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**Multnomah County Comprehensive Plan Update
Air, Land, Water, Wildlife and Hazards Subcommittee Meeting #4**

**October 28, 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)
(Public comment will be allowed on each policy topic before a final recommendation.)
- II. Existing Policies Related to Air, Land, Water, Wildlife and Hazards (80 min)- Rich

Desired Outcome: Review existing policies for retention or deletion and make recommendation to the CAC.
- III. Follow up on Riparian Corridors and Wetlands Policy (10 minutes) – Rithy Khut

Desired Outcome: Informational item to explain changes to the policy based on the subcommittee's direction at the previous meeting.
- IV. Policy on Fill Sites (20 minutes) – Kevin Cook

Desired Outcome: Review and approve policy for recommendation to the CAC.
- VI. Public Comment (5 minutes)
- VII. Wrap Up and Adjourn

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AIR, LAND, WATER, WILDLIFE AND HAZARDS SUBCOMMITTEE MEETING
ROOM 126, MULTNOMAH BUILDING
510 SE HAWTHORNE BLVD, PORTLAND OR
SEPTEMBER 23, 2015 3:00-5:00 PM

MEETING SUMMARY

I. Welcome, Introductions and Announcements

In attendance:

Subcommittee members

Stephanie Nystrom
Catherine Dishion
Jerry Grossnickle
Marcy Houle

Project Team

Rich Faith
Rithy Khut
Kevin Cook
Matt Hastie

Other community members in attendance: George Sowder, Paula Sauvageau, Carol Chesarek, Colleen Cahill, Allison Boyd

Rich Faith welcomed everyone to the subcommittee meeting and briefly explained what the agenda items are for the meeting.

II. Historic Preservation Policies

Rich provided background on this policy explaining that it has been drafted in response to direction given by the subcommittee at the last meeting. The proposed policy is based on existing policy language taken from the Comprehensive Plan pertaining to both historic and cultural resource preservation. Cultural resource protection policies from the recently adopted Sauvie Island/Multnomah Channel rural area plan are also included for consideration countywide.

The following are some of the major comments made during discussion.

- Historic preservation policy D.2: Do we really want to allow any use which can be shown to contribute to the preservation and reuse a historic landmark site? Didn't we talk last time about restricting what these uses might be? After further discussion the group decided to substitute "any use" with "a use".
- What's involved in being designated a historic landmark? Can the owner of a historic landmark have the designation removed? Once a property is designated a historic landmark, it should not be possible to remove the designation, particularly if the property owner has been able to take advantage of tax breaks and special funding programs.

- Colleen Cahill, who owns the historic Cedar School on South Troutdale Road, agreed that once a property has been designated a historic landmark, it should not be permitted to remove that designation. She is not interested in receiving any tax breaks for her property. If historic landmark designation is requested and received, the property owner should assume responsibility to maintain and preserve the site. If they don't, then that would be a misuse of the program.
- Would a historic landmark designation run with the property, or with the applicant? Answer: Presumably with the property, but there is a pending court case that is dealing with that very question, so we need to see what decision comes out.
- Any county program for historic preservation needs to have teeth so once a historic landmark designation is given, it can't be removed. Should not let people misuse the program to take advantage of tax incentives, funding opportunities and other potential benefits, and then be allowed to remove the property from the program so it can be sold or torn down for another use.
- Should there be a policy about forming a Historic Landmark Commission that reviews and decides applications for designation?
- The policy as now drafted provides no guidance for what types of uses are going to be allowed within a historic structure or on a historic site. Need to set some parameters for what can occur there, similar to those for agri-tourism.
- The committee felt very strongly that once a historic landmark designation has been received it should not be removed. Staff cautioned that it may not be possible to do that. We will have to see what decision comes out of a pending court case that is dealing with that very question.
- The subcommittee would like it to be noted on the record that they support not allowing demolition of a structure that has been designated a historic landmark.
- Need to watch out for loopholes where the owner of historic property put the property in a trust to avoid having to pay back taxes deferred under preferential tax programs.

Action Taken: The subcommittee unanimously approved the policy with only one word change – replace "... any use..." in policy D.2. with "...a use..."

III. Riparian Corridor, Wetlands, and Wildlife Policies

Rithy Khut provided background on the proposed policies and the changes that have been made since the last meeting in response to the subcommittee's direction. He also explained that Assistant County Attorney, Jed Tomkins, reviewed the policies and offered some suggested changes. He will point those out as we discuss the various policies.

Significant comments over the course of the discussion were:

Riparian Corridor and Wetland Policies

- Ecosystem services value that has been added as item F under Riparian Corridor and Wetlands Policy 1 can be shown as a part of the economic value (item A).

Revise A to say: "Economic value, including ecosystem services value (the benefits people derive from ecosystems, including but not limited to: nutrient recycling, air purification, climate regulation, carbon sequestration, water purification, food, temperature regulation and aesthetic experience);"

- Item B, Recreation value, under Policy 1, should be eliminated because it isn't a compatible value in riparian corridors. The policy should be explaining why we want to protect riparian corridors. Recreation value doesn't protect these corridors. Some disagreed and noted that hiking trails along rivers and streams are a popular recreational use in riparian corridors and wetlands. It was agreed that item B be revised to say: "Recreation value, where compatible with underlying natural area value."
- Item E, Natural area value, under Policy 1, should mention more than endangered plant or animal species; it should also include rare and sensitive species. After more discussion it was decided rather than saying "having endangered plant or animal species" replace it with "having a state or federally listed plant or animal species".
- Strategy A under Policy 1: Jed commented that "past ESEE Analysis Reports" could be limiting since new or updated reports could be done in the future. So staff recommends instead replacing the word "past" with "applicable". Everyone agreed.
- Strategy B under Policy 1: There was concern that the inventory called out in this strategy is not as complete as it should be. Does the inventory of riparian areas include Metro's Title 13 mapped streams? Although staff was pretty sure it did, they were not certain. So it was decided to add language at the end of the strategy to address this.
- Strategy D of Policy 1 says "Adopt the Statewide Wetlands Inventory". Jed prefers it say "Utilize the Statewide Wetlands Inventory" so it does not obligate the Board of County Commissioners to take formal action to adopt. All agreed with the change.
- Strategy F of Policy 1 calls out a specific ESEE Analysis done in the past. It's possible this analysis could be updated, so we shouldn't limit ourselves to only what occurred in the past. To address this, it was decided to add the following language to the end of the strategy: "..., or as revised by any subsequent ESEE analysis."
- Policy 3B should be strengthened to say "Incorporate headwaters management strategies..." rather than "Consider incorporating"
- Similarly, Policy 4 should say "Update" rather than "Consider updating..."
- Policy 4 addresses erosion control and stormwater management which is different than goal 5 protection, so this policy may not belong here, but unsure where it should go.
- On the topic of headwaters management, could the County have a Headwaters environmental overlay zone (SEC)? There is a need to protect headwater areas. The current SEC-s overlay does not protect these areas. Do Metro's Title 13 maps include more headwater areas than what is shown on the County maps? Staff will research that.
- Regarding erosion and stormwater management regulations, should there be a policy that post-development storm runoff cannot exceed pre-development levels?

The reference to low impact development (LID) standards would already address that.

Wildlife Habitat Policies

- Make the same changes to these policies as those discussed and agreed upon for the Riparian Corridor and Wetlands Policies:
 1. Put Ecosystem services value with Economic value and explain what these are.
 2. Qualify Recreation value with "... where compatible with underlying natural area value."
 3. Replace "endangered plant or animal species" with "having a state or federally listed plant or animal species."
- In Strategy A under Policy 1 replace "past ESEE Analysis Reports" with "applicable ESEE Analysis Reports".
- Strategy B under Policy 1: Jed Tomkins had commented that calling out safe harbor inventory criteria may be too limiting. Instead of "... using the safe harbor inventory criteria of Statewide Planning Goal 5" staff recommends saying "... in accordance with Statewide Planning Goal 5."
- Policy 3 only mentions the Oregon Department of Fish and Wildlife (ODFW) as administrator of the Wildlife Habitat tax deferral program, but the soil and water conservation districts are also involved in administering the program. It was decided to include local Soil and Water Conservation Districts in the policy.
- Policy 5 on restricting house sizes should be strengthened to say "Amend.. " rather than "Consider amendments..." Staff responded that we aren't sure we can limit house sizes, so we need to explore this first. Given the uncertainty, consider amendments would be a better way to say it. Also, code amendments to limit housing size may not actually be part of the SEC overlay; they could show up elsewhere. No change made.
- For wildlife protection, we may want to consider policies directed at reducing bird strikes. Recent articles on this topic point out ways of doing that. Dark sky lighting helps, as does certain window treatments. There was no direction from the subcommittee on this issue.
- Policy 5 talks about minimizing loss of wildlife habitat, but the issue is really about minimizing harm to wildlife habitat. It was agreed to replace "... minimize loss of ..." with "... minimize harm to ...".

IV. Natural Hazards Policies

Matt Hastie provided the background on these policies and the changes since the last subcommittee meeting based on discussion that occurred then.

Steep Slope and Landslide Hazards

Matt wanted to clarify that he may have misrepresented the discrepancies in steep slope thresholds of 20% and 25% indicated in current plans. The zoning code's hillside

development standards apply to slopes of 25% or more. This primarily means that a geotechnical report is required to build on these slopes to determine slope stability and any related hazards. The West Hills RAP calls out protective measures for slopes of 25% or greater. The Comprehensive Framework Plan establishes 20% as the gradient for steep slopes. Kevin Cook explained how the Hillside and Erosion Control permits apply to development on slopes and the different gradients that each apply to. Matt asked whether the committee members still want to go with a 20% threshold for proposed development to meet hillside development standards, or to stay with the current 25% in the code.

A member expressed a desire to go with the 20% number because based on the geology of the West Hills it is better to go with a conservative number there.

Another member said as long as staff has the ability to require a geotech study when conditions warrant one, regardless of slope, there is no need to change the policy to 20%.

A third member said that it's not worth the extra 5% -- going from the current 25% to 20% is not worth it.

The fourth member wanted to stick with the policy as proposed that identifies steep slopes as those of 20% or greater.

Major comments during discussion of the steep slope and landslide hazards policy were:

- Runoff from roofs can cause erosion problems when it is concentrated discharge in one spot. Hopefully that will be considered and addressed.
- There are lots of landslides in the West Hills. It is very slide prone. Damage to property from landslides is not covered by homeowner's insurance, so we have a responsibility to protect people from landslide hazards, which are usually caused by development. What happens on someone's property could affect others. That's reason to favor the 20% number. Maybe require a lesser geotechnical analysis for slopes under 25% to lessen the burden and cost there. Another idea is to require a notice to be recorded when developing on steep slopes. That gives subsequent buyers notice about slope and landslide hazards associated with the property.

Action Taken on Slope Hazards: Because the subcommittee was evenly split about using 20% or 25% as the threshold number in the policy, it was decided to forward it to the CAC without a specific slope percentage. The number will be bracketed in the policy to indicate a choice for the CAC's consideration when it comes to them.

Matt explained that strategies on liquefaction have been included with the landslide hazard policies. From his research, development regulations for areas subject to liquefaction are usually handled through building design, not from a land use perspective. He does not know of any jurisdiction that regulates liquefaction. The

information he gathered on this topic served as the basis for the language used in the strategies.

A member pointed out that Gresham prohibits dry wells where liquefaction is likely to occur.

Floodplain Protection and Channel Migration

A member stated that residential development should not be allowed in the floodway. Staff responded that it is already prohibited there. It is still allowed to build in the floodplain but subject to flood protection standards.

The last bullet under the policy about updating mapping should be revised to also include mapping updates initiated by the County. Add the language "... as needed or as initiated by the County" at the end of the sentence.

No other changes to the Floodplain Protection and Channel Migration policy.

Wildfire Hazards

Committee member question: The policy mentions fire safety and mitigation standards; where are those standards?. Staff answer: They are already written into the code.

There was concern that fire safety standards may conflict with wildlife habitat protection policies where the former might require trees and other vegetation to be removed near a dwelling, but the latter tries to prevent or minimize vegetation removal. The second strategy under this policy should be clarified to say wildfire protection needs to be done in accordance with wildlife habitat protection. It was agreed to revise the strategy to say: "To reduce wildfire risk while protecting wildlife habitat, expand and tailor requirements to areas identified as prone to wildfires but not currently subject to regulation."

Another comment was that there should be a strategy that addresses additional restrictions for development of properties that have multiple hazard risk factors.

V. Existing Policies Related to Air, Water, Wildlife and Hazards

There was not enough time to begin discussion of this agenda topic so it will be taken up at the next subcommittee meeting. Rich pointed out that in reviewing the existing policies, the subcommittee should not dwell on the introductions to the various policy topics, because much of this will be rewritten with the new comprehensive plan. Depending on how the new plan is organized, some of this introductory language may not be needed at all. What we are primarily interested in are the policies and strategies.

VI. Public Comment --- None

VII. Wrap Up and Adjourn The meeting adjourned at approximately 5:04 pm.

Existing Policies Related to ENVIRONMENTAL QUALITY (Air, Land, Water, Wildlife)

BACKGROUND: *The current County Comprehensive Plan and Rural Area Plans contain many policies and strategies pertaining to environmental quality – air, land, water and wildlife -- that may still be applicable in whole or in part and worth consideration for retaining -- some without changes and some with text changes to update the language for better clarity or for countywide applicability. These current policies and strategies could be carried over into the new comprehensive plan so long as they do not conflict with any new policy that emerges from this comprehensive plan update process. Wherever a conflict with a new policy occurs, the existing policy language would either have to be eliminated or revised to be consistent with the new policy. Similarly, wherever a new policy duplicates or substantially addresses an issue covered in an existing policy, the existing policy should be eliminated in favor of the new one.*

Explanation of Different Types of Text in this Document

Standard text – means existing language from the County Comprehensive Plan or a Rural Area Plan.

~~Strikeouts~~ – means existing text that is being deleted.

Underlined – means new text that is being added.

Bold Underlined – means new policies or strategies.

ENVIRONMENTAL QUALITY POLICIES PROPOSED FOR RETENTION OR REVISION

Policies from the County Comprehensive Plan and Rural Area Plans

~~POLICY 13:~~ AIR, WATER AND NOISE QUALITY

INTRODUCTION

~~In recent years, c~~Citizens have come to recognize the value of clean air and water and a quiet environment. Natural resources are not limitless, and the quality of human life is dependent on the quality of the natural environment. Awareness and concern for the natural ecology has led to legislation and government involvement in balancing the human and natural environments.

Government, business and private citizens are all responsible for maintaining a livable environment and for improving air and water quality and noise levels where pollution and deterioration exist. Federal, state and local laws and agencies have worked in the public interest to halt environmental deterioration. Continued vigilance is necessary to ensure that natural systems and resources are not threatened or unduly burdened by urban and rural development, and to maintain and balance high quality human and natural environments.

It is desirable to blend the human environment and the natural setting together in a way that reduces adverse effects. ~~This section examines air and water and noise quality in unincorporated Multnomah County. Environmental quality standards have been established for each resource, with regulatory responsibilities assigned to a primary agency at the Federal and State levels. Multnomah County enforces environmental protection through zoning and development processes and police powers. However, pollution of the natural environment often exceeds local governmental boundaries and authority, requiring regional and cooperative efforts. Air and water quality enforcement is also provided by Federal and State agencies.~~

The federal government has previously taken the lead role in requiring regional solutions to environmental problems. Greater state and local initiative may be necessary in the future to mitigate air and water and noise pollution. Urban and rural areas of unincorporated Multnomah County and its six cities must work together within the regional context. Their mutual objective should be to minimize pollution and maintain established environmental quality standards, to resolve grievances whenever air, water and noise problems occur, and to ensure a healthful human environment in balance with a high-quality natural environment. These achievements can occur, to a great extent, through the conscientious efforts of local business and industry and private citizens, through incentive programs, and through government regulation, where necessary.

POLICY

A. Cooperate in the development and implementation of regional efforts to maintain and improve air, water and noise quality.

~~Multnomah County, recognizing that the health, safety, welfare, and quality of life of its citizens may be adversely affected by air, water and noise pollution, supports efforts to improve air and water quality and to reduce noise levels.~~

~~B. Therefore, if a land use proposal is a noise-sensitive use and is located in a noise-impacted area, or if the proposed use is a noise generator, the development must meet the following shall be incorporated into the site plan:~~

- ~~1. Building placement on the site must be in an area having minimal noise level disruptions.~~
- ~~2. Building insulation or other construction techniques must be used to lower interior noise levels in noise-impacted areas.~~

STRATEGIES

~~A. As part of the ongoing planning programs, the County should:~~

- ~~1. Maintain staff capability to advise the legislative body and its representatives on Federal and State air, water and noise quality standards and programs, and to report pollution impacts on these resources.~~
- ~~2. Cooperate in the development and implementation of regional efforts to maintain and improve air, water and noise quality.~~
- ~~3. Inventory existing and potential air, water, and noise impacts at the local level as part of the community planning process.~~
- ~~4. Facilitate the establishment of expanded sewer infrastructure and wastewater treatment in urban unincorporated East Multnomah County, with priority given to areas where existing in-ground systems are failing, and where industrial, commercial, and intensive residential development is constrained by lack of sewers.~~
- ~~5. Evaluate the effectiveness of the 1982 Sound Control Ordinance in resolving noise problems.~~
- ~~6. Work with local jurisdictions, affected communities, and Port of Portland staff to adopt a noise impact overlay zone. Such a zone should be applied to all areas within the 65 Land noise contour once the noise abatement plan has been implemented.~~

~~72.~~ As part of the Erosion and Sediment Control Ordinance, include development standards relating to erosion protection and local drainage capacity.

~~83.~~ Cluster, buffer or isolate land uses which cause negative impacts on air and water resources, or are noise generators.

~~B. Air, water and noise quality enforcement should be provided by the appropriate Federal and State agencies.~~

~~POLICY 16: NATURAL RESOURCES~~

~~INTRODUCTION~~

The purpose of the Natural Resources policy is to implement statewide Planning Goal 5: "Open Spaces, Scenic and Historic Areas, and Natural Resources." These resources are necessary to ensure the health and well-being of the population. Natural resources include such diverse components as mineral and aggregate reserves, significant wetlands, historic sites, and scenic waterways. ~~The individual components, as set forth by state law (OAR 660-16), are addressed below as sub-policies 16-A through 16-L.~~ Natural resources within the Columbia River Gorge National Scenic Area are not subject to statewide Goal 5 and are addressed ~~through Policy 41~~ under the policy pertaining to the National Scenic Area.

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

~~POLICY~~

~~The County's policy is to p~~Protect natural resources, conserve open space, and ~~to~~ protect scenic, cultural and historic areas and sites. ~~These resources are addressed within sub-policies 16-A through 16-L.~~

~~STRATEGIES~~

A. ~~The County will m~~Maintain an inventory of the location, quality, and quantity of each of these resources in accordance with Statewide Planning Goal 5. ~~Sites with minimal information will be designated "1B", but when sufficient information is available, the County will conduct the necessary ESEE analysis.~~

~~B. Certain areas identified as having one or more significant resource value will be protected by the designation Significant Environmental Concern (SEC). This overlay zone will require special procedures for the review of certain types of development allowed in the base~~

zones. This review process will ensure the minimum impact on the values identified within the various areas, and shall be designed to mitigate any lost values to the greatest extent possible.

B. Apply the "Significant Environmental Concern," overlay classification to areas having any of these natural resource values that are determined to be significant resources.

~~C. The following areas shall be designated as areas of Significant Environmental Concern based on "Economic, Social, Environmental, and Energy" (ESEE) evaluations and designations of: "2A," "3A," or "3C" under statewide Goal 5. Resource protection shall be provided by either the SEC or WRG overlay provisions in the Multnomah County Zoning Code (MCC 11.15) applied on:~~

~~1. Resource sites designated "2A," "3A," or "3C" in the Multnomah County Goal 5 Inventory and identified for SEC or WRG protection in sub-policies 16-A through 16-L;~~

~~2. Hayden Island west of the Burlington Northern Railroad tracks;~~

~~3. Blue Lake, Fairview Lake (Ord. 234), and Columbia River shore area and islands;~~

~~4. Johnson Creek;~~

~~5. Other areas as may be determined under established Goal 5 procedures to be suitable for this "area" designation.~~

~~a. The County shall complete ESEE evaluations by June 30, 1994, for Significant Water Resources & Wetlands potentially affected by the Angel Brothers and Howard Canyon Mineral and Aggregate Resource sites; and~~

~~— (Note: The ESEE evaluations are contained in the "West Hills Reconciliation Report, Revised — September 1995," and the "Howard Canyon Reconciliation Report, Revised — September 1995," which are both amendments to the "Multnomah County Comprehensive Framework Plan, Volume One: Findings");~~

~~b. The County will conduct ESEE evaluations and determine appropriate protections for Significant ("1C") sites as part of the Rural Area Planning Program, to include 1B designated sites subsequently determined to be Significant ("1C"); and~~

~~— (Note: The Rural Area Planning Program documents to date are: the "West Hills Rural Area Plan, October 1996," the "East of Sandy River Rural Area Plan, Final, Adopted July 10, 1997," and the "Sauvie Island / Multnomah Channel Rural Area Plan, Adopted October 30, 1997, Ordinance No. 887"). The Rural Area Plans are an~~

~~amendment to this document, the "Multnomah County Comprehensive Framework Plan, Volume: Two").~~

- ~~c. The County shall complete all outstanding ESEE evaluations by January, 1998, for Significant Water Resources & Wetlands.~~

~~D.C.~~ Those wetlands and water areas ~~listed in C above~~ that are located within the Willamette River Greenway (Policy 15) will be protected by development review procedures within the WRG overlay zone instead of the SEC zone.

POLICY ~~16-A~~: OPEN SPACE

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

STRATEGIES

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

POLICY ~~16-B~~: MINERAL AND AGGREGATE RESOURCES

New policies pertaining to mineral and aggregate resources have already been approved by the CAC and will replace all existing policies on this topic.

POLICY ~~16-C~~: ENERGY SOURCES

~~It is the County's policy to p~~Protect sites required for generation of energy.

STRATEGIES

- A. Maintain an inventory of energy ~~sources~~ production sites within the County.
- B. Coordinate with appropriate regulatory or licensing authorities in the protection of sites required for energy generation.

- C. ~~The Zoning Code should include provisions for energy generation facilities as a conditional use.~~

~~POLICY 16-D:~~ FISH AND WILDLIFE HABITAT

~~It is the County's policy to p~~Protect significant native 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 local and regional scientific information provided by the Oregon Department of Fish and Wildlife to identify significant native fish and wildlife habitat areas and ~~to delineate sensitive big game winter habitat areas.~~ If necessary, supplement this information with additional professional science-based analysis to identify additional significant habitat areas and natural ecosystems within rural portions of the County.
- B. Apply the SEC-habitat overlay zone to all significant habitat areas ~~not already zoned~~ Willamette River Greenway unless the area is adequately protected by the restrictions of the underlying zoning or by another overlay zone.
- C. ~~Include provisions within the Zoning Ordinance to review development proposals which may affect natural ecosystems within the rural portions of the County and sensitive big game winter habitat areas.~~

~~POLICY 16-E:~~ NATURAL AREAS

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

STRATEGIES

- A. Utilize ~~information from~~ the Oregon Natural Heritage ~~Program~~ Resources Register to maintain a current inventory of ~~all~~ ecologically and scientifically significant natural areas.
- B. Apply the SEC overlay zone to ~~all~~ those natural areas designated for protection but not otherwise protected by Willamette River Greenway zoning or outright ownership by a public or private agency with a policy to preserve natural area values of the site.

~~POLICY 16-F:~~ SCENIC VIEWS AND SITES

~~It is the County's policy to c~~Conserve scenic resources and protect their aesthetic appearance for the enjoyment of future generations.

STRATEGIES

- A. Apply the SEC overlay zone to the Sandy River State Scenic Waterway and any other designated significant scenic areas ~~designated "2A," "3A," or "3C" under statewide Goal 5~~ to assure the scenic resources of these areas are not diminished as new development occurs.
- B. Coordinate reviews of development proposals within SEC areas with other affected agencies (i.e., National Forest Service, State Parks and Recreation ~~Division~~ Department's Rivers Program, etc.).
- C. Enforce large lot zoning regulations in resource areas to conserve scenic qualities associated with farm and forest lands.
- D. Apply the WRG overlay zone to lands within the Willamette River Greenway. Review new development within the greenway to assure scenic values are not diminished.
- E. Administer Design Review provisions to enhance visual qualities of the built environment.
- ~~F. Apply a scenic overlay to the West Hills significant ("3C") scenic area. Review new development that would be visible from Sauvie Island and other viewing areas identified in the Goal 5 analysis to assure that the overall appearance of a natural forested landscape is retained.~~

~~POLICY 16-G~~: WATER RESOURCES AND WETLANDS

(Virtually all of this policy speaks to strategies for identifying and designating significant wetland and water resource areas from past ESEE analyses. These strategies have been implemented through the various SEC overlay zones. For that reason policy 16-G can be deleted in its entirety and new policies and strategies will be proposed.)

~~It is the County's policy to protect and, where appropriate, designate as areas of Significant Environmental Concern those water areas, streams, wetlands, watersheds, and groundwater resources having special public value in terms of the following:~~

~~A. Economic value;~~

~~B. Recreation value;~~

- ~~C. Educational research value (ecologically and scientifically significant lands);~~
- ~~D. Public safety (municipal water supply watersheds, water quality, flood water storage areas, vegetation necessary to stabilize river banks and slopes);~~
- ~~E. Natural area value (areas valued for their fragile character as habitats for plant, animal or aquatic life, or having endangered plant or animal species).~~

~~STRATEGIES~~

- ~~A. Assess the economic values of Water Resource and Wetland Sites and designate as "significant" (1C) if:
 - ~~1. Any use of the water resource can be shown to be feasible for use in significantly increasing a specified economic activity or function or substantially increasing the economic value of the land through which the waters flow.~~~~
- ~~B. Assess the recreation values of Water Resource and Wetland Sites and designate as "significant" (1C) if:
 - ~~1. The water resource lies within the boundary of a public park, publicly accessible recreational facility, or private recreational facility available for public or group use, and is an integral part of the facilities' recreational activities; or,~~
 - ~~2. The water resource contributes water to a water resource within the boundary of a public park, publicly accessible recreational facility, or private recreational facility available for public or group use, and the diversion or degradation of the contributing waters would significantly diminish the recreational value of the water resource.~~~~
- ~~C. Assess the educational research value of Water Resource and Wetland Sites and designate as "significant" (1C) if:
 - ~~1. The resource has been identified by the Oregon Natural Heritage Program as being ecologically or scientifically significant; or~~
 - ~~2. The water resource is used for public educational purposes.~~~~
- ~~D. Assess the public safety values of Water Resource and Wetland Sites and designate as "significant" (1C) if:~~

- ~~1. The water resource is within the Watershed Management Unit of an existing or proposed municipal water source as identified by the U.S. Forest Service, U.S. Geological Service, City of Portland, or other public agency; or~~
 - ~~2. The water resource is part of a groundwater area which provides a municipal water supply; or~~
 - ~~3. The water resource and surrounding lands are flood water storage areas whose removal or degradation would increase the frequency or height of floods to adjacent or downstream areas;~~
 - ~~4. The riparian or watershed vegetation associated with a water resource shall be considered part of the water resource area if that vegetation substantially contributes to the protection of water quality by reducing sedimentation and erosion, removing nutrients, or lowering water temperature / increasing BOD.~~
- ~~E. Assess the natural area value of Water Resource and Wetland Sites and designate as "significant" (1C) if:~~
- ~~1. The Oregon Department of Forestry has classified the stream or watercourse as "Class 1 waters" as defined in the State Forest Practices Act; or~~
 - ~~2. The water resource or associated vegetation area is the habitat of an endangered or threatened plant or animal species as identified by the Oregon Natural Heritage Program, U.S. Fish and Wildlife Service or other public agency; or~~
 - ~~3. A "Wildlife Habitat Assessment" (WHA) rating form has been completed and the site scored 45 or more points of the possible 96 points. Sites with scores between 35-44 points on the WHA form may be determined "Significant" (1C) if they function as essential connections between or demonstrably enhance higher rated adjacent resource areas.~~
- ~~— The WHA is a standardized rating system for evaluating the wildlife habitat values of a site. The form was cooperatively developed by staff from the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, The Oregon Department of Fish and Wildlife, the Audubon Society of Portland, The Wetlands Conservancy, and the City of Beaverton Planning Bureau.~~
- ~~F. Significant water resource and wetland areas identified as a "2A," "3A," or "3C" site using the Statewide Planning Goal 5 "Economic, Social, Environmental, and Energy Analysis" procedure as outlined in OAR 660-16-000 through 660-16-025 shall be designated as areas of "Significant Environmental Concern" and protected by either the SEC or WRG overlay zone.~~

~~G. Wetlands information gathered by and made available to the County shall be utilized as follows:~~

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

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

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

~~INVENTORY OF WATER RESOURCES~~

~~Table 1~~

~~PROTECTED WATER RESOURCE AND WETLAND SITES~~

~~[Sites designated 2A, 3A, or 3C in the Goal 5 Inventory: January, 1994]~~

~~(Note: See the following documents for additional sites and amended ESEE Analysis Reports: "West Hills Reconciliation Report, Revised – September 1995"; "Howard Canyon Reconciliation Report, Revised – September 1995"; "West Hills Rural Area Plan, October 1996"; "East of Sandy River Rural Area Plan, Final, Adopted July 10, 1997"; and the "Sauvie Island / Multnomah Channel Rural Area Plan, Adopted October 30, 1997, Ordinance No. 887").~~

~~Rural Westside Sites (listed alphabetically):~~

- ~~1—Agricultural Ditches and Sloughs on Sauvie Island~~
- ~~2—"Audubon House" tributary of Balch Creek (in sub-basin #5; 1993 BES report)~~
- ~~3—Balch Creek (Class I reach outside Portland; below confluence of Thompson and Cornell forks)~~
- ~~4—Burlington Bottoms Wetlands~~
- ~~5—Dairy Creek~~
- ~~6—Gilbert River & tributary drainageways/wetlands (in R1W sections 5, 8, 9, 16, 21, 22, 28, 29, 31, 32 & 33)~~
- ~~7—Howell Lake~~
- ~~8—McCarthy Creek (Class I reach in R1W sections 18, 19, 30 & 31)~~
- ~~9—Miller Creek (sections outside Portland)~~
- ~~10—Multnomah Channel (reach outside Portland)—~~
- ~~11—"Newberry" (or "Ennis") Creek (reach in R1W sections 28 & 33)~~
- ~~12—Sand Lake~~
- ~~13—"Sheltered Nook" tributary of McCarthy Creek (in R2W sections 19 & 24)~~
- ~~14—Small Unnamed Lake/Slough west of Wagon Wheel Hole Lake~~
- ~~15—Sturgeon Lake~~
- ~~16—Unnamed creek which flows into Rainbow Lake (reaches in R2W sections 12 & 13)~~
- ~~17—Unnamed creeks with confluence south of Logie Trail Rd. (Class I reaches in R2W sections 13 & 24 and R1W section 18)~~
- ~~18—Unnamed creek between Logie Trail and Cornelius Pass Roads (in R2W section 24 and R1W sections 18 & 19)~~
- ~~19—Virginia Lakes~~
- ~~20—Wagon Wheel Hole Lake~~

~~Rural Eastside Sites (Does not include sites within the Columbia Gorge NSA):~~

- ~~1—Government Island wetlands~~
- ~~2—McGuire Island wetlands~~
- ~~3—Sandy River Gorge~~

~~Note: Sites listed above are protected by SEC or WRG zoning provisions, based on completed ESEE evaluations and designations: 2A, 3A, or 3C under statewide Goal 5.~~

~~Table II lists Significant Water Resources and Wetland sites designated 1C (Goal 5 ESEE processes pending).~~

Table 2

SIGNIFICANT WATER RESOURCE AND WETLAND SITES

~~[Sites designated 1C in the Goal 5 Inventory: January, 1994; ESEE evaluations pending]~~

~~(Note: See the following documents for additional sites and amended ESEE Analysis Reports: "West Hills Reconciliation Report, Revised—September 1995"; "Howard Canyon Reconciliation Report, Revised—September 1995"; "West Hills Rural Area Plan, October 1996"; "East of Sandy~~

~~River Rural Area Plan, Final, Adopted July 10, 1997”; and the “Sauvie Island / Multnomah Channel Rural Area Plan, Adopted October 30, 1997, Ordinance No. 887”).~~

~~Rural Westside Sites~~ (listed alphabetically):

- ~~1—Balch Creek Forks: Thompson, Cornell, and “South Audubon” (outside Portland)~~
- ~~2—“Germantown Road” tributaries of Rock Creek (Class I reaches in R1W sections 8, 9 & 16)~~
- ~~3—Jackson Creek (Class I reach in R2W section 10)~~
- ~~4—Jones Creek (Class I reach in R2W section 25)~~
- ~~5—Joy Creek (Class I reach in R2W section 25)~~
- ~~6—McKay Creek, East Fork (Class I reach in R2W section 10)~~
- ~~7—Rock Creek (Class I reaches in R2W sections 22, 23, 26 & 36; includes East Fork)~~
- ~~8—Three unnamed creeks with confluence on Wildwood Golf Course (Class I reaches in R2W sections 1, 2, 11 & 12)~~

~~Rural Eastside Sites~~ (listed alphabetically):

- ~~1—Beaver Creek (Class I reaches in R3E sections 1 & 12; and R4E sections 7, 8, 16 & 17)~~
- ~~2—Big Creek~~
- ~~3—Bridal Veil Creek (Class I reach outside Gorge NSA; R5E sections 24 & 25)~~
- ~~4—Buck Creek (Class I reaches)~~
- ~~5—Camp Creek (tributary to Bull Run River, in Mt. Hood National Forest)~~
- ~~6—Cat Creek (includes North Fork in sections 16 & 17)~~
- ~~7—Donahue Creek (Class I reach outside Gorge NSA; R5E sections 25 & 36)~~
- ~~8—Gordon Creek (includes South, Middle & North forks in Mt. Hood National Forest)~~
- ~~9—Howard Canyon Creek (Class I reaches in R4E sections 1 & 2; and R5E sections 5 & 6)~~
- ~~10—Johnson Creek (Class I reaches southeast of Gresham, including North Fork)~~
- ~~11—Kelly Creek (tributary of Johnson Creek)~~
- ~~12—Knieriem (or “Ross”) Creek (Class I reaches in R4E sections 2, 35 & 36 and R5E section 31)~~
- ~~13—Lattourelle Creek (reaches outside Gorge NSA; R5E sections 32 & 33; includes South Fork)~~
- ~~14—Mitchell Creek (tributary of Kelly Creek; in R3E section 19)~~
- ~~15—Pounder Creek (Class I reach outside Gorge NSA; in R4E sections 2 & 35)~~
- ~~16—Smith Creek (Class I reaches in R4E sections 3, 4, 5 & 36)~~
- ~~17—Thompson Creek (tributary of Gordon Creek)~~
- ~~18—Trout Creek (Class I reaches in R4E sections 13, 14 & 24 and R5E sections 17, 18 & 19)~~
- ~~19—Two unnamed creeks west of Springdale (Class I reaches in R4E sections 5, 6, 32 & 33)~~
- ~~20—Unnamed tributary of Bull Run River (Class I reach in R5E section 22)~~
- ~~21—Walker Creek (Class I reach in R5E section 22)~~
- ~~22—Young Creek (Class I reach in R5E section 35 & outside Gorge NSA)~~

Table 3

~~POTENTIALLY SIGNIFICANT WATER RESOURCE AND WETLAND SITES~~
~~[Sites designated 1B in the Goal 5 Inventory: January, 1994]~~

(~~Note: See the following documents for relevant ESEE Analysis Reports: “West Hills Reconciliation Report, Revised—September 1995”; “Howard Canyon Reconciliation Report, Revised—September 1995”; “West Hills Rural Area Plan, October 1996”; “East of Sandy River Rural Area Plan, Final, Adopted July 10, 1997”; and the “Sauvie Island / Multnomah Channel Rural Area Plan, Adopted October 30, 1997, Ordinance No. 887”.~~

Rural Westside Sites (listed alphabetically):

- ~~1—Balch Creek watershed (except 1C or 3C designated reaches & sections in Portland)~~
- ~~2—Burlington Bottoms watersheds~~
- ~~3—Jackson Creek tributaries and watersheds (except Class I reaches)~~
- ~~4—Jones Creek tributaries and watersheds (except Class I reaches)~~
- ~~5—Joy Creek tributaries and watersheds (except Class I reaches)~~
- ~~6—McCarthy Creek tributaries and watersheds (except Class I reaches & “Sheltered Nook” tributary in sections 19 & 24)~~
- ~~7—McKay Creek tributaries and watersheds (except Class I reaches)~~
- ~~8—Miller Creek tributaries and watersheds (except 3C designated reach & sections in Portland)~~
- ~~9—Newberry Creek tributaries and watersheds (except 3C designated reach)~~
- ~~10—Rock Creek tributaries and watersheds (except Class I reaches)~~
- ~~11—Tributaries and watersheds to three unnamed creeks on Wildwood Golf Course (upstream of Class I reaches in R2W sections 1, 2, 11 & 12)~~
- ~~12—Tributaries and watersheds to unnamed creek which flows into Rainbow Lake (except 3C designated reaches)~~
- ~~13—Tributaries and watersheds above three unnamed creeks south of Logie Trail Rd. (except 3C designated reaches)~~

Rural Eastside Sites (Does not include sites within the Columbia Gorge NSA):

- ~~1—Beaver Creek tributaries and watersheds (except Class I reaches)~~
- ~~2—Bridal Veil Creek tributaries and watersheds (above Class I reach & outside Gorge NSA)~~
- ~~3—Buck Creek tributaries and watersheds (except Class I reaches)~~
- ~~4—Cat Creek tributaries and watersheds (except Class I reaches)~~
- ~~5—Donahue Creek tributaries and watersheds (above Class I reach & outside Gorge NSA)~~
- ~~6—Gordon Creek tributaries and watersheds (except Class I reaches)~~
- ~~7—Howard Canyon Creek tributaries and watersheds (except Class I reaches)~~
- ~~8—Johnson Creek/Kelly Creek watersheds (except Class I reaches)~~
- ~~9—Knieriem (or “Ross”) Creek tributaries and watersheds (except Class I reaches)~~
- ~~10—Lattourelle Creek tributaries and watersheds (above Class I reach & outside Gorge NSA)~~
- ~~11—Pounder Creek tributaries and watersheds (above Class I reach & outside Gorge NSA)~~
- ~~12—Smith Creek tributaries and watersheds (above Class I reach & outside Gorge NSA)~~
- ~~13—Thompson Creek tributaries and watersheds (except Class I reach)~~
- ~~14—Trout Creek tributaries and watersheds (except Class I reaches)~~
- ~~15—Tributaries and watersheds to two unnamed creeks west of Springdale~~
- ~~16—Young Creek tributaries and watersheds (above Class I reach & outside Gorge NSA)~~

~~POLICY 16-H:~~ WILDERNESS AREAS

~~It is the County's policy to r~~Recognize the value of wilderness among the many resources derived from public lands.

STRATEGIES

- A. ~~As a federally designated wilderness area, Tthe Columbia~~ Mark O. Hatfield Wilderness shall be designated as is a significant Goal 5 Resource Site.
- B. ~~The SEC overlay zone shall be applied to the Columbia Wilderness. The Mark O. Hatfield wilderness area shall be protected through the County's most restrictive Commercial Forest Use zoning or through the appropriate SEC overlay zoning.~~
- C. ~~The County shall c~~Coordinate with federal land management agencies and Congressional staff in the formulation of proposals for any additional wilderness areas within Multnomah County.
- D. ~~All parcels of federal land which meet federal guidelines for wilderness and which fit the definition outlined in the Findings document shall be recommended for wilderness designation.~~
- D. Support wilderness designation of federal lands which meet guidelines for wilderness designation.

~~POLICY 16-I:~~ HISTORIC RESOURCES

[Note: New historic resources policies and strategies are being proposed and, if approved, will replace existing policies below.]

~~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 a 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.~~

~~HISTORICAL SITE CRITERIA~~

- ~~A. Historical Significance—Property is associated with significant past events, personages, trends or values, and has the capacity to evoke one or more of the dominant themes of national or local history.~~
- ~~B. Architectural Significance (Rarity of Type and/or Style)—Property is a prime example of a stylistic or structural type, or is representative of a type once common and is among the last~~

~~examples surviving in the County. Property is a prototype or significant work of an architect, builder or engineer noted in the history of architecture and construction in Multnomah County.~~

~~C. Environmental Considerations — Current land use surrounding the property contributes to an aura of the historic period, or property defines important space.~~

~~D. Physical Integrity — Property is essentially as constructed on original site. Sufficient original workmanship and material remain to serve as instruction in period fabrication.~~

~~E. Symbolic Value — Through public interest, sentiment, uniqueness or other factors, property has come to connote an ideal, institution, political entity or period.~~

~~F. Chronology — Property was developed early in the relative scale of local history or was an early expression of type/style.~~

~~POLICY 16-J: CULTURAL AREAS~~

[Note: New cultural resources policies and strategies are being proposed and, if approved, will replace the existing policy below.]

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

~~STRATEGIES~~

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

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

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

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

~~POLICY 16-K~~: RECREATION TRAILS

(This is a listed goal 5 resource that only pertains to Oregon Recreational Trails designated by the Oregon Parks and Recreation Commission. In Multnomah County, the 40 mile Loop Trail is the only trail that is state designated. The 40 mile Loop Trail is entirely within the Portland Area urban growth boundary.)

~~It is the County's policy to recognize the following trails as potential State recreation trails:~~

~~Columbia Gorge Trail~~

~~Sandy River Trail~~

~~Portland to the Coast Trail~~

~~Northwest Oregon Loop Bicycle Route~~

STRATEGIES

- ~~A. Coordinate with ODOT and any other public or private agency to resolve any conflicts which may arise over the development of these trails.~~
- ~~B. Address these trails as Goal 5 resource sites whenever the trail route becomes specifically identified, built, proposed, or designated.~~

~~POLICY 16-L~~: WILD AND SCENIC WATERWAYS

~~It is the County's policy to p~~Protect all state or federal designated scenic waterways from incompatible development and ~~to~~ prevent the establishment of conflicting uses within scenic waterways.

STRATEGIES

- A. Coordinate with the Oregon State Parks and Recreation ~~Division~~ Department in the review and regulation of all development proposals or land management activities ~~within~~ along the Sandy River State Scenic Waterway.
- B. Apply the SEC overlay zone to the Sandy River State Scenic Waterway corridor to ensure proper recognition of the waterway and to further mitigate the impacts on uses allowed within the underlying resource zones.
- C. Coordinate with the U.S. Forest Service in the review and regulation of all development proposals or land management activities within the federal wild and scenic river segment of the Sandy River.
- D. Work with state and federal agencies or other interested parties in developing proposals for scenic waterway protection of other stream segments in the County.

From West of Sandy River Rural Area Plan

Policy 1

~~Multnomah County recognizes the importance of identifying and protecting natural resources in order to promote a healthy environment and natural landscape that contribute to the Multnomah County's livability of the West of Sandy River Rural Area.~~

Strategies:

~~1.1 Multnomah County shall prepare and maintain an inventory of the location, quality, and quantity of significant wildlife habitat areas and riparian corridors within the West of Sandy River Rural Area County in accordance with Statewide Planning Goal 5. This inventory should include the riparian corridors associated with the rural eastside streams of Beaver Creek, Johnson Creek and Kelly Creek that are listed in Framework Plan Policy 16G as either significant or potentially significant.~~

~~1.2 Multnomah County shall utilize the Statewide Wetlands Inventory all available wetland inventory information to identify the general location of wetlands within the West of Sandy River Rural Area County.~~

[Note: A similar policy is being proposed for approval under new Air, Land, Water, Wildlife and Hazards Policies. If the proposed policy is approved it would supersede and replace this one.]

Policy 2

~~Multnomah County shall designate selected riparian corridors and wildlife habitat areas as significant natural resources pursuant to Statewide Planning Goal 5.~~

[Note: A similar policy is being proposed for approval under new Air, Land, Water, Wildlife and Hazards Policies. If the proposed policy is approved it would supersede and replace this one.]

Strategies:

~~2-1 Those wildlife habitat areas that have been rated as "high" value for at least one of the following ecological functions shall be designated as "significant":~~

- ~~➤ Wildlife Habitat,~~
- ~~➤ Water Quality Protection,~~
- ~~➤ Ecological Integrity,~~
- ~~➤ Connectivity, and~~
- ~~➤ Uniqueness.~~

~~2.2 — Those riparian areas that have been rated as "high" value for at least one of the following ecological functions shall be designated as "significant":~~

- ~~➤ — Fish Habitat~~
- ~~➤ — Wildlife Habitat,~~
- ~~➤ — Water Quality Protection,~~
- ~~➤ — Ecological Integrity, and~~
- ~~➤ — Connectivity.~~

Policy 3

~~Multnomah County shall pProtect significant riparian corridors and associated impact areas and limit conflicting uses within these areas inthe West of Sandy River Rural Area. In considering the protection of these resources, the County shall emphasize an ecosystem based, watershed approach.~~

[Note: A similar policy is being proposed for approval under new Air, Land, Water, Wildlife and Hazards Policies. If the proposed policy is approved it would supersede and replace this one.]

Strategies:

~~3.1 — Multnomah County shall implement this policy with amendments to the Multnomah County Zoning Code, Significant Environmental Concern Zoning Overlay District for riparian corridors and water resources within the West of Sandy River Rural Area. The protection measures that are incorporated into the SEC Overlay District ordinance will utilize the measures that protect water quality under Policy 6 as one tool to protect riparian corridors and associated impact areas.~~

~~3.2 — This overlay district shall be applied to both the resource and its impact area and shall include areas within 200 feet of each significant stream as measured from top of bank. As stated in Section 6.4 of the West of The Sandy River Rural Area Transportation and Land Use Plan Natural Resource Inventory and ESEE Report, this distance is based in the science of the functions and values of riparian corridors. The weight of the science indicates that a significant measure of the functions of riparian corridor habitat exists within the distance that is defined by one potential tree height (PTH) from a stream. The US Fish and Wildlife Service suggests that 200 feet is the appropriate potential tree height (PTH) for Multnomah County based on soils and native trees (Metro, 1999). In addition, the County needs to adopt a Title 3 Water Quality and Floodplain ordinance that can include regulated areas up to 200 feet wide.~~

~~3.3 The limitation on conflicting uses in this district shall apply to those uses that are regulated by the County and shall allow for conflicting uses within the district if an alternatives analysis demonstrates that no reasonable alternative exists. The standards shall be most protective of the riparian corridor itself and may allow more flexibility for areas outside the corridor but within the impact area.~~

~~3.4 The County should investigate and consider whether the overlay district ordinance should have as a primary objective, maintaining the Properly Functioning Condition of the riparian corridors and impact areas of significant streams in order to support maintenance and recovery of fish in the area.~~

~~3.5 Streams in the study area have been significantly impacted by clearing and development. The County should investigate and consider development of a restoration program for study area streams in order to restore fish habitat.~~

Policy 4

~~Multnomah County shall pProtect significant wildlife areas and will limit conflicting uses within these significant natural resource areas and their associated impact areas in the West of Sandy River Rural Area. In considering the protection of these resources the County shall emphasize an ecosystem based, watershed approach.~~

Strategies :

~~4.1 Multnomah County shall implement this policy by eEstablishing a specific Multnomah County Zoning Code Significant Environmental Concern Zoning Overlay District for wildlife resources within the West of Sandy River Rural Area.~~

~~4.2 This SEC overlay district shall be applied to areas designated as significant wildlife resources in West of the Sandy River Rural Area Transportation and Land Use Plan Natural Resource Inventory and ESEF Report and their associated impact areas.~~

[Note: A similar policy is being proposed for approval under new Air, Land, Water, Wildlife and Hazards Policies. If the proposed policy is approved it would supersede and replace this one.]

Policy 5

~~Multnomah County recognizes the need to p~~Protect the outstanding public values for which ~~those~~ sections of the Sandy River ~~have been~~ designated a National Wild and Scenic River and a State Scenic Waterway.

Strategy:

5.1 ~~Work with State Parks and other agencies to review~~ Continue to apply the development standards in the County Significant Environmental Concern provisions and in the Oregon Administrative Rules specific to the designated areas.

Water Quality Policies (Title 3, Goal 6) Policy

6

~~Multnomah County recognizes the importance of p~~Protecting the County's water quality ~~within the West of Sandy River Rural Area and shall by~~ adopting standards to protect the water quality resources from the impacts of development ~~pursuant to the requirements of Title 3 of the Metro Urban Growth Management Functional Plan (3.07.340).~~

~~*Strategies*~~

6.1 ~~Multnomah County shall implement this policy by establishing a specific by the application of~~ Multnomah County Zoning Code Significant Environmental Concern Zoning Overlay Districts for riparian corridors and water resources which substantially complies with the water quality standards of *Title 3 of the Metro Urban Growth Management Functional Plan*.

~~6.2 Standards adopted to protect water quality shall preserve the water quality related functions and values of primary and secondary protected water features:~~

- ~~➤ Primary protected water features shall include: Title 3 wetlands, rivers, streams, and watercourses downstream from the point at which an area of 100 acres or more is drained to that water feature (regardless of whether it carries year round flow); streams that carry year round flow; springs which feed streams and wetlands and have year round flow; and natural lakes.~~
- ~~➤ Secondary protected water features shall include intermittent streams, watercourses, and seeps downstream of the point at which 50 acres are drained and upstream of the point at which 100 acres are drained to that water feature.~~

~~6.3 Standards adopted to regulate the water quality impacts of development shall apply to the following:~~

- ~~➤ "Development" means any man-made change defined as buildings or other~~

~~structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. In addition, any other activity that results in the removal of more than 10 percent of the vegetation in a protected water feature or its vegetated corridor on a lot is defined as development.~~

- ~~Development shall not include the following:~~
 - ~~Stream enhancement or restoration projects approved by cities and counties;~~
 - ~~Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of Title 3; and~~
 - ~~Forest practices conducted under an Oregon Department of Forestry permit.~~

~~6.4 Standards adopted to regulate the water quality impacts of development shall apply to the following:~~

- ~~"Development" means any man-made change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. In addition, any other activity that results in the removal of more than 10 percent of the vegetation in a protected water feature or its vegetated corridor on a lot is defined as development.~~
- ~~Development shall not include the following:~~
 - ~~Stream enhancement or restoration projects approved by cities and counties;~~
 - ~~Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of Title 3; and~~
 - ~~Forest practices conducted under an Oregon Department of Forestry permit.~~

Policy 7

~~Multnomah County recognizes that it is important to p~~Protect vegetated riparian corridors in order to maintain their water quality functions including the following:

- ~~Separation of protected water features from development;~~
- Providing shade to ~~M~~maintaining or reducing stream temperatures to meet state water quality standards;
- ~~Maintaining natural stream corridors;~~
- Supporting wildlife in the stream corridors;
- Minimizing erosion, nutrient and pollutant loading into water;

- ~~Filtering, infiltration and natural water purification; and,~~
- ~~Maintaining natural hydrology; and~~
- Stabilizing slopes to prevent landslides contributing to sedimentation of water features.

~~7.1 Require that new development or redevelopment maintain vegetated corridors along primary and secondary water features whenever feasible. The width of the vegetated corridors shall be based on the type of water resource and the slope of the adjacent banks.~~

- ~~The width of vegetated corridors adjacent to primary protected water features shall be 50 feet from the top of bank or ravine. The top of the ravine is the break in the greater than or equal to 25% slope. The starting point for measurements shall be the top of bank, which is the same as "bankful stage" defined in OAR 141-85-010(2).~~
- ~~The width of vegetated corridors adjacent to secondary protected water features with slopes less than 25% shall be 15 feet and where slopes are greater than or equal to 25%, the vegetated corridor shall be 50 feet.~~
- ~~In no case shall the width of the vegetated corridor be required to exceed 200 feet from top of bank.~~

Policy 8

~~Multnomah County shall take steps to~~ Limit visible and measurable erosion from development throughout the West of Sandy River planning area in accordance in substantial compliance with the water quality standards of *Title 3 of the Metro Urban Growth Management Functional Plan*.

Strategies:

- 8.1 ~~Multnomah County shall implement this policy by~~ Establishing standards that:
- ~~Apply~~ erosion and sediment control regulations to all development activities that may result in visible or measurable erosion. Visible or measurable erosion includes, but is not limited to:
 - ~~Deposits of mud, dirt sediment or similar material exceeding one half cubic foot in volume on public or private streets, adjacent property, or onto the storm and surface water system, either by direct deposit, dropping discharge, or as a result of the action of erosion.~~
 - Increases water turbidity above the state water quality standard, where the turbidity measured downstream of development is more than 10% above an upstream control point.
 - Evidence of concentrated flows of water over bare soils; ~~turbid or sediment laden flows;~~ or evidence of on-site erosion such as rivulets on bare

soil slopes, where the flow of water is not filtered or captured on the site.

- Earth slides, mudflows, earth sloughing, or other earth movement that leaves the property.

- 8.2 Help prevent erosion by requiring the use of prevention practices such as non-disturbance areas, construction schedules, erosion blankets and mulch covers. To the extent that erosion cannot be completely prevented, sediment control measures are to be designed to capture, and retain on site, soil particles that have become dislodged by erosion.
- 8.3 Adopt a limited construction season for development within primary and secondary water feature corridors to allow disturbance to occur during dry parts of the year and limit it during wet seasons.
- 8.4 Control stormwater volume from developed areas in a manner that ~~does not increase runoff, and~~ does not contribute to increased flow streams ~~in area drainages and creeks~~ and does not result in hydromodification impacts, such as channel straightening, widening, deepening, and clearing of in-stream habitat features. Investigate how runoff could be reduced from roofs, parking and maneuvering areas through use of pervious materials site-scale infiltration and other low impact development techniques.
- 8.5 Require that stream crossings be avoided where possible, and when unavoidable, require ~~maintaining watershed function in development of regulations for stream crossings, e.g. crossing does not disturb the bed or banks of the stream, is of the minimum width necessary to allow passage of peak winter flows, etc~~ stream crossings to follow Oregon Department of Fish and Wildlife fish passage regulations where native migratory fish are currently or have historically been present.

Other General Policies

Policy 9

~~Regulations to protect natural resources and water quality should a~~ Allow changes to existing development when the overall natural resource value of the property is improved by those changes and water quality will be improved.

Strategy:

- 9.1 ~~Include language in a~~ Natural resource protection standards and water quality

standards ~~that~~ shall allows changes to existing development which result in a net benefit to the protected resource.

Policy 10

~~Multnomah County shall continue to m~~Make information about other agency programs and educational materials available to the public at the planning counter and on the internet.

Strategy:

10.1 Multnomah County will work with ~~the East Multnomah Soil and Water Conservation District, the Oregon Department of Agriculture, the County Assessor, the U.S. Natural Resources Conservation Service and others~~ partner agencies to provide landowners with information about various agency programs. Programs may include property tax deferral and exemption programs available for stream enhancement and agricultural plans to protect streams and their watersheds.

Policy 18

~~Open space in the area is maintained through parks and trails and through rural, farm and forest zoning that works to protect the rural character.~~

~~18.1 Ensure that any zone changes do not detract from the open spaces and rural character of the area.~~

Policy 25

~~Multnomah County shall help p~~Preserve critical viewsheds in the ~~Orient Rural Community and Pleasant Home Rural Service Center~~ and balance protection of scenic views with flexibility of use by property owners.

Strategy:

~~The county shall rely on~~ Use education –i.e. providing information regarding identified viewsheds to property owners -rather than regulations to implement this policy.

Policy 27

~~In keeping with the rural nature of the Orient Rural Community and Pleasant Home Rural Service Center, Multnomah County will r~~Require outdoor lighting in these areas to be low intensity and designed in a manner that minimizes the amount of light pollution.

Strategy:

27.1 ~~Multnomah County will update~~ Amend the ~~Community Development Ordinance~~

Zoning Code to insure that new development meets outdoor lighting standards that minimize the amount of light pollution ~~in the Orient Rural Community and Pleasant Home Rural Service Center.~~

From East of Sandy River Rural Area Plan

~~21. Protect significant streams in the East of Sandy River Rural Area by prohibiting new residential development within 150 feet of a stream centerline and limiting new roads, stream crossings, additions to existing structures, and other grading activities within this 150 foot area. Additions to existing dwellings of up to 400 square feet shall be exempt from the setback requirements. All related ground disturbing activities within the 150 foot stream setback shall be confined to the period between May 1 and October 1 in any year.~~

Protect significant streams by applying uniform standards throughout the County for stream protection, including the following:

- a. prohibiting new residential development within 150 feet of a stream centerline
- b. limiting additions to existing structures to no greater than 400 square feet within the 150-foot stream setback area.
- c. limiting new roads, stream crossings, and other grading activities within this 150-foot stream setback area.
- d. ground disturbing activity within this 150-foot stream setback area should only be allowed between May 1 and October 1 of any year.

~~STRATEGY: Multnomah County shall implement this policy with amendments to the Multnomah County Zoning Code Significant Environmental Concern Zoning Overlay District and applying the district to areas within 150 feet of the centerline of each significant stream.~~

21a. Require any stream crossing to utilize a bridge or arched culvert which does not disturb the bed or banks of the stream and are of the minimum width necessary to allow passage of peak winter flows.

~~STRATEGY: Multnomah County shall implement this policy through application of the Multnomah County Zoning Code Significant Environmental Concern Zoning Overlay District, which includes a requirement for stream crossings to consist of a bridge or arched culvert.~~

22. ~~Encourage~~ Promote creation of cooperative property owner organizations for the protection of individual streams and their watersheds.

Encourage these organizations 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,~~ through the zoning code for new development ~~which is to be~~ compatible with, and to 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~~ local Soil and Water Conservation Districts to provide technical assistance on sound farming practices and information regarding financial resources available to property owners ~~about sound farming practices which also to~~ 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 e~~Encourage streamside property owners to use property tax deferral and exemptions programs to maintain and upgrade streams and adjoining riparian habitat.

STRATEGY: ~~Multnomah County will w~~Work cooperatively with the ~~East Multnomah local~~ Soil and Water Conservation Districts and the County Assessor to inform landowners 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 c~~Conduct periodic reviews of stream regulatory and educational programs to gauge their effectiveness.

28. ~~Multnomah County recognizes the need to p~~Protect the outstanding public values for which sections of the Sandy River have been designated a National Wild and Scenic River and a State Scenic Waterway.

STRATEGY: ~~Work with State Parks and other agencies to update and implement appropriate design strategies and development standards through County Significant Environmental Concern provisions and Oregon Administrative Rules specific to the designated areas.~~

Wildlife Habitat Policies

29. ~~Use large lot Commercial Forest Use zoning and educational programs in order to p~~Protect significant forested wildlife habitat areas through large-lot zoning and educational programs.

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 wildlife habitat while continuing to make productive economic use of their land. By maintaining restrictive Commercial Forest Use zoning regulations regarding new dwellings, Multnomah County will also implement this policy.~~

30. Provide information through various existing programs to the community about how wildlife habitat can co-exist with other uses on private property.

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 wildlife habitat while continuing to make productive economic use of their land.~~

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

~~STRATEGY: Multnomah County will forward this policy to the Oregon Department of Forestry for their consideration and offer assistance and comment on changes to forestry rules.~~

~~32. Work with the local Soil and Conservation Districts to provide technical assistance and information about financial resources in order to encourage sound farming practices which also protect wildlife habitat.~~

STRATEGY: Multnomah County will work cooperatively with the ~~East Multnomah~~ local Soil and Water Conservation Districts and the U.S. Natural Resources Conservation Service to develop a public education and assistance program which will let landowners become informed on how they can manage their properties to best protect wildlife habitat while continuing to make productive economic use of their land.

33. Provide incentives through the zoning code for new development ~~allowed by current zoning which is to be~~ compatible with and to enhance wildlife 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.~~

~~34. Propose state legislation which would encourage property owners to protect their lands as wildlife habitat through the use of tax deferral programs, and allow switching of tax deferral status from forest or farm to open space wildlife habitat without penalty.~~

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

Noise Policies

45. Review and revise the Multnomah County Noise Ordinance as needed to regulate excessive noise minimize impacts from major noise generating uses on adjacent rural residences.

STRATEGY: ~~Multnomah County shall~~ Review and revise the County noise ordinance to address specific community noise concerns such as agri-tourism events and mass gatherings.

~~46. Take a more active role in the operations of Portland International Airport as they affect noise in the East of Sandy River rural area.~~

STRATEGY: ~~Multnomah County shall request that the Port of Portland conduct a semi-annual review of noise impacts from Portland International Airport upon the East of Sandy River rural area.~~

Water Quality Policies

~~48. In conjunction with Support efforts by the East Multnomah Soil and Water Conservation Districts, develop to conduct a public information and assistance program for watershed property owners in management practices that enhance the water quality of 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 develop a public education and assistance program which will let landowners become informed on how they can manage their properties to best protect water quality while continuing to make productive economic use of their land.~~

~~49. Develop a recognition program for people showing good stewardship of streams and streamside property.~~

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 such a recognition program.~~

~~50. Develop an on-going mechanism to monitor water quality for different streams east of the Sandy River.~~

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 a water quality monitoring mechanism.~~

~~51. Promote the riparian tax exemption available to streamside property owners, and work for changes in state law to make such exemptions more financially rewarding.~~

Encourage streamside property owners to use property tax deferral and exemption programs to maintain water quality of waterways.

~~STRATEGY: Multnomah County will work cooperatively with the East Multnomah Soil and Water Conservation District and the U.S. Natural Resources Conservation Service inform landowners about the tax exemption available for riparian restoration and enhancement.~~

Work cooperatively with the Soil and Water Conservation Districts and the County Assessor to inform landowners about the property tax deferral and exemption programs available to them.

~~52. Work with the Oregon Department of Forestry to effectively enforce Support and promote enforcement of existing stream protections standards in the Forest Practices Act, and request changes in the act when necessary to better protect stream water quality.~~

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

Seek changes to the Forest Practices Act when necessary to better protect stream water quality.

~~53. Where a watershed crosses County boundaries, p~~Promote cooperation with property owners throughout the entire watershed, regardless of jurisdictional lines.

~~STRATEGY: Multnomah County will w~~Work cooperatively with the East Multnomah and Clackamas local Soil and Water Conservation Districts and other interested parties in efforts to promote watershed health for the Sandy River and any tributary creeks which cross the County line.

From West Hills Rural Area Plan

POLICY 18: Encourage Use of voluntary measures to decrease the negative impacts of ~~some~~ agricultural practices upon water quality in area streams.

~~STRATEGY: Do not institute zoning regulation of agricultural practices to protect streams at this time — instead pursue a voluntary educational program jointly with the U.S. Natural Resources Conservation Service and the West Multnomah Soil and Water Conservation District.~~

Support educational programs through the US Natural Resources Service and the Soil and Water Conservation Districts to inform farming operations of best management practices to reduce agricultural runoff and to protect water quality in area streams.

POLICY 19: ~~Protect water quality in areas adjacent to Multnomah Channel through control of runoff from West Hills Rural Area~~ of streams by controlling runoff that flows into them.

~~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.~~

~~STRATEGY: During the Sauvie Island/Multnomah Channel Rural Area Plan preparation, review ESEE analysis and protection program for Multnomah Channel to include discussion of water quality impacts from West Hills drainages into the channel, and adopt appropriate zoning ordinance amendments to protect water quality in Multnomah Channel.~~

~~**POLICY 20:** Develop and maintain consistent regulations for significant streams under the jurisdiction of both the City of Portland and Multnomah County.~~

~~**POLICY 21:**~~ STRATEGY: Use hillside development and erosion control standards to control the effects of nonpoint runoff into streams from sources such as roadways, parking areas, and ~~farms~~ other impervious areas.

POLICY 24: Balance protection of scenic views with flexibility of use by property owners.

STRATEGY: ~~Do not preclude or prevent building on any lot because of scenic considerations.~~ Do not render property unbuildable solely because of scenic view considerations.

STRATEGY: Allow placement of residences so that a view from the property is possible as long as the proposed development is visually subordinate from key viewing areas.

STRATEGY: Regulate the use of reflective glass, including solar panels, in scenic areas.

~~STRATEGY: Require industrial uses to meet the same siting standards as residential development in order to protect scenic views.~~

STRATEGY: ~~Work with the Oregon Department of Forestry~~ Promote strong Forest Practices standards to better protect scenic views from the negative impacts associated with timber harvesting.

STRATEGY: Provide incentives ~~for~~ to encourage development to be compatible with significant scenic views.

POLICY 25: Balance protection of significant streams with flexibility of use by property owners.

STRATEGY: Minimize runoff from roads, particularly from County road ~~clearing~~ construction and maintenance processes.

STRATEGY: Along with Soil and Water Conservation Districts, ~~Encourage~~ "friends of" individual streams to educate people about best management practices necessary to protect streams.

STRATEGY: ~~Work with the Oregon Department of Forestry~~ Promote strong Forest Practices standards to better protect significant streams from the negative impacts associated with timber harvesting.

STRATEGY: ~~Work with~~ Support efforts by the local Soil and Conservation Districts to educate farmers about sound farming practices which also protect significant streams.

STRATEGY: Provide incentives ~~for~~ to encourage development to be compatible with significant streams.

STRATEGY: Consider additional streams for significance and protection if requested by a property owner or other interested party.

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: In significant wildlife habitat areas, ~~Encourage~~ fencing which allows wildlife to pass through.

STRATEGY: Encourage clustering of development to minimize conflicts with wildlife.

STRATEGY: ~~Develop~~ Support 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~~ Promote strong Forest Practices standards to better protect wildlife habitat from the negative impacts associated with timber harvesting.

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

STRATEGY: Provide incentives ~~for~~ to encourage development to be compatible with wildlife habitat.

Existing Policies Related to NATURAL HAZARDS

NATURAL HAZARDS POLICIES PROPOSED FOR RETENTION OR REVISION

Policies from the County Comprehensive Plan and Rural Area Plans

~~POLICY 14:~~ DEVELOPMENT LIMITATIONS

INTRODUCTION

Many natural features impose limitations on development and, if not recognized in the development process, they can create public health and safety hazards. For example, flood plains perform important water storage functions and, if filled, force the water into other lands formerly not affected. These newly affected areas may have buildings which will be flooded. Erosive soils create stream siltation and can affect water quality and fish life habitat. A high water table can preclude septic tanks from functioning properly and create ground water pollution. These are important features which must be considered.

The purpose of this policy is to protect the public health and safety and to ensure that development does not create an “on-site” or “off-site” public harm. It is not intended to prohibit development, except where design and construction techniques cannot provide for a safe development.

POLICY

~~The County's policy is to 1. d~~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~~25%;
- B. Severe soil erosion potential;
- C. Land within the floodway, the 100-year flood plain, and known channel migration areas;
- D. A high seasonal water table within 0-24 inches of the surface for three or more weeks of the year;
- E. A fragipan less than 30 inches from the surface;

F. Land subject to slumping, ~~earth~~ slides or movement.

2. Mitigate any adverse effects to surrounding properties when developing in development limitations areas.

STRATEGIES

~~A. As a part of the ongoing planning program, the County should continue to:~~

1. Identify areas with development limitations; and
2. Within the Zoning Code ~~E~~establish a process for reviewing development proposals in these areas.

~~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;~~
- ~~b. Approved criteria for conditional uses which address the need to avoid or mitigate hazardous conditions;~~
- ~~c. Provisions which allow the density, which would have been permitted in hazardous areas if it were not for the restrictions, to be transferred on-site or to adjoining property if held in the same ownership and if developed as a planned development.~~

~~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;~~
- ~~c. Drainage; and~~
- ~~d. Retention of vegetation and significant natural or habitat areas where these will mitigate natural hazards.~~

POLICY 15: WILLAMETTE RIVER GREENWAY

INTRODUCTION

The Willamette River Greenway is a cooperative management effort between the State and local jurisdictions for the development and maintenance of a natural, scenic, historical, and recreational “greenway” along the Willamette River. The General Plan has been formulated by the Oregon ~~Department of Transportation~~ Parks and Recreation Department pursuant to ORS 390.318. The Land Conservation and Development Commission has ~~determined that~~ created a statewide planning goal (Goal 15) ~~is necessary not only~~ to implement the legislative directive, ~~but and~~ to provide the parameters within which the ~~Department of Transportation~~ Greenway Plan may be carried out. Within those parameters local governments can implement Greenway portions of their Comprehensive Plans.

POLICY

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

STRATEGIES

A. Apply the Willamette River Greenway (WRG) Overlay District to those lands designated WRG on the Multnomah County Zoning Map.

B. Update the Willamette River Greenway standards in the Multnomah County Zoning Code for consistency with implementing rules and statutes.

~~A. The Willamette River Greenway should be based on the boundaries as developed by the State Department of Transportation. For the County, those areas are generally depicted on the map entitled, “Willamette River Greenway.”~~

~~B. The following strategies should be addressed in the preparations of the Community Development Title:~~

~~1. The Zoning Code should include:~~

~~a. An overlay zone entitled, “Willamette River Greenway,” which will establish an administrative review procedure to implement the requirements of the State of Oregon, Greenway Goal. The overlay zone should contain provisions related to:~~

~~(1) Setback lines for non water dependent uses;~~

~~(2) A design plan;~~

~~(3) The review procedures;~~

~~(4) Specific findings required.~~

~~b. Those wetlands and water areas listed on Policy 16, Natural Resources, that are located within the Willamette River Greenway should receive a development review procedure comparable to the review procedure established for the Significant Environmental Concern zone.~~

~~c. Other policies of this Framework Plan are applicable to the Greenway as follows:~~

~~1. Agricultural lands: Policies 9 Agriculture, and 10 Multiple Use Agriculture.~~

~~2. Recreation: Policy 39 Open Space and Recreation.~~

~~3. Access: Policy 40 Development Requirements.~~

~~4. Fish and Wildlife: Policy 16 Natural Resources.~~

~~5. Scenic Qualities and Views: Policy 15 Areas of Significant Environmental Concern.~~

~~6. Protection and Safety: Policy 31 Community Facilities and Uses Location.~~

~~7. Vegetation Fringe: Policy 15 Areas of Significant Environmental Concern.~~

~~8. Timber Harvest: Policy 12 Multiple Use Forest.~~

~~9. Aggregate Extraction: Policy 16 Natural Resources.~~

From West of Sandy River Rural Area Plan

Policy 20

~~Multnomah County will r~~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 e~~Establishing standards to reduce the risk of flooding and maintain the functions and values of floodplains pursuant to the National Flood Insurance Program requirements and Title 3 of the Metro Urban Growth Management Functional 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.~~

From East of Sandy River Rural Area Plan

NONE

From West Hills Rural Area Plan

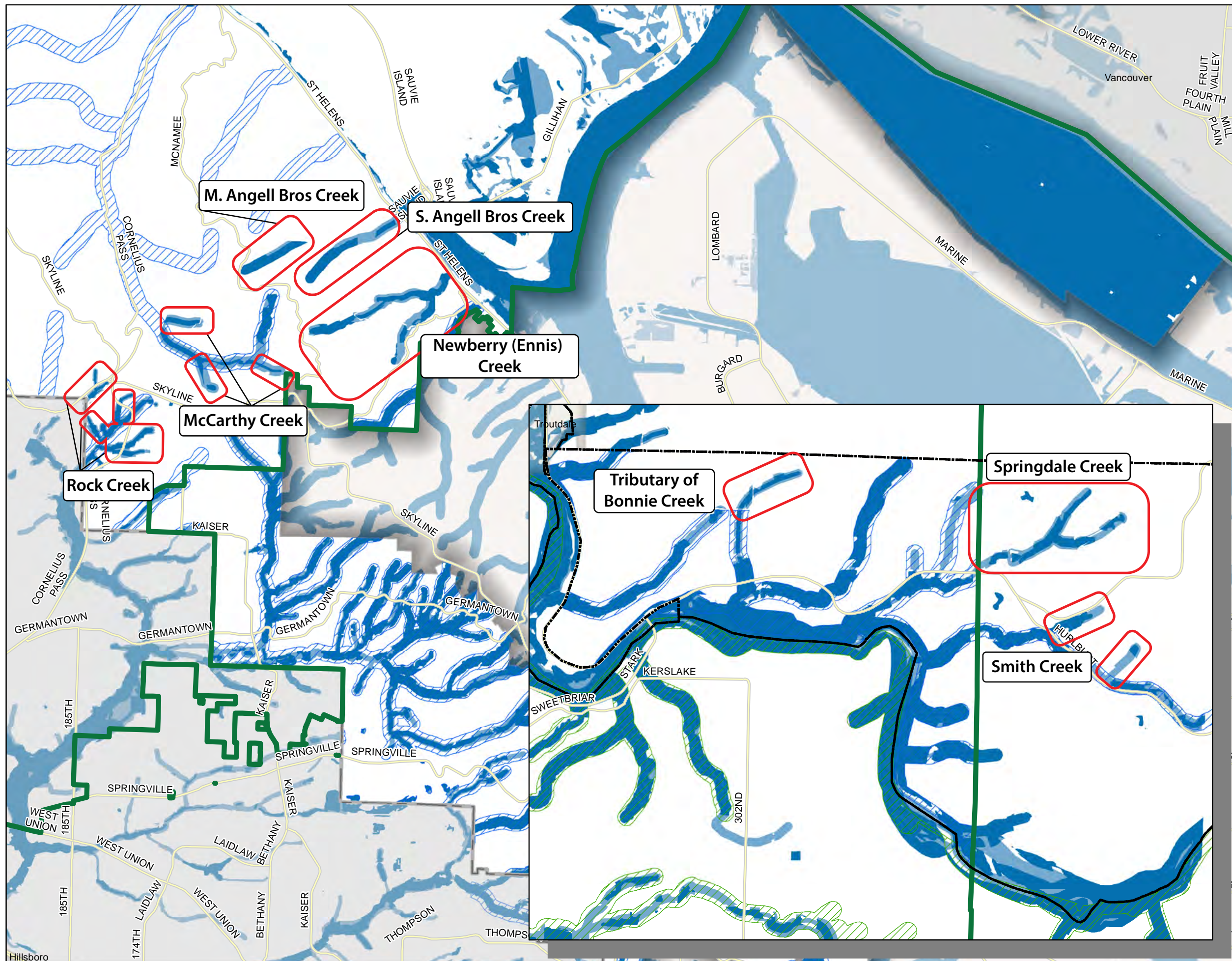
POLICY 22: Protect against seismic hazards to structures and ground areas susceptible to upset.

STRATEGY: ~~Work with the City of Portland to implement~~ Encourage and promote appropriate building code revisions for areas of greatest seismic hazard, when information on the location of such areas becomes available.

POLICY 23: Protect lands having slopes greater than ~~25~~20% 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~~20% and lesser slopes shown 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.~~



Legend

- Metro Boundary
- SEC-Water Resources
- SEC-Streams
- Riparian Wildlife Habitat Quality**
- Class I
- Class II
- Riparian areas for possible inclusion into inventory

0 0.225 0.45 0.9 Miles

Prepared By: Rithy Khut, Multnomah County
Date: 10/19/2015

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.

Memorandum

Comprehensive Plan Update

October 22, 2015

To: Air Land Water Wildlife and Hazards (ALWWH) Subcommittee
From: Kevin Cook, Multnomah County Planner
Re: Grading and Fills in Resource Zones

OVERVIEW

The issue of the importation of large volumes of fill to resource zoned¹ sites was raised in the Transportation Subcommittee and separately by individual CAC members and community members to staff. This memo summarizes the issue and proposes a policy for consideration by the ALWWH Subcommittee.

THE ISSUE:

Over the years, there have been numerous instances of large volumes of fill dirt being imported to resource zoned lands. Oftentimes the source of the fill is an urban site being prepared for development and excavation businesses typically seek to minimize the cost for disposal of excavated material and will pay willing land owners to receive excess fill. Farmers will sometimes accept a certain amount of fill to make an area of the farm more conducive to growing crops by making the land better drained and more level, and/or by placing good topsoil on top of less productive soil.

The County Grading and Erosion Control (GEC) code includes exemptions from obtaining a GEC permit. One of the exemptions is for "Routine agricultural management practices." The problem arises when property owners receiving fill claim the exemption even though the volume and extent of the fill suggest this may not be the case. Meanwhile, County staff may struggle with the exact meaning of 'routine agricultural management practices' due to a lack of a clear definition and/or related standards.

Related Issues:

1. Large Fills:

County Code defines a large fill as, 'The addition of more than 5,000 cubic yards of material to a site' (MCC 33.0005). Large fills are only allowed in the Multiple Use Agriculture – 20 (MUA-20) and Rural Residential (RR) zones subject to approval of a Conditional Use permit. Because a large fill is only permitted in MUA-20 and RR zones all other zones can only import up to 5,000 cubic yards of material. Staff notes that it

¹ Resource zones are Exclusive Farm Use (EFU) and Commercial Forest Use (CFU).

would be helpful to explicitly state the 5,000 cubic yard maximum for all zones other than MUA-20 and RR and clarify that the total is cumulative and does not permit multiple projects that individually account for less than the maximum volume but collectively would exceed it. Projects involving less than 5,000 cubic yards of fill are still subject to the Grading and Erosion Control or Hillside Development standards.

2. Issues related to grading and fill have also arisen from other exemptions in the GEC code – namely the exemption for ‘forest practices’ and the exemption for ‘residential gardening and landscape maintenance [located at least 100 ft. from a stream or wetland]’.

STAFF PROPOSAL:

PROPOSED POLICIES

Topsoil Policy:

In order to verify importation of agricultural topsoil, amend the Zoning Code to include verification standards.

Strategies:

When amending the code consider the following:

1. Existing conditions and soil types.
2. Review thresholds.
3. Review the Grading and Erosion Control submittal requirements and the Large Fills submittal requirements when considering application submittal requirements for agricultural topsoil reviews. Additionally applications should include the proposed location, extent, volume, depth, material and soil type, timing of the project from start to finish and a farm management plan demonstrating how the topsoil will be employed in conjunction with farm use (farm use as defined in ORS 215).
4. Concurrence from experts from agencies such as, but not limited to, the Oregon Department of Agriculture and the local Soil and Water Conservation Service.
5. Grading and fill material used for re-contouring or leveling agricultural sites should not be reviewed as a topsoil project and should continue to be reviewed under applicable Grading and Erosion Control standards or Hillside Development standards.

Fill Limits Policy:

Consider amending the Zoning Code to clarify that in all zones except for the MUA-20 and RR zones, a total cumulative limit of 5,000 cubic yards of fill per each Lot of Record is allowed. Large Fills exceeding 5,000 cubic yards are only permitted in the MUA-20 and RR zones subject to approval of a Conditional Use permit. Consider amending the Zoning Code to clarify that Large Fills must be in conjunction to an approved use.

GEC Exemptions Policy:

Consider Zoning code amendments that define and clarify the exemptions to the Grading and Erosion Control permit requirements.

Strategies:

1. Consider adding thresholds, standards and definitions to the residential gardening and landscape maintenance exemption.
2. Consider verification thresholds and a concurrence requirement for grading and fill projects that are conducted as part of a Forest Practices project.

RELEVANT COUNTY CODES AND STATE STATUTES

Note: Highlighting added by staff for emphasis.

MULTNOMAH COUNTY CODE:

§ 33.0005 DEFINITIONS.

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

Large Fill – The addition of more than 5,000 cubic yards of material to a site

§ 33.2600 EFU- PURPOSE The purposes of the Exclusive Farm Use District are to preserve and maintain agricultural lands for farm use consistent with existing and future needs for agricultural products, forests and open spaces; to conserve and protect scenic and wildlife resources, to maintain and improve the quality of the air, water and land resources of the County and to establish criteria and standards for farm uses and related and compatible uses which are deemed appropriate. Land within this district shall be used exclusively for farm uses as provided in the Oregon Revised Statutes Chapter 215 and the Oregon Administrative Rules Chapter 660, Division 33 as interpreted by this Exclusive Farm Use code section. One of the implementation tools to carry out the purposes of this District is a Lot of Record requirement to group into larger “Lots of Record” those contiguous parcels and lots that were in the same ownership on February 20, 1990. This requirement is in addition to all “tract” grouping requirements of state statute and rule.

§ 33.2620 ALLOWED USES [in EFU]

(A) Farm use, as defined in ORS 215.203

§ 33.2610 DEFINITIONS

High-value farm land means land in a tract composed predominately of soils that are: (1) Irrigated and classified prime, unique, Class I or Class II; or (2) Not irrigated and classified

prime, unique, Class I or Class II; or (3) Willamette Valley Soils in Class III or IV including: (a) Subclassification IIIe specifically, Burlington, Cascade, Cornelius, Latourell, Multnomah, Powell, Quatama; (b) Subclassification IIIw specifically, Cornelius; (c) Subclassification IVe, specifically, Cornelius, Latourel, Powell, and Quatama.

MUA-20

§ 33.2830 CONDITIONAL USES

(D) Large Fills as provided for in MCC 33.6700 through 33.6720.

RR

§ 33.3130 CONDITIONAL USES

(D) Large Fills as provided for in MCC 33.6700 through 33.6720.

LARGE FILLS

§ 33.6700- PURPOSES

The purpose of the Large Fills section is to address the need for large fill sites in the unincorporated area of Multnomah County while protecting the rural character and natural resources of the County. These regulations are designed to: (A) To address the current problem of large fill areas and sites which have been largely unregulated; (B) Minimize potentially adverse effects on the public and property surrounding the fill site; (C) Acknowledge that natural resources can be impacted by large fill sites; (D) Distinguish large fills as a use dependent to a large degree upon market conditions and resource size and that reclamation and the potential for future use of the land for other activities must also be considered; (E) Provide clear and objective standards by which these uses will be reviewed; (F) Recognize that large fills areas should not impede future uses otherwise allowed under the Comprehensive Framework Plan; (G) To be consistent with state rules which do not currently list large fill sites as a use in farm and forest resource zones; and (H) To clarify that at the time of adoption of this ordinance, Multnomah County has not made the determination that the use of large fills would or would not be consistent with other uses allowed in the farm and forest zones due to the fact that they are not uses allowed under state rules.

§ 33.6705 EXCLUDED AREAS Large fills shall not be allowed in: (A) Areas designated SEC-s;

(B) Other stream areas protected by other local, state and federal agencies; (C) Jurisdictional wetlands which have not received fill permits from The Army Corp of Engineers and Division of State Lands; or (D) 100 year floodplains.

§ 33.6710 APPLICATION INFORMATION REQUIRED An application for a large fill site shall include the following:....

GRADING AND EROSION CONTROL

§ 29.330- PURPOSES. The purposes of the Grading and Erosion Control Subdistrict are to promote the public health, safety and general welfare, and minimize public and private losses due to earth movement hazards in specified areas and minimize erosion and related environmental damage in unincorporated areas of the county, all in accordance with ORS 215, OAR 340-41-455 for the Tualatin River Basin, and the County Comprehensive Framework Plan Policy No. 37. This subdistrict is intended to: (A) Protect human life; (B) Protect property and structures; (C) Minimize expenditures for rescue and relief efforts associated with earth movement failures; (D) Control erosion, production and transport of sediment; (E) Regulate land development actions including excavation and fills, drainage controls and protect exposed soil surfaces from erosive forces; and (F) Control stormwater discharges and protect streams, ponds, and wetlands.

FILL. (1) Any act by which earth, sand, gravel, rock or similar material is pushed, placed, dumped, stacked, pulled, transported, or in any way moved to a new location above the existing natural surface of the ground or on the top of a stripped surface, including the condition resulting there from. (2) The difference in elevation between a point on the original ground surface and the point of higher elevation on a finished grade. (3) The material used to make a fill.

§ 29.339 EXEMPT LAND USES AND ACTIVITIES. The following are exempt from the provisions of this subchapter:

(A) Test pits or borings excavated for purposes of geotechnical evaluation or septic system suitability.

(B) Cemetery graves, but not cemetery soil disposal sites.

(C) Excavations for wells

(D) Mineral extraction activities as regulated by the county zoning code.

(E) Exploratory excavations under the direction of certified engineering geologists or geotechnical engineers.

(F) Routine agricultural management practices.

(G) Residential gardening and landscape maintenance at least 100 feet by horizontal measurement from the top of the bank of a watercourse, or the mean high watermark (line of vegetation) of a body of water or wetland.

(H) Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazards.

(I) Forest practices as defined by ORS 527 (the State Forest Practices Act) and approved by the state Department of Forestry. ('90 Code § 9.40.020) (Ord. 847, passed 1996)

(J) Grading activities attributed to routine road maintenance when undertaken by an organization operating under Limit 10, Section 4d of the Endangered Species Act

§ 29.342 APPLICATION INFORMATION REQUIRED. An application for development subject to the requirements of this Subdistrict shall include two copies of the following...

OREGON REVISED STATUTES:

ORS 215.203 (2)(a) As used in this section, "farm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section or land described in ORS 321.267 (3) or 321.824 (3).

... (c) As used in this subsection, "accepted farming practice" means a mode of operation that is common to farms of a similar nature, necessary for the operation of such farms to obtain a profit in money, and customarily utilized in conjunction with farm use.