Here’s the issue and potentially some ways we could address that. Then they talk about it and let us know what they think is the best way to handle that.”

## CEDAR SCHOOL

### MISSION STATEMENT

Sunday morning I got a knock on my front door and Wayne Swanson of boring was standing there. He asked if I was the women in the article. I said I was and he proceeded to reach his hand toward me to hand me some money. He said that he did not have much but that he had gone to kindergarten here at the Cedar school and he wanted to donate what little he had to help save it. I did not take the money but was touched by his act of kindness and generosity. We spoke for quite some time about his memories of going to school here. This is why these historic buildings are so invaluable. They are a place that house people's memories, their history, and their emotions of a time long gone. They are a reminder of what was.

Ultimately the history is what this is all about. I guess what I am trying to compel Multnomah County to become aware of is that owning an historical building requires a lot of sacrifices on the home owners part. To maintain such a structure can be both physically and financially draining if you are not a wealthy person. It is often easier to sell and or knock the historic structure down than to maintain it to keep it standing. I believe part of what can be a solution or at least helpful to the land owners of these structures is to have written into the law ways to preserve these structures by allowing them to be self-funding or self-sustaining if at all possible or at least provide incentives for preservation over demolition. The HP (Historical Preservation) section of Goal 5 that was shelved years ago encompassed these types of ideas. Revisiting the possible resurrection of such ideas either through HP or other means is what I hope to bring to the County for discussion.

Thank you for your consideration,

Colleen Cahill



**Rich FAITH <rich.faith@multco.us>**

## RE: Responses

**Rich FAITH** <rich.faith@multco.us>

Tue, Jun 23, 2015 at 3:27 PM

To: Colleen Cahill <cahillstudio@comcast.net>

Colleen,

I'll try to boil it down for you. Your property is zoned Exclusive Farm Use and state law pretty much dictates what uses are permitted in the EFU zone. If state law does not list a particular use as being allowed in the EFU zone, then it cannot be conducted there. If the County's EFU zone were to list something that is not permitted under state law, then we are open to a legal challenge. This would be true even if we were to couch in terms of trying to foster and promote preservation of historic structures.

Home occupations are a particular category of land use that is specifically allowed in the EFU zone by statute, but with restrictions. One of those restrictions is that the home occupation must be operated substantially in the dwelling (ie. an occupation occurring within the home), or within other buildings on the property normally associated with the home (ie. detached garage, storage shed, etc.) The County has some flexibility in terms of what type of uses can occur under this category. Clackamas County's Section 806 pertaining to Home Occupations to Host Events demonstrates that it is possible to include hosting of events as a home occupation activity, but subject to the restrictions of state law.

So my conclusion is that either or both approaches being used by Clackamas County offers income opportunities for historic properties to be used in adaptive ways to help maintain and preserve historic sites. The first one (Section 707) can not be applied to EFU zoned lands, but could potentially be applied to all other zoning classifications. The second (Section 806) can be applied to EFU zoned lands as well, but subject to the restrictions I mentioned above. Both of these can serve as a model for Multnomah County in adopting something similar if it is deemed worthwhile and necessary.

There are many secondary issues that would need to be sorted out before the County could adopt these same or similar type of zoning regulations. But that's a short version of it. I hope that helps.

[Quoted text hidden]



# Memorandum



August 19, 2015

**To:** Air, Land, Water, Wildlife and Hazards Subcommittee  
**Cc:** Project Team  
**From:** Rithy Khut, Assistant Planner  
**Re:** Air, Land, Water, Wildlife Policy Recommendations

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## DRAFT AIR, LAND, WATER, WILDLIFE AND HAZARDS POLICY AMENDMENTS

This memo presents draft proposed policies and strategies related to protection of riparian corridors, wetlands, and wildlife habitat discussed by the Air, Land, Water, Wildlife and Hazards Subcommittee at their July 22 meeting. These new policies and strategies implement direction given by the subcommittee during that meeting.

The proposed text amendments are shown in **bold underline** (new policy), underline (new text being added to existing policy) and ~~strikeout~~ (deleted).

### GENERAL GOAL 5 POLICY

**Policy: Review Goal 5 inventories and programs periodically in order to consider any new data and, if necessary, initiate amendments to the inventories and protection programs.**

### RIPARIAN CORRIDORS AND WETLANDS POLICIES

#### Policy 1

Designate as areas of Significant Environmental Concern, those water areas and adjacent riparian areas, streams, wetlands and watersheds that warrant designation as a protected Goal 5 resource or have 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:

- A. Maintain inventories and continue to protect all “significant” riparian corridors and wetlands in accordance with past ESEE Analysis Reports.
- B. Update the inventory of riparian corridors, including water areas and adjacent riparian areas, using the safe harbor inventory criteria of Statewide Planning Goal 5 in order to designate Newberry Creek (also known as Ennis Creek) in the West Hills area as a “significant” riparian corridor.
- C. Conduct an analysis of “Economic, Social, Environmental and Energy” (ESEE) consequences on riparian corridors that have been added to the updated inventory.
  - 1. If warranted by an ESEE analysis, apply the Significant Environmental Concern overlay for streams (SEC-s) to any new “significant” riparian corridors and protect them by applying the SEC-s overlay zone.
- D. Adopt the Statewide Wetlands Inventory (SWI) to identify the general location of wetlands within the County.
- E. Update the County’s wetland protection program to comply with Goal 5 safe harbor criteria and Oregon Department of State Lands (DSL) requirements.
- F. In addition to safe harbor protection program criteria, apply the Significant Environmental Concern overlay (SEC-w) to “significant” wetlands located on Sauvie Island and Multnomah Channel as required by the Wetlands Inventory/ESEE analysis conducted in 1988 and as adopted by Ordinance 801.

Policy 2

Periodically review and consider any new data to update, adjust and more accurately show riparian corridor centerlines.

Policy 3

Work with State and local agencies, Soil and Water Conservation Districts and other public and private conservation groups to educate people about best management practices to protect streams, wetlands headwaters and watersheds.

WILDLIFE HABITAT POLICIES

Strategy:

- A. Maintain inventories and continue to protect all “significant” wildlife habitat in accordance with past ESEE Analysis Reports
- B. Update the inventory of wildlife habitat and associated wildlife corridors using the safe harbor inventory criteria of Statewide Planning Goal 5.
  - 1. Designate wildlife habitat and corridors mapped by Oregon Department of Fish and Wildlife as “significant”.

**C. Conduct an analysis of “Economic, Social, Environmental and Energy” (ESEE) consequences on wildlife habitat that has been added to the inventory.**

- 1. If warranted by an ESEE analysis, apply the Significant Environmental Concern overlay for wildlife habitat (SEC-h) to any newly identified “significant” wildlife habitat.**

**Policy 1**

**Work with State and local agencies, Soil and Water Conservation Districts and other public and private conservation groups to protect high value habitat such as oak woodlands.**

**Policy 2**

**Work with and coordinate with the Oregon Department of Fish and Wildlife (ODFW) to administer the Wildlife Habitat tax deferral program for farm and forest lands that are eligible by administrative rule or statute.**

OTHER POTENTIAL POLICIES

HOUSING SIZE

At the July 22<sup>nd</sup> subcommittee meeting, a comment was made that there should be a policy about setting a cap on house sizes in the significant habitat areas. The subcommittee did not discuss this comment and staff was not clear on whether the subcommittee favors such a policy or not. Staff is seeking direction from the subcommittee on this issue.

## TECHNICAL MEMORANDUM

**To:** Cathy Corliss, Angelo Planning Group  
**From:** C. Mirth Walker, PWS, Senior Wetland Scientist  
**Date:** July 29, 2015  
**Project:** Painted Turtle and Red-legged Frog Status in Oregon for the Multnomah County Comprehensive Plan Update

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### INTRODUCTION AND SPECIES STATUS

SWCA Environmental Consultants (SWCA) documented the status of western painted turtles (*Chrysemys pica bellii*) and northern red-legged frogs (*Rana aurora aurora*) for the benefit of the Air, Land, Water, Wildlife and Hazard Subcommittee. This memo briefly describes their identification and habitats.

Oregon has two native (non-marine) species of turtles: the western painted turtle and the western pond turtle. Both are highlighted in the Oregon Conservation Strategy as species in need of help—that is, they have low or declining populations. However, neither one is listed by the Oregon Department of Fish and Wildlife (ODFW) or by the U.S. Fish and Wildlife Service (USFWS) on the Threatened, Endangered, and Candidate Fish and Wildlife Species in Oregon list (ODFW 2014, USFWS 2015a). There are four sea turtles on the list.

The northern red-legged frog was listed as “near threatened” in 2004, but is now listed as “least concern” by the International Union for Conservation of Nature (ICUN), in view of the wide distribution, numerous subpopulations, ability to use altered habitats, presumed large population, and because it is unlikely to be declining fast enough to qualify for listing in a more threatened category (ICUN 2015). It is not on the endangered species list maintained by ODFW and USFWS. Only the Oregon spotted frog (*R. pretiosa*) and the Columbia spotted frog (*R. luteiventris*) are currently listed as a threatened or candidate species, respectively. The California red-legged frog (*R. draytonii*), which does not occur in Oregon, was listed as threatened in 1996 (USFWS 2015b).

### WESTERN PAINTED TURTLE (ODFW 2015a; USFWS 2015c)

The western painted turtle is native to the Pacific Northwest. Preferring sluggish waters, western painted turtles sun themselves on rocks, logs, muddy banks, and floating vegetation in freshwater ponds, sloughs, and wetlands. This turtle needs marshy ponds, small lakes, slow-moving streams, and quiet off-channel portions of rivers. It prefers waters with muddy bottoms with aquatic vegetation. Western painted turtles are primarily plant eaters, but will also consume insects, crayfish, earthworms, frogs, small fish, amphibian larvae, and carrion. Western painted turtles are easy to identify with their yellow striped head and feet, and red-rimmed shell. It is the only turtle which has a red pattern on the plastron (bottom shell). The color of the carapace (top shell) varies from olive to black. Males are smaller and have longer front claws than females. A female digs a nest hole in a sunny location away from the water where she deposits 1–20 eggs. The eggs incubate for 3–4 months. Eggs and hatchlings sometimes overwinter in the nest.

Hatchlings are 1 inch (3 cm) long, about the size of a quarter. Individuals can live 20 years or more. Open ground for nesting and logs for basking help keep this species healthy.

### **NORTHERN RED-LEGGED FROG (ODFW 2015b, USFWS 2015d, NatureServe Explorer 2015)**

Red-legged frogs have smooth, moist skin that is brown or reddish-brown in color with black flecks on their backs, sides, and legs. They may also have a dark-colored mask. Adults have red under-legs, hence their name. Females, growing to 4 inches in length, are almost twice the size of males.

Adult red-legged frogs like forested wetlands and cool damp coniferous or deciduous forests. Their habitat includes the vicinity of permanent waters of stream pools, marshes, ponds, and other quiet bodies of water. This frog is regularly present in damp woods and meadows some distance from water, especially during wet weather. Individuals (especially juveniles) seasonally can be found in and near ephemeral pools. Breeding sites most often are in permanent water; eggs are attached to stiff submerged stems at the surface of the water. During the non-breeding season, adult frogs spend most of their time on land in woodlands along streams, in moist sedge or brush, along shaded pond edges, or under logs and other forest debris. Damp weather permits them to venture away from their primary water source into areas that would normally be too dry. Estivation (when animals slow their activity for the hot, dry summer months) sites include small mammal burrows and moist leaf litter in dense riparian vegetation some distance from water.

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# Memorandum

## Comprehensive Plan Update

August 25, 2015

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

### OVERVIEW

This memo includes brief descriptions of natural hazards discussed with Subcommittee members to date and preliminary draft policy language prepared by the project team. Policy issues and the draft language will be discussed in more detail during the September 2 subcommittee meeting.

### 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 and Erosion Control 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, better 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 historical landslide activity and/or other areas.

The County could choose to update its current maps and regulations to regulate development in potential new hazard areas to the extent they go beyond areas already regulated. 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 Rural Area Plan (RAP). The Framework Plan calls for limiting development in areas with slopes greater than 20%, while the West Hills RAP and the Zoning Code (Hillside Development and Erosion Control Overlay Zone) regulate development on slopes greater than 25%.



## POSSIBLE POLICY LANGUAGE

The project team proposes the following policies and strategies specific to areas with steep slopes and landslide hazards which refines existing policy language in the Comprehensive Framework Plan and West Hills RAP.

***Policy:*** ~~The County's policy is to d~~Direct development and land form alterations away from areas with development limitations except related to potential hazards associated with steep slopes (over 25%) and other areas shown to be susceptible to landslides based on available County and state data associated with these hazards. Allow for exceptions based 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:

***Strategy:*** Update the County's regulatory slope hazard map, as needed, to more accurately reflect the location of steep slopes and areas vulnerable to landslide hazards.

***Strategy:*** Evaluate and revise the Hillside Development and Erosion Control Overlay zone, as needed, to implement up-to-date regulatory approaches for addressing landslide hazards.

***Policy:*** Protect lands having slopes greater than 25% and lesser slopes shown to be vulnerable to landslides from inappropriate development.

***Strategy:*** ~~Revise the Multnomah County Comprehensive Framework Plan to d~~Designate lands with average slope greater than 25% and lesser slopes determined to be vulnerable to landslides as having development limitations and apply appropriate standards to any new development on these designated lands. This action will resolve an inconsistency between the Comprehensive Framework Plan and the Hillside Development Overlay provisions of the Multnomah County Zoning Ordinance.

## 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 those required in order to be eligible to participate in the National Flood Insurance Program. Flood insurance maps for the County were updated in 2009 and the County's Zone 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. Additional policy language could call for management of flood-related hazards beyond current requirements.

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. The state 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.

#### POSSIBLE POLICY LANGUAGE

The project team proposes the following new policy specific to flood prone areas.

**Policy: Reduce potential hazards related to flooding and channel migration through the following approaches:**

- Limit the types of land uses allowed in floodways, floodplains and channel migration areas to minimize any public harm or associated public cost due to flooding.
- Establish development standards for development in flood prone areas to mitigate potential adverse effects to surrounding properties and to maintain or increase flood storage and conveyance capacity.
- Meet minimum requirements to be eligible to participate in the National Flood Insurance program.
- Update mapping of floodways and floodplains based on DOGAMI channel migration data, as needed.

#### 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 related to wildfires although it addresses this issue through forest practices setback and fire safety zone requirements in its Commercial Forestry Use (CFU) zones.

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 zoning code regulations related to wildfires.

An update of the NHMP, which is currently underway by the County Office of Emergency Management, includes new Westside Wildfire Risk Assessment data from the Oregon Department of Forestry (ODF). ODF is currently considering how best to present the risk levels associated with that data and Emergency Management staff plan to review the data with local fire chiefs before using it to establish specific policies or regulations. This data can 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 CFU, as well as for forested rural residential areas.

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## POSSIBLE POLICY LANGUAGE

The project team proposes the following new policy and strategies specific to wildfire hazards:

**Policy:** *Require development in areas prone to wildfire risks to meet fire safety and mitigation standards.*

**Strategy:** *Use current mapping data related to wildfire risk in determining the location of fire prone areas, supplemented by on-site assessments, if needed.*

**Strategy:** *Ensure that agencies responsible for fire protection are provided an opportunity to comment on development applications prior to approval of the application.*