

LAND USE

INTRODUCTION

This section provides a description and inventory of the existing land use patterns in the West of Sandy River Plan area's five zoning districts.

One of the primary objectives of the inventory and analysis was to measure and describe the role of farm and forest uses in the plan area. In keeping with this, the area's Exclusive Farm Use (EFU), Multiple Use Agriculture (MUA-20) and Commercial Forestry Use (CFU) zones are analyzed in some detail. An inventory of the Rural Residential (RR) zone is also included in this section. Planning for the Rural Communities of Orient and Pleasant Home is also a significant element of the Plan. This work is included in the following section entitled Rural Center.



Nursery farm on MUA-20 land along SE 262nd Ave.

The Agricultural Economy in the West of Sandy Area

In recent years, the state's nursery industry has grown at almost twice the rate of the industry nationwide. Much of this activity has been focused in and around the Portland metropolitan area. In fact, over 80 percent of the state's nursery output comes from the Portland Metro area counties and Marion County combined. Together, these areas contain about 1,000 small locally owned firms, employing over 10,000 workers. In 1997, there were 205 nursery farming operations in Multnomah County, and they generated \$32,000,000 in gross sales. There were 2,900 acres in nursery production, and the gross sales per acre were \$11,103 (source: Oregon Nursery Greenhouse Survey, 1997). Based on 1999 figures from the Oregon Agricultural Statistics Service, approximately 70% of the total \$59.3 million dollar value of farm crops produced in Multnomah County was from nursery and berry crops.

One significant cluster of nursery activity is situated in the area that contains and surrounds the West of Sandy River study area. The area also continues to support berry farming, although the acreage dedicated to this crop has been decreasing. Several characteristics of this area explain the relative strength of its nursery cluster. First is its proximity to the metropolitan area. Location allows these farms access to transportation wholesalers, saving time and cost in the transport of nursery stock. In addition, this location allows nursery owners closer connections to suppliers and the urban labor force, an essential component of an industry dependent upon seasonal labor.

The cluster of nursery businesses stimulates competitive practices and innovation, and at the same time, promotes cooperation among farms in resolving common concerns. Within the West of Sandy River area, there are approximately 130 Oregon Department of Agriculture licenses for nursery-related operations. These operations include cash buyers, Christmas tree growers, greenhouse growers, nursery stock growers, nursery dealers and landscape contractors, and wholesale produce dealers. Nursery stock growers constitute the bulk of nursery-related businesses found in the study area.

The nursery cluster in the West of Sandy River area has also stimulated the development of a network of support industries. This area contains not just nursery and farming operations, but over 20 businesses that

focus specifically on agricultural and farm services, nursery supplies, feed stores, landscaping, trucking and warehousing, food processing and farm production/raw materials. Working together, all of these businesses contribute to the continued strength of a strong community network.

Telephone interviews with local nursery owners confirmed that the study area includes a vital cluster of nursery activity. Nursery owners indicated that the proximity of other nurseries in the area results in a mutual support network. The farmers in the area commonly share trucking services, and labor when it is mutually beneficial. Some of the farmers indicated that they also share equipment and consult with each other. The availability of equipment and supplies was generally described as adequate with the exception of a large producer who felt a co-op is needed and the area could use more equipment dealers and vendors. A major area of nursery support is located in the Canby/Woodburn area and daily delivery services come from there.

Most farmers in the area employ both full and part-time workers, many of whom are of Hispanic descent. The eight farms contacted report a total of 100 full-time and 115 part-time workers. Part-time jobs can be described as jobs that are seasonal over several months rather than partial days, and work seasons vary by crop type. For example, production cycles for evergreen trees are different than for bare-root trees. Many of the workers go to Mexico from November to February, and some work other jobs in the area when they are not working in nurseries. Several farmers noted that some of the farm workers have settled in the area, purchasing homes and raising families.

Most nursery farmers interviewed lease parcels in addition to their own holdings. The usefulness of a parcel for growing nursery stock depends on size and its location relative to other land being farmed by the operator. If the parcel is adjacent to existing farmed areas, parcels of 1 – 2 acres or less are useful. For stand alone parcels, most respondents stated that 4 – 5 acres was the minimum size needed to manage effectively. The location of existing development on parcels was also cited as potentially having an effect on the ability to use the parcel. The consensus is that the soils in the study area that are not too steep are generally very good for nursery stock.

Nursery farm management in the area has been affected by the relatively close proximity of dwellings and urban areas. Most of the farmers contacted reported some kind of impacts, including conflicts with traffic on area roads, complaints from residents, and a need to limit some management activities. A majority said that moving farm equipment on roads can be a problem due to the increasing traffic on area roads that do not have adequate shoulders or turn-outs. The need to move equipment around the area is driven by the relatively high parcelization in the area, the common practice of leasing parcels that are not contiguous to the main farm operation, and the competition for production land.

INVENTORY AND ANALYSIS

This section includes an inventory and analysis of the following zoning districts:

- EFU (Exclusive Farm Use)
- CFU (Commercial Forestry Use)
- MUA-20 (Mixed Use Agriculture – 20 Acre)
- RR (Rural Residential).

This section also includes information regarding parks and open spaces, public facilities and natural hazards. The rural centers of Orient and Pleasant Home are discussed in the following section. Each subsection includes its own inventory and analysis followed by findings and conclusions and finally a description of new policies recommended through this planning process.

A map of zoning districts within the West of Sandy River study area is provided in Figure 4. As shown on the map, the West of Sandy River planning area is heavily focused on agriculture. The EFU zone and the MUA-20 zones contain the bulk of the area's agricultural uses, and comprise approximately 70 percent of the acreage in the study area. An additional 20 percent of the acreage is in the CFU zone, primarily along the Sandy River.

Table 3 below indicates the five zoning districts within the West of Sandy River area, showing the amount of land in each zoning district that is in active farm or forestry use. The table includes both lands shown as tax deferred by the County Assessor as well as land that is being used for agricultural production, but not included as tax deferred.

Table 3 : Total Acres by Zone and Farm/Forest Use

Zoning Designation	In farm or forest use	Not in farm or forest use	Total Acres
EFU	3,284	389	3,673
CFU	772	1,236	2,008
MUA-20	1,780	1,391	3,170
RR	248	342	590
RC	16	135	151
Total Acres	6,115	3,495	9,610

Table 4: Number of Vacant and Improved Parcels by Zone

Vacant Status	Zoning Designation					Total Parcels
	CFU	EFU	MUA-20	RC	RR	
Dwelling	78	205	767	68	116	1,234
Vacant	43	96	172	30	35	377
Other Imp	45	5	13	38	103	
Total	166	306	952	136	155	1,715

*The term "other imp" represents non-residential improvement.

A comparison of the number of vacant and improved parcels by zone shows that a significant number of new dwellings are possible in the MUA-20 zone because they are an outright use.

Table 5: Size of Parcels by Zone

Parcel Size Class in Acres	Zoning Categories					Total
	CFU	EFU	MUA-20	RR	RC	
0-3	52	89	648	81	128	998
3-5	26	44	158	34	3	265
5-10	33	52	103	35	2	225
10-20	29	68	29	2	3	131
20-50	19	48	13	3		83
50-200	7	5	1			13

* Source: RLIS database.

Exclusive Farm Use Lands (EFU)

Statewide Goal 3 addresses agricultural lands, and is intended to protect farming lands and farm uses. Agricultural lands are designated with respect to an area's underlying soil type. In western Oregon, land with predominantly class I – IV soils and that is located in EFU zones, is considered agricultural land.

State statutes for Goal 3 outline procedures for counties to designate agricultural lands as EFU areas in their comprehensive plans and zoning ordinances.¹ State administrative rules give more specific guidelines on the activities that counties may allow, or must prohibit, in these areas.² Counties have the option of being more restrictive than the state, but they may not be less restrictive. Generally speaking, EFU areas throughout Oregon may include activities such as farm stands, wineries and other commercial uses that occur in conjunction with farm uses (e.g., fertilizer sales, food processing). Home occupations and utility facilities are also allowed in EFU areas. Non-farming activities are only allowed in EFU areas when counties can show that they won't have a negative effect on surrounding farm uses.

Overview of Land Uses in the West of Sandy River EFU Zone

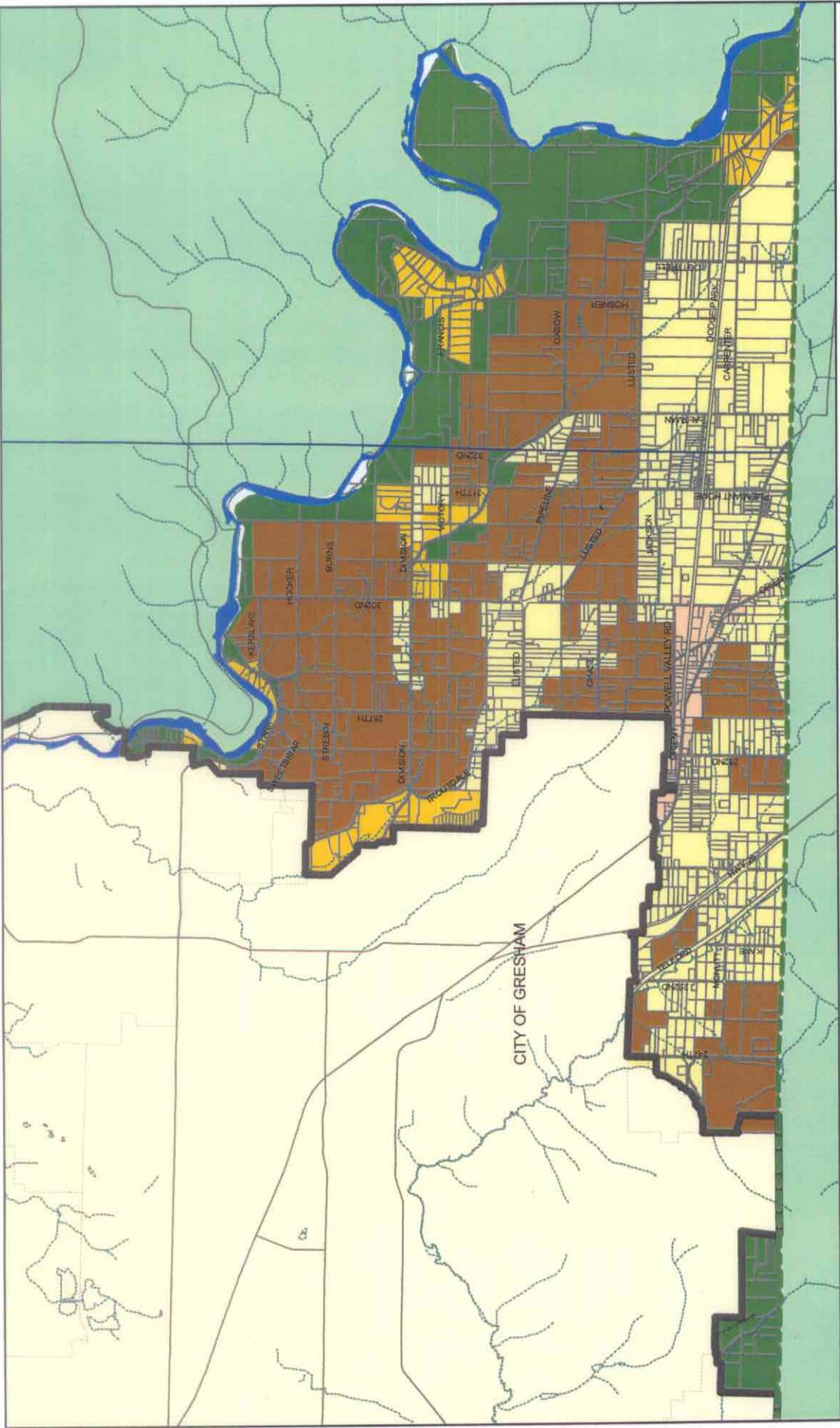
The following points provide a general description of land use activities occurring in the EFU zone. Please refer to the land use map (Figure 4) and Tables 3 and 4, which contain data that provided the basis for this analysis.

- EFU land totals approximately 3,673 acres in 306 parcels. The parcels that range in size from less than one-quarter acre to 102 acres, and the average parcel size is 11 acres. Table 5 shows the range of parcel sizes by zone in the plan area.
- 89% of the EFU zoned land in the study area is in farm use as indicated by Table 3
- There are about 1,095 acres of vacant EFU-zoned land in 96 parcels. Most of these parcels are still in active farm use. Some may be components of a tract (e.g., contiguous parcels under common ownership). In addition, about 208 parcels in the EFU zone are classified as being in single-family use.
- Roughly 110 acres of land in the EFU zone is in use as parks or open space.
- There have been about 11 new residential building permits in the EFU zone over the past ten years.

There are approximately 96 vacant parcels in the EFU zone. Four are greater than 40 acres; 12 are between 20 acres and 40 acres, the remaining are smaller than 20 acres. New development in this zone is subject to income test requirements required by the state. This zone also allows for lot-of-record provisions as provided by County regulations. There are opportunities for owners who are raising commercial farm products, especially nursery stock, to seek dwelling approvals in this zone.

¹ Please see ORS 215.203, Exclusive Farm Use Zones.

² Please see OAR 660-033, Agricultural Land.



West of Sandy River Rural Area Plan
Figure 4
 Current Zoning

- CFU (Commercial Forestry Use)
- EFU (Exclusive Farm Use)
- MUA20 (Mixed Use Agriculture - 20)
- RR (Rural Residential)
- RC (Rural Center)
- City Limits
- Metro Jurisdictional Boundary
- County Lines
- Urban Growth Boundary

Multnomah County's provisions for permitted and prohibited uses in the EFU zone are generally similar to those provided by the state. Multnomah County's required minimum parcel sizes in EFU areas follow the state guidelines of 80-acre minimum parcel sizes. It should be noted that in the West of Sandy River study area, there are no parcels large enough to partition into 80-acre tracts.

In a few cases, the County has chosen to be more restrictive than the state. One example is the existing Lot of Record provisions that require contiguous parcels under same ownership to be held together in 19 acre blocks. Restrictions also apply to less common uses, such as mining, processing of aggregate and mineral resources, personal use airports, firearm facilities, on-site filming, and destination resorts. These are uses that the county either does not allow, or allows only with specific conditions.

State guidelines require counties to determine allowable uses based on the Soil Conservation Service mapping of soil types as high value farmlands. A subset of agricultural lands, high value farmlands are areas of soil classes I and II, as well specific soil types within classes III and IV in Willamette Valley³. Most of the EFU-zoned land in the West of Sandy River study area consists of Powell series soils that meet the description of high value farmland.

In most cases, state planning regulations for high value farmlands are more strict than those regulations pertaining to non-high value agricultural areas. In particular, applications for new dwellings on tracts comprised of high value farmlands must show that farm sales have generated at least \$80,000 of gross farm income during each of the last two years, or during three of the previous five years.⁴ Based on the statewide average gross sales receipts for nursery stock of \$11,103 (1997), this threshold can be met on less than eight acres.

To help illustrate the extent of farming activity in the West of Sandy study area, the project team drew from several sources of information to inventory current land uses activities. Assessment records were first consulted to track the number of properties with farm tax deferred status.⁵ A field investigation was also conducted to complete these records, as this study area contains many properties without tax-deferred status that are in farm use. Table 3 shows the total acreage in each of the study area's zones that are estimated to be in active farm use. Additionally, Figure 5 illustrates lands in the West of Sandy River area in active farm or forestry use. This figure shows the significant use of both EFU and MUA-20 zoned land for farming.

Existing Policies and Strategies for EFU Lands

The County's existing Framework Plan policies for EFU areas are contained in Policy 9: Agricultural Land. They generally provide that the County will:

- Maintain those areas that are most appropriate for farming. Such areas must meet the prescribed soil classifications, contain parcel sizes suitable for commercial agriculture, and be in agricultural use.
- Prevent agricultural areas from being impacted by urban services,
- Designate non-agricultural areas surrounded by agriculture as agricultural to prevent impacts on the surrounding farmlands.

Framework Policy 9 also lists the County's strategies for achieving the above policies. These strategies generally provide for the following:

³ Please see OAR 660-033-0020.

⁴ Different requirements apply to requests for dwellings where the applicant has owned their land since January 1, 1985.

⁵ Farms that are being used and have been used during the previous year exclusively for farming qualify for farm use assessment.

- A base minimum lot size for agricultural lands
- Allowing farms as primary uses and non-farm uses as conditional
- Allowing retail sales of farm products
- Providing for aggregation of contiguous substandard lots under single ownership (tracts)
- Providing for lot-of-record provisions for existing parcels
- Use of special conditions to permit most types of dwellings.

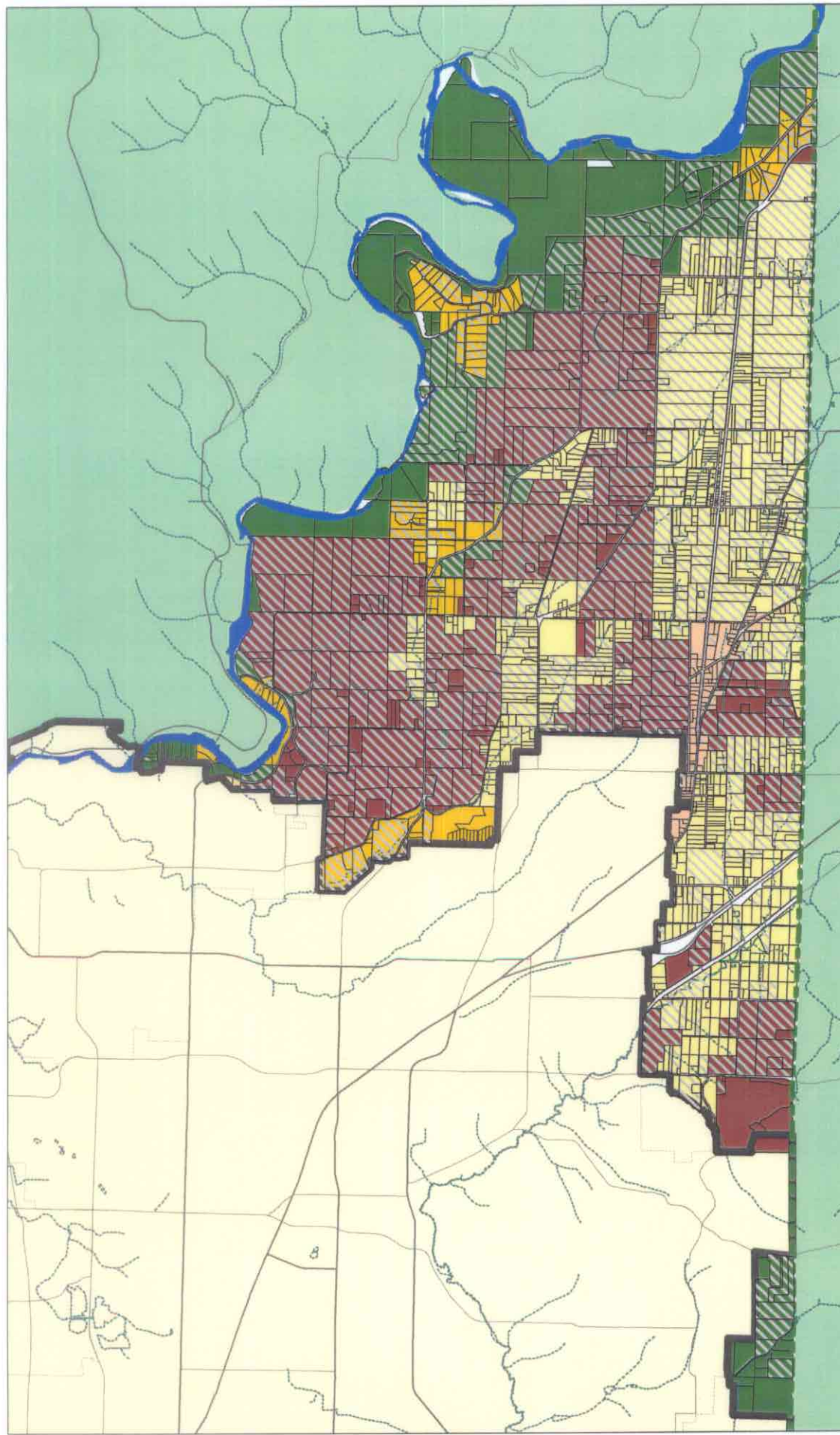
Policies and Strategies for EFU Lands

Policy 11

The County's policy of the West of Sandy River rural area is to help ensure a viable farm economy in the area by preserving agricultural lands for farm uses.







Strategies:

- 11.1 Multnomah County generally does not support zone changes that remove productive agricultural land from the protection afforded under Goal 3 of the Oregon Statewide Planning Program (Farm Lands).
- 11.2 Continue to require approval of dwellings and other development to be contingent upon compliance with Lot of Record standards as contained in the existing EFU zoning code.
- 11.3 Include provisions in the zoning code that limit new non-agricultural uses, and expansion of existing non-agricultural uses, in both type and scale to serve the needs of the local rural area. This will result in a farm protection program for the area that is more restrictive than what state statutes and rules require.



West of Sandy River Rural Area Plan

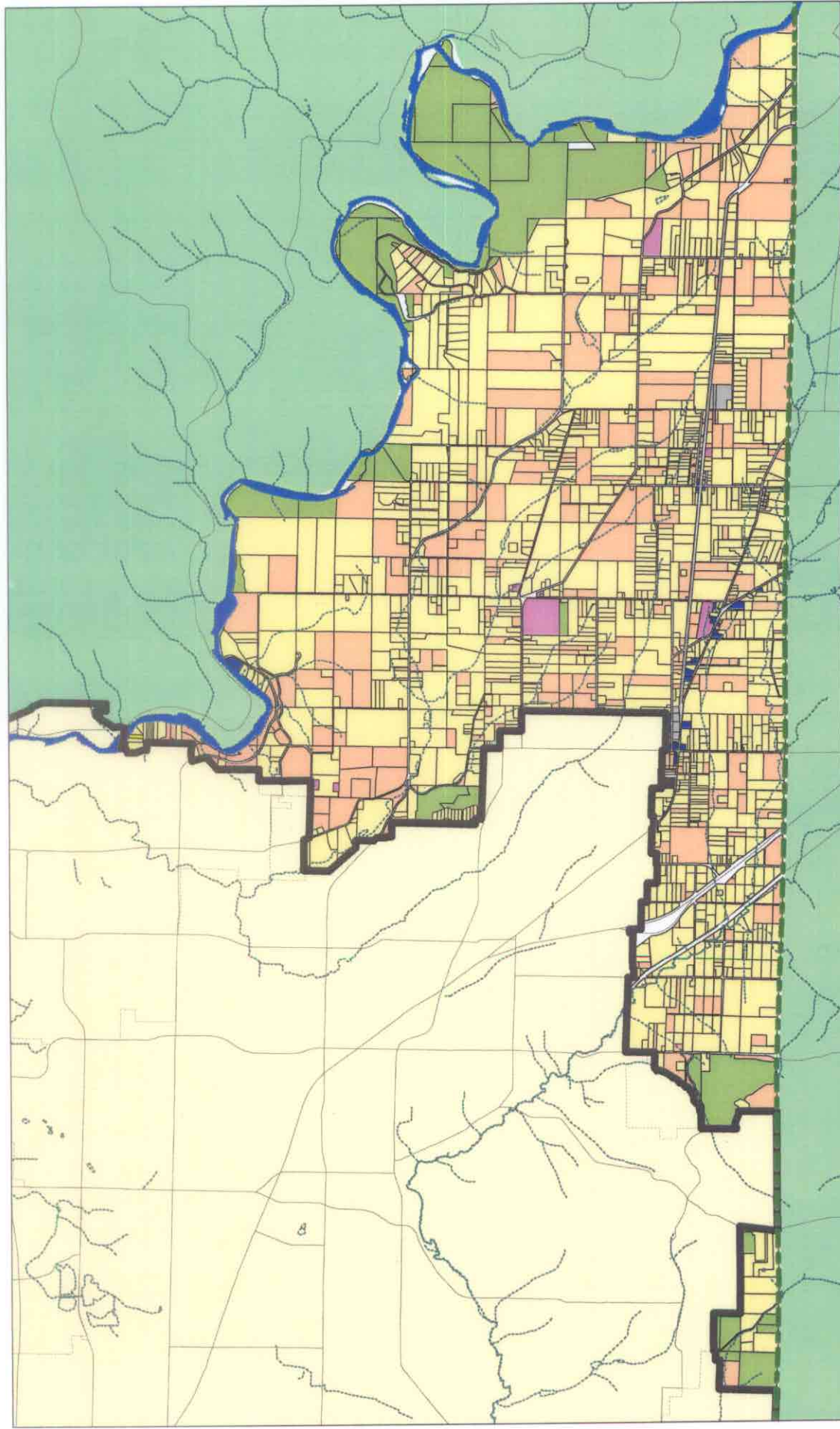
Figure 5 Lands in Farm and Forestry Use

-  Farm or Forestry Use
-  CFU (Commercial Forestry Use)
-  EFU (Exclusive Farm Use)
-  MUA20 (Mixed Use Agriculture - 20)
-  RR (Rural Residential)
-  RC (Rural Center)

 County Lines  Urban Growth Boundary



1 0 1 Miles



West of Sandy River Rural Area Plan

Figure 6
Current Land Uses

- Public Facility
- Commercial
- Industrial
- Residential/Related Structures
- Vacant
- Parks/Open Space

County Lines

Urban Growth Boundary



Forestry/Commercial Forest Use (CFU) Zone

Multnomah County's CFU zone is intended to preserve forestland for forest resource use pursuant to the provisions of Statewide Planning Goal 4. As with agricultural lands, the State has outlined a number of activities that counties may choose to permit in forest areas, as well as some activities that counties must prohibit. The State allows counties to permit uses such as forest operations and forest products processing, conservation activities, communication towers, mining and aggregate resource uses, temporary forestry operation structures, farm uses, utility lines, private hunting and fishing, labor camps and destination resorts. Multnomah County has chosen to permit most of these uses.

The County's CFU provisions for new dwellings are more restrictive than state rules in that two of the three dwelling opportunities are included in the current zoning code for the area. The CFU zone provides for large acreage (160 acres or larger) and template dwellings, but does not provide for lot of record dwellings (Heritage Tract). The template dwelling provisions also limit the circumstances under which a parcel qualifies more stringently than state law requires. In addition, the ordinance contains an aggregation requirement similar to that used in the EFU zone that is not required by state law.

Overview of Land Uses in the West of Sandy River CFU Zone

The following provides a general description of land use activities occurring in this zone. Please refer to Figure 6, and Table 3, which contain data that provided the basis for this analysis.

Multnomah County's parcel size provisions require 80-acre minimum lot sizes for new parcels created, with a variety of provisions for template dwellings and lot of record provisions.

- CFU lands in the West of Sandy River area comprise approximately 2,008 acres. Parcels in this zone, of which there are approximately 166, average about 11.5 acres apiece.
- Predominant land uses include parks and open spaces (primarily Oxbow Regional Park). About 989 acres of land is classified in this category.
- There are about 290 acres of vacant CFU land, and about 714 acres of land, consisting of about 78 parcels, classified as single-family residential use. About 15 acres are in use as public facilities.
- There have been about 8 new residential building permits in this zone over the past ten years.
- As noted earlier, a good portion of land in the West of Sandy River CFU zone is under public ownership. While Multnomah County's provisions for new dwelling units in this zone are stricter than those of the state, the high level of parcelization in the area may allow owners to seek building permits through the County's template provisions. In addition, there are not a great number of parcels in this category that appear to be part of a tract.

Existing Policies and Strategies for CFU-Zoned Lands

The County's Framework Plan policies for CFU zoning countywide are contained in Policy 11: Commercial Forest Land Area. They generally provide that the County will:

- Designate and maintain commercial forestry areas that are suitable for commercial use and woodlot management, as well as potential reforestation areas, and in particular, areas not impacted by urban services. Protection of large parcels necessary for watershed protection, or that may be subject to environmental damage, and potential recreation areas or areas of scenic significance.

The implementing strategies are:

- Require 80-acre minimum lot sizes, and aggregation of lots in single ownership.
- Permit farm and forestry uses permitted as primary uses
- Opt for stricter standards than those provided by the State for large acreage dwellings and template dwellings.
- Allow for mortgage lot provisions and lot of record provisions.

Given the restrictive nature of the CFU zone, and the fact that much forestland is under public ownership, the existing policies and regulations generally appear appropriate for maintaining the area's rural character. Two new policies and three associated strategies are recommended to further protect the area's rural character and to protect the existing farm and forest operations in the study area.

Policies and Strategies

Policy 12

Maintain existing forestlands from further parcelization that detracts from forest operations and incidental protection of open space, wildlife habitat, and rural community values.

Strategy:

- 12.1 Multnomah County generally does not support zone changes that remove productive forest land from the protections of Goal 4 of the Oregon Statewide Planning Program (Forest Lands).

Policy 13

Allow new dwellings and other development on lands designated for commercial forest use consistent with state requirements, and will be permitted when upon demonstration that they will have no significant impact upon farm or forest management.

Strategies:

- 13.1 Continue to require that applications for new development comply with Lot of Record standards described in the existing CFU zoning code.
- 13.2 Continue to allow new template dwellings under the current standards of the CFU zone that are more restrictive than state requirements.

Multiple Use Agriculture Lands

The MUA-20 zone contains the areas for which the County has justified an exception to either Goal 3 or Goal 4 Agricultural Lands and Forest Lands. Because of this, many of the restrictions on new dwellings and other uses that apply in EFU and CFU zoned areas do not apply to the MUA-20 zone. New residential uses are permitted outright. Wholesale and retail sales of farm and forest products grown in the vicinity are permitted, under prescribed conditions, and a wider range of commercial and retail activities are permitted as conditional uses.

The Framework Plan description of the MUA land classification as contained in Policy 10 states that it is intended to conserve land that is not predominately Agricultural Land as defined by Statewide Planning Goal 3, and that has been impacted by non-farm uses. The plan states that conservation of these areas provides for diversified agricultural and other uses, and protects adjacent EFU lands. The soils in the zone are predominately the same type and class as are the high-value soils in the EFU zone. Data about farm use indicates that nearly half of the MUA-20 land area is in farm use (see Figure 5 and Table 3). For the West of Sandy River plan area, the main difference between EFU and MUA-20 land appears to be parcel size.

Overview of Land Uses in the West of Sandy River MUA-20 Zone

The following points provide a general description of activities occurring in this area. Please refer to Figure 6 (Land Use) and Tables 3 and 4, which contain data that provide the basis for this analysis.

- The MUA-20 zoned land in the plan area is roughly 3,167 acres. It contains approximately 952 parcels ranging in size from less than one-quarter acre to 56 acres, and averaging 3 acres in size.
- A large portion of this zone, comprising approximately 2,381 acres in 767 parcels, is classified as single-family residential.
- There are about 717 acres of MUA-20 land classified as vacant. Approximately one-half of this land is in farm deferral indicating farm use, the remaining half is non-deferred.
- Other uses in this zone consist of public facilities and forest deferred lands.
- About 54 new residential building permits were issued in this zone during the past ten years. In addition, approximately 30 businesses such as nurseries, contracting and construction, food processing and a variety of home occupations are currently operating in the MUA-20 zone.
- The MUA-20 zone contains about 172 vacant parcels. Only about seven parcels are larger than the 20-acre minimum lot size outlined in the zoning codes, though the zoning code does allow for lot-of-record provisions. Discounting parcels under public ownership or parcels that are right-of-way strips, there could be about 140 parcels/property owners seeking permits for new construction in this area.

Existing Policies and Strategies for MUA-20 Lands

The County's Framework Plan policies for these areas are contained in Policy 10: Multiple Use Agricultural Land Area. They generally provide that the County will:

- Designate and maintain those lands that are generally agricultural in nature, though more characteristic of small-scale farm use than commercial agricultural use.
- Provide for a higher level of services than EFU areas.
- Restrict the uses permitted in MUA-20 areas to those that are compatible with EFU areas.

The County's strategies for this zone are:

- Provisions for minimum lots sizes
- Varied uses such as farming and forestry, residential, commercial and tourist uses
- Lot-of-record provisions and mortgage lot provisions

This area has experienced more marked change in recent years, though the area still contains a good deal of farm use. Development pressures are most likely to occur within this area due to the approximately 170 parcels that are vacant and the zoning regulation that allows dwellings. The zone also provides for a wide range of conditional uses and community service uses that have the potential to impact farm use in the plan area. One new policy and two associated strategies are recommended to help curtail the types of development that may have a negative impact on farm uses in the area.

Policies and Strategies for MUA-20 Lands

Policy 14

Protect farm land from encroachment by residential and other non-farm uses in a manner that is consistent with the existing Framework Policy 10 Multiple Use Agricultural Land Area and the associated strategies.

Strategies:

- 14.1 Ensure that new, replacement, or expanding uses minimize impacts to farmland by requiring “right to farm” measures to be implemented. This shall be accomplished by requiring recordation of a covenant that recognizes the rights of adjacent farm managers to farm their land.
- 14.2 New non-agricultural businesses should be limited in scale and type to serve the needs of the local rural area through provisions in the zoning ordinance.

Rural Residential (RR) Zone

The intent of the Rural Residential zone is to provide for rural residential development in areas which are not suitable for commercial farm or forest operations because of the existing land use pattern of development, small parcel sizes, non-aggregated ownership, and largely non-commercial resource uses. Small-scale agriculture and forestry operations may occur and are, in fact, considered to be an integral part of the rural residential environment. Such uses as wholesale and retail sales for agricultural products grown on the premises, limited forest product processing, cottage industries, limited rural service commercial and tourist commercial may be developed as conditional uses in accord with established criteria.

Overview of Land Uses in the West of Sandy River RR Zone

There is a relatively small amount of Rural Residential land in the study area (680 acres). This zone is dispersed in about five separate clusters across the study area, reflecting the location of older rural subdivisions. The minimum lot size for Rural Residential is five acres and the primary permitted uses include:

- farm use,
- propagation or harvesting of forest products,
- single family residential, and
- public and private conservation areas.

The following are some of the general characteristics of the Rural Residential zone in the West of Sandy River study area.

- Lands in the Rural Residential zone comprise about 590 acres. Parcels in this zone, of which there are about 155, average about 3.5 acres apiece.
- The predominant land use in this zone is single-family residential. There are approximately 35 vacant parcels in the zone.
- There are about 250 acres of land in farm use, and about 50 acres of land in this zone is in use as parks or open space use.
- Approximately 8 new residential building permits have been issued in the RR zone in this study area over the past 10 years.

Existing Policies and Strategies

The County's Framework Plan policies for this area are contained within Policy 8: Rural Residential Areas. They provide that the County will designate as Rural Residential those areas that:

- Are outside of farm and forest resource areas, and significant parcelization has already occurred,
- Are compatible with adjacent farm or forest uses,
- Have no physical development limitations that would make the areas hazardous for development,
- Have access to limited, but adequate services, including on-site water and sewage disposal, as well as off-site services such as schools, fire protection and police protection.

Strategies for achieving these policies include:

- Minimum lot size provisions (five acres, with exceptions).
- Residences, agriculture and forestry operations as primary uses. Wholesale and retail sales, community facilities, cottage industries and extractive industries or tourist uses as conditional uses.
- Lot of record provisions.
- Minimum lot sizes based on a variety of factors, including environmental features, existing characteristics of the area, road access, water supply and public services available.

The Rural Residential areas in the West of Sandy area are clustered, and generally located away from active farming and forestry operations. While some development activity may occur in these areas, a good deal of additional activity is not likely due to the fact that this zone contains much of the steeply-sloped land within the West of Sandy study area. One policy intended to protect farm uses on EFU land adjacent to the Rural Residential zone is proposed.

Policies and Strategies for RR Lands

Policy 15: Protect farmland from encroachment by residential and other non-farm uses that locate in the RR zone.

Strategies:

- 15.1 Ensure that new, replacement, or expanding uses minimize impacts to farm land by requiring "right to farm" measures to be implemented. This shall be accomplished by requiring recordation of a covenant that recognizes the rights of adjacent farm managers to farm their land.
- 15.2 New non-agricultural businesses should be limited in scale and type to serve the needs of the local rural area through provisions in the zoning ordinance.

Parks and Open Spaces

About 1,161 acres within this study area are classified as parks and open spaces. The majority of this land consists of Oxbow Regional Park, running along the Sandy River, and the eastern edge of the study area. The other public park in the area is the Springwater Corridor which follows SE Telford Road for a little over a mile within the study area. Other publicly owned open spaces include playing fields surrounding the area's schools.

Private open spaces include the Persimmon Country Club golf course, in the southwestern portion of the study area, and a larger tract of land owned by the Nature Conservancy, just south of Oxbow Park.

Parks and open spaces are illustrated in the land use map in Figure 6.

Oxbow Regional Park

Oxbow Regional Park is a facility that has been providing recreational opportunities to the public since 1963. The park is over 1,040 acres in size, is owned by multiple agencies, and was visited by over 219,000 people in 1996. Management responsibility of the park was turned over to Metro by Multnomah County in 1994. Metro adopted a Master Plan in October of 1997, after a planning process that included a number of public meetings and testimony from interest groups.

The Oxbow Park Master Plan includes provisions for management of the park and for development of replacement and new facilities. Management objectives include maintenance and enhancement of the park's natural habitat, more efficient use of the existing developed areas, and limitations on use of park properties north and east of the Sandy River to approximately current levels, maintenance of the Ancient Forest area for habitat and ecological studies, and management of Elk Meadow as migratory elk habitat. The Master Plan envisions an approximately one percent increase in peak visitor capacity.

Improvements to the park facilities are intended to make up for wear and tear from use, to upgrade sanitation and water facilities, and to support greater seasonal use and other management objectives. The basic facilities upgrades include improved water filtration and replacement of the old outhouses with new vault toilets and shower buildings with flush toilets. Improvements also include reopening 20 campsites with 12 of those developed with yurts to encourage greater seasonal use, improvements to group picnic and camping areas, road realignments, a new environmental education building, and others.

Metro Regional Parks and Greenspaces Department has outlined several difficulties the organization has experienced during implementation of the Oxbow Park Master Plan. These are a priority due to the location of the park in a forest resource (CFU) zone. Development, including parks, located in this zone is subject to state mandated rules that do not always allow improvements to be located in a way that best fits park management objectives, or may not allow uses that support park program objectives.

Existing Policies and Strategies for Parks and Open Space Lands

The County's Framework Plan policies for these uses are contained in Policy 39: Parks and Recreation Planning, and Policy 40: Development Requirements.

Policy 39 states that the County's policy is to operate its established Parks and Recreation Program to the degree fiscal resources permit, and to:

- Work with interest groups to identify park needs.
- Secure funding for the parks program through federal, state, and local agencies and sources.
- Encourage development of recreation opportunities by other public/private entities.
- Support the publicly owned portions of the 40-mile loop trail.

The implementing strategies include:

- A description of duties for the County Parks Commission.
- Direction to update the Community Plans by identification of recreation needs.

Policy 40 defines the County's policy as to:

- Require dedication of pedestrian and bicycle path connections between public and community facilities as appropriate and where designated in the Bicycle Corridor Capital Improvements Program and map.
- Require landscaped areas in commercial, industrial and multi-family developments.
- Require areas for bicycle parking where appropriate.

- Based on the above analysis and discussion with the Task Force, three new policies and four associated strategies are proposed.

Policies and Strategies for Parks and Open Spaces

Policy 16

Publicly owned parks are a significant resource for the region. The County's policy is to support maintenance and upgrading of park facilities consistent with the character of the rural areas in which they are located.

Strategies:

- 16.1 Work with Metro to investigate development of an ordinance to implement a park zone for Oxbow Park.

Policy 17

Multnomah County recognizes and supports the Management Goals, Standards and Guidelines of the Sandy Wild and Scenic River and State Scenic Waterway Management Plan (1993). The County will continue to play the regulatory role described in the zoning and land use authority section of the plan, and as prescribed in state law. The Sandy River Management Plan recommendations are intended to protect and enhance the following outstandingly remarkable values: scenic, recreation, wildlife habitat, water quality and quantity, fisheries, geological, botanical/ecological and cultural.

Strategy:

- 17.1 Multnomah County will work with State Parks and Metro to develop a park zone to facilitate recreational development consistent with the County Comprehensive Framework Plan, zoning ordinance, rural area plan, and the Sandy Wild and Scenic River and State Scenic Waterway Management Plan.
- 17.2 Work with State Parks, BLM, Metro, Clackamas County and other agencies to review and update design strategies and development standards that protect scenic, wildlife, geological, water quality and quantity, fisheries, botanical/ecological and cultural resource values in designated sections of the river.

Policy 18

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

Strategy:

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

Policy 19

State and regional parks that are primarily intended to protect and conserve important natural resources and provide primarily natural resource based recreation and education opportunities for the benefit of residents of the County will most likely need to be located in areas possessing unique or desirable natural resource values.

Public Facilities

The West of Sandy River study area contains approximately 75 acres of land classified as public facilities. These lands are owned by a variety of quasi-public entities and special districts, including the Lusted Water District, the Pleasant Home Water District, the Powell Valley Water District, the City of Portland, Portland General Electric, the City of Gresham and the Rural Fire Protection District. Land owned by school districts and churches has also been classified in this category.

Public facilities uses are noted in the land use map in Figure 6.

Statewide Planning Goal 11 prohibits the extension of public facilities outside of the urban growth boundaries or unincorporated communities. This requirement limits the amount of development that can occur in the West of Sandy River area and will help preserve the rural lifestyle.

Existing Policies and Strategies for Public Facilities

The County's Framework Plan Policies for these uses are contained in Policy 37: Utilities, and Policy 38: Facilities.

Policy 37 contains requirements for development including adequate potable water and sewage disposal, drainage and stormwater runoff controls, and energy and communications availability. Policies of note for the rural area include requirements to ensure that:

- Development can be served with water, and connected to an on-site sewer system.
- Stormwater runoff can be contained on site.
- Stormwater runoff will not adversely affect the water quality in adjacent streams, ponds, lakes, or alter the drainage on adjoining lands.

Policy 38 addresses schools, fire protection, and police protection, and additionally provides for the County to ensure that:

- School districts may comment on development proposals when appropriate.
- Development is served by a fire district and that the district be able to review and comment on proposals, and that there be adequate water to fight fires.
- Police protection is adequate.

These two policies contain provisions applicable to both urban and rural development and the policies that fit rural development and adequately apply to the West of Sandy River area so no policies specific to the study area are required.

Natural Hazards

Statewide Planning Goal 7 addresses natural hazards. This goal contains a few general requirements and several suggestions for local communities as they address elements such as flooding, ground water, erosion, landslides and earthquakes. Some of the elements that are addressed under Goal 7 are also pertinent to Goal 6, Air Water and Land Quality. For example, floodplain areas and erosion control have applicability under both goals. Title 3 of Metro's Functional Plan, has implementation requirements for both water quality (erosion) and floodplains.

Goal 7 requires that local communities plan all development that may be prone to damage or loss of life outside of known natural hazard areas unless appropriate safeguards accompany them. In addition, this goal requires that local plans be based upon an inventory of known natural hazard areas.

This section gives a brief description of flooding areas, landslide areas and relative earthquake hazard areas that are within the West of Sandy River planning area.

Overview of Potential Hazards

Flooding Areas

Goal 7 requires cities and counties to encourage low density and open space uses in flood areas. It also encourages cities to qualify for inclusion in the National Flood Insurance Program, requiring that development in flood-prone areas be appropriate to the probability of flood damage.

Portions of the West of Sandy River study area are located within the FEMA 100-year floodplain. These areas include most of the Sandy River as well as the area containing Johnson Creek in the southern portion of the study area, and Beaver Creek in the central northern portion of the study area. The West of Sandy River study area was not seriously impacted by the February 1996 flood event, but there was flooding on the Sandy River and some slides in Oxbow Park.⁶

Chapter 29.6 Flood Hazard Regulations, of the Multnomah County code contains provisions relating to flood hazard areas. These provisions are applicable to all areas in Multnomah County that fall within the 100-year floodplain. Most types of construction and alterations within the 100-year floodplain must obtain a floodplain development permit from the County. In addition, specific development standards apply to new development within the 100-year floodplain, which include the use of building materials resistant to flood damage. All new construction must be at least one foot above the base flood elevation. Finally, new water and on-site disposal systems should be designated to minimize infiltration, discharge, and contamination during flooding events.

A map of areas subject to natural hazards, which includes areas within the 100-year floodplain, is shown in Figure 7.

Landslide Areas

Goal 7 contains no provisions that are specific to landslide areas, but notes that such areas should be evaluated in order to determine whether and to what extent development limitations should exist. The Framework Plan implements Goal 7 through Policy 14, Development Limitations, and Goal 6 through Policy 13, Air, Water, and Noise Quality.

Records from the 1996 flood event include an inventory of known landslides through the Metro region.⁷ These records indicate that some landslides did occur in and around the West of Sandy River study area in the following areas:

- On Wilson Road, approximately 1,000 feet south of Kerslake Road, in the northern section of the study area. About 150 feet in length, this landslide has been characterized as mainly earth flow along a steep slope. The contributing factors are mainly natural rather than caused by humans.

⁶ Source: Metro Regional Land Information System.

⁷ Source: Metro RLIS, Earthquake Hazards and Landslide database.

- Along SE Stark Road, about ½ mile west of the bridge at Sandy River. This event has been characterized as a debris slide along a steep slope. About 35 feet, the contributing factors for this event are mainly human-caused, due to slope cutting.

In addition to these events, several landslides occurred just north of the study area, along Historic Columbia River Highway. These landslides consisted mainly of rockfall along very steep slopes. The major contributing factors for these events have been assessed as human disturbances from slope cutting. 1996 landslide areas are shown in Figure 7, some of which are outside the study area.

Chapter 11.15.6700 Hillside Development and Erosion Control of Multnomah County's code, is the primary implementing ordinance for Statewide Goal 7 and County Policy 14. The Hillside Development ordinance was first adopted in 1990. The provisions contain a number of exemptions that can result in development being permitted in hazardous areas without implementing the assessment and mitigation measures in Policy 14. The exemptions allow development to proceed without a hazard permit on land that slopes less than 25% and when the developer does not store 50 cubic yards of earth materials on site. This situation can occur on development sites that are flat, but are below a steep hillside or bluff that has a history of failure. These kinds of areas within the West of Sandy River Plan Area exist primarily within the Sandy River canyon.

Chapter 29.3 Grading and Erosion Control, of Multnomah County's code addresses grading and erosion control provisions for the entire county. These provisions are intended as a response to applicable requirements of Statewide Goal 6, but also apply to Goal 7. These provisions require applicants to obtain grading permits for development that would disturb more than 50 cubic yards of soil, as well as a variety of measures to minimize cut and fill activities that could result in erosion. These elements may help to mitigate the effects of landslide events in the study area.

Earthquake Hazard Areas

Earthquake hazard areas have been evaluated for this study area. Metro's natural hazards database was used for this component of the study. This information describes the relative degree of earthquake hazard across the Metro region. Generally, there are three factors which contribute to an area's response during an earthquake event. These factors include:

- Amplification of ground shaking, due to the existence of a "soft" soil column.
- Liquefaction of water-saturated sand, and
- Slope instability, usually triggered by shaking that occurs during the earthquake event.

Hazard areas have been classified according to the interaction of these three factors, and classified in categories A-D. Areas labeled "A" are the most likely to show a response during an earthquake event.

There are limited sections of the West of Sandy River study area that have been classified with the highest relative earthquake hazard rating. This area runs along the steeply sloped portions of the Sandy River. As earthquake hazards have been mapped only to the Metro Jurisdictional Boundary, the inventory does not cover the entire West of Sandy study area. As the conditions along the Sandy River are similar through most of the study area, it can be assumed that a higher relative earthquake hazard rating would also apply along the entire length of the Sandy River.

Existing Policies and Strategies for Natural Hazard Areas

Policy 14 of Multnomah County's Framework Plan addresses Development Limitations. This policy generally provides that the County will direct development away from areas with steep slopes, severe soil erosion potential, areas within the 100-year floodplain, and areas with a high seasonal water table, a fragipan less than 30 inches from the surface, and lands subject to slumping, earthslides or movement.

Strategies for achieving these policies include provisions for limited development in the 100-year floodplain; conditional uses which help limit hazardous development conditions. In addition, development standards should include provisions for sediment and erosion control as well as drainage and preservation of vegetation in habitat areas.

Flooding areas have also been addressed in the environmental section of this plan, as part of the County's effort to comply with Statewide Goal 6 and Metro's Title 3 requirements for flood management and water quality. In addition, provisions currently within the County's Code (Ch 29.6), such as setting a minimum base elevation for new development within the floodplain, should help to mitigate effects on property from flooding events.

Two landslides from the 1996 event have been documented in this study area. One of these landslides has been attributed to natural causes and one was attributed to human causes. Provisions for erosion control contained within Multnomah County's Code (Ch 29.3 and 11.15.6700) should help to prevent landslides from occurring. The existing County policy adequately addresses most of the natural hazard issues, however the exemptions allowed in the existing Hillside Development ordinance should be reviewed to ensure that review of development on hazardous sites occurs. One additional policy is recommended to meet Metro requirements for floodplains.

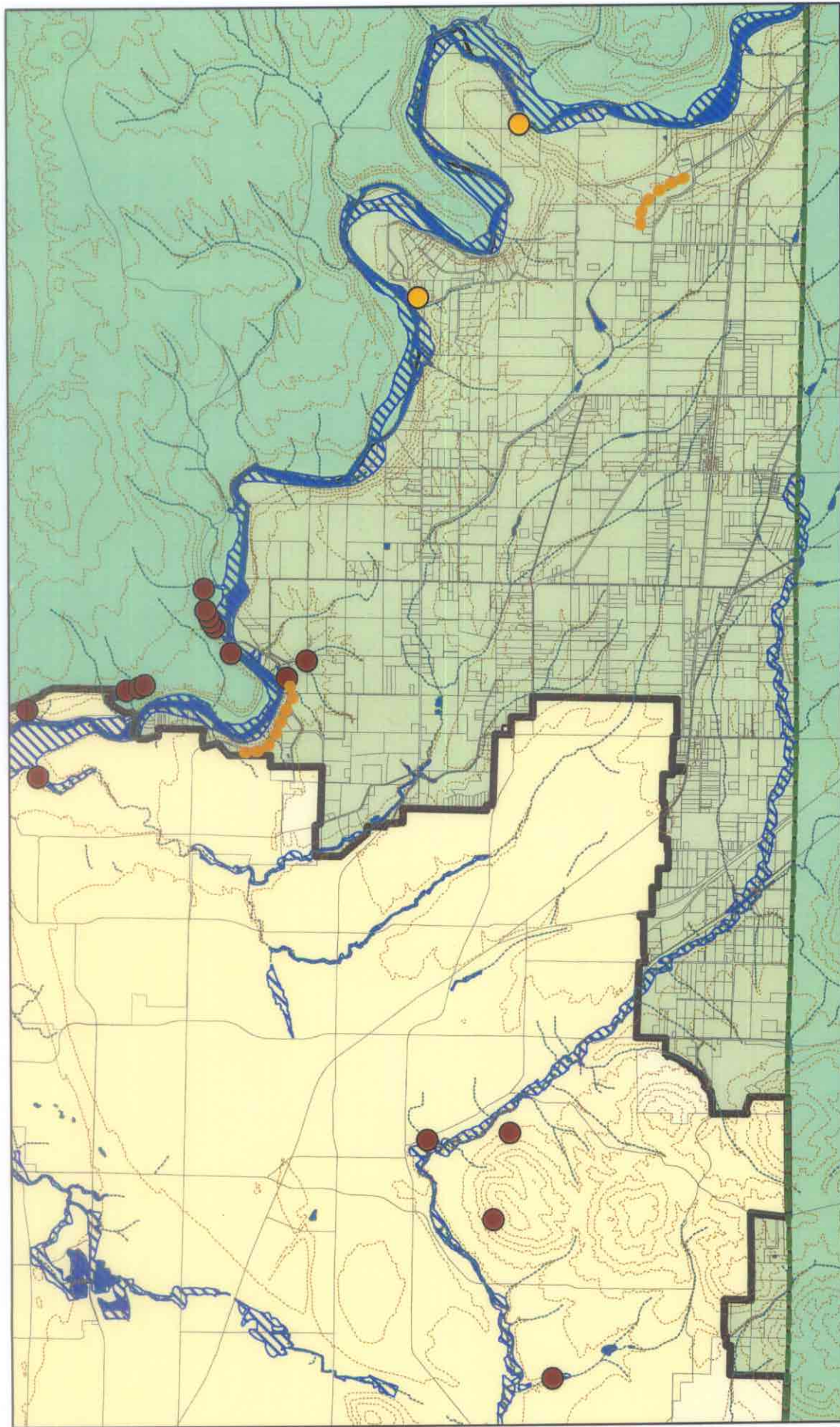
Policies and Strategies for Flood Hazard Areas

Policy 20

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

Strategy:

- 20.1 Multnomah County shall implement this policy by establishing standards to reduce the risk of flooding and maintain the functions and values of floodplains pursuant to *Title 3 of the Metro Urban Growth Management Function Plan*, including:
- Establishing a definition of "flood management areas" which includes the area of inundation for the February 1996 flood, as well as all lands within the 100-year floodplain, flood areas and floodways as shown on the Federal Emergency Management Agency Flood Insurance Maps.
 - Requiring development, excavation and fill within flood management areas be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.
 - Requiring all fill placed at or below the design flood elevation in flood management areas be balanced with at least an equal amount of soil material removal. Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.
 - Requiring temporary fills permitted during construction be removed.
 - Prohibiting areas of unconfined hazardous materials as defined by DEQ in the Flood Management Areas.



West of Sandy River Rural Area Plan

Figure 7

Areas Prone to Natural Hazards

- February 1996 Landslides
- Other Landslides - Local Inventories
- General Landslide Areas - Local Inventories
- Contour Lines (100 foot)
- All Streams
- ▨ 100 Year Floodplain
- ▨ County Lines
- ▨ Urban Growth Boundary

