

Memorandum



July 15, 2015

To: Community Advisory Committee

From: Comprehensive Plan Update Project Team

Re: Comprehensive Plan Policy Issue List - Air, Land, Water, Wildlife, Natural Hazards and Historic Preservation

OVERVIEW

This report presents a list of policy issues that have been identified for further discussion by the Community Advisory Committee (CAC) and subcommittees. The issues are related to policies addressing environmental quality, including air, land, water, and wildlife; natural hazards such as flooding, landslides, and wildfires; and preservation of historic structures and places. Issues are described briefly in this report in order to provide background and context for the CAC, and the Air, Land, Water, Wildlife and Hazards subcommittee to begin reviewing and prioritizing them for future discussions.

The basis for identifying these issues included:

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

ISSUE DESCRIPTIONS

GOAL 5 RESOURCES

Riparian Corridors. Statewide Planning Goal 5 requires that counties inventory and adopt a program to protect significant riparian areas associated with rivers and streams. The process for creating the inventory and subsequent protection program is found in OAR Chapter 660, division 23. The County has already completed the process of determining significant riparian corridors from the riparian inventory and analyzed the economic, social, environmental, and energy (ESEE) consequences that created the regulations contained in the Significant Environmental Concern – Streams (SEC-s and SEC-wr (water resource) protection program.

Since the completion of the riparian inventory and SEC protection programs, the State adopted additional rules that provided an alternative method to determine significant riparian corridors and forgo the need to conduct an ESEE analysis. This method, or “safe harbor,” uses objective standards to complete the Goal 5 inventorying process. The Goal 5 administrative rule also has

“safe harbor” provisions that can be used in place of conducting an ESEE analysis when establishing a protection program. With these new “safe harbors,” the County has the ability to add riparian corridors that were not previously identified as significant from previous studies and implement a “safe harbor” protection program for those streams and rivers.

Questions: Should other streams corridors not currently in the inventory be added to the inventory based on County recommendations?

If so, should these additional streams be protected following “safe harbor” provisions? [Note: the alternative would be to use existing SEC-s requirements which would require additional environmental analysis by the County].

Should rural area plan policies for riparian areas be applied County-wide?

Wetlands: To meet Statewide Planning Goal 5 - Wetland requirements, at minimum, counties are required to adopt the Statewide Wetland Inventory (SWI). A county may also elect to create a Local Wetland Inventory (LWI). Multnomah County has completed the process of determining significant wetlands and has a LWI. Wetlands in the LWI are primarily located on Sauvie Island.

Additionally, the County has conducted the ESEE analysis to create regulations that are contained in the Significant Environmental Concern – Wetlands (SEC-w) protection program.

Staff recommends adopting the Statewide Wetland Inventory and applying SEC-w protections in accordance with the Sauvie Island/Multnomah Channel RAP. Staff also recommends including other wetlands in the state inventory that were not included in previous county analyses as “notification wetlands” in order to ensure that the Oregon Department of State Lands (DSL), which regulates fill and removal of wetlands, is notified in the event of any proposal that would impact these wetlands.

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

Do you agree with staff’s recommendation to include wetlands shown in the state wetland inventory but not currently covered by the SEC-w overlay as “notification wetlands?”

Should rural area plan policies for wetlands be applied County-wide?

Wildlife Habitat: To meet Statewide Planning Goal 5 – Habitat requirements, counties must inventory and adopt provisions to create a program to protect significant wildlife habitat resources. The County has already completed the process of inventorying significant wildlife habitat and conducted the ESEE analysis to create the regulations that are contained in the Significant Environmental Concern –Habitat (SEC-h) protection program. The County may elect to add wildlife habitat to its inventory using either the standard process or “safe harbor” provisions. There are no “safe harbor” provisions for creating a protection program, so if the County elects to add wildlife habitat to the inventory, the County is obligated to complete an ESEE analysis to apply the SEC-h protection program to the newly added wildlife habitat.

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

AREAS SUBJECT TO NATURAL HAZARDS

Landslide Hazards. State Planning Goals call for cities and counties to adopt Comprehensive Plan policies and implementation measures to reduce risks associated with a variety of hazards, including those associated with erosion and landslides. The County currently regulates development on steep slopes through its Hillside Development Overlay Zone to address risks in areas prone to erosion or landslides. The County's Natural Hazards Mitigation Plan (2012) recommended that the Hillside Development Overlay be updated to better reflect information about landslide hazards identified in that plan. Newer data has become available via the Oregon Department of Geology and Mineral Industries (DOGAMI) that identifies additional locations in the County that also may be susceptible to landslides, such as locations with a past history landslides and/or other areas.

Question: Should the County expand its Hillside Development Ordinance to address areas such as landslide hazard areas recently mapped by DOGAMI (which reach beyond steep slopes), buffer areas adjacent to a steep slope, or other similar areas, as recommended by County's Natural Hazards Mitigation Plan (2012)?

Flood Hazards and Channel Migration. Like other local jurisdictions, Multnomah County has policies and regulations which limit or regulate development in areas prone to flooding, including floodways and floodplains. A variety of County policies and regulations address this issue, including participation in the National Flood Insurance Program. In some places, areas subject to flooding can change as river channels shift. This is particularly the case along the Sandy River, where the river channel has "migrated" significantly over time. DOGAMI is in the process of conducting channel migration studies throughout the state. At this time, the agency has completed a channel migration study for only one river in Multnomah County – the Sandy River.

Questions: Should the County expand floodplain protection areas beyond the existing 100-year floodplain to address channel migration, thereby potentially exceeding minimum requirements to be a participant in the National Flood Insurance Program?

How else should new channel migration studies be applied to floodplain, erosion or other hazard areas?

Wildfire Hazards. State Planning Goals call for cities and counties to adopt Comprehensive Plan policies and implementation measures to reduce risks associated with wildfires. The County currently has a limited number of policies associated with reducing risk related to wildfires although it addresses this issue through development code requirements applied in its Commercial Forestry Use (CFU) zones. The County's 2012 Natural Hazard Mitigation Plan (NHMP) includes updated mapping of wildfire risks. The Plan recommends that the County

review and amend as necessary planning and development regulations to incorporate mitigation strategies for urban/wildland interface fires based on the recommendations in the 2011 Multnomah County Community Wildfire Protection Plan. That Plan included development of a homesite assessment program, but did not result in changes to development code regulations related to wildfires.

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

PRESERVATION OF HISTORIC STRUCTURES AND PLACES

An Active Historic Preservation Program: Goal 5 of Oregon's statewide planning goals and its administrative rules call for cities and counties to develop land use programs to conserve and protect historic resources. Local governments and state agencies are not required, but are encouraged, to maintain current inventories of historic resources, determine significant sites among inventoried resources and develop programs for their preservation and protection. The County compiled a local inventory of historic resources nearly thirty years ago but has done little in the way of enacting a local preservation program by designating significant sites and providing incentives for property owners of these sites to register and preserve them.

Questions: Should the County be more involved in historic preservation by updating its twenty-five year old inventory of historic places, by designating significant sites as historic landmarks and by applying heritage preservation overlay zoning to those sites?

Should the County provide incentives for property owners to register and preserve historic resources?

Allowing Uses that Benefit Historic Preservation: Maintenance and upkeep of most historic properties can be both challenging and costly because of their age. Some owners of historic properties, particularly owners of abandoned old buildings such as schools, churches, and similar institutional sites, would like the opportunity to make use of the historic property in a way that can provide revenue that can be applied towards its upkeep. The problem is that the zoning of the property may not permit the type of use that fits the character of the building. An example would be when the owner of an historic church in the Rural Residential zone wants to rent it out for weddings, receptions, or similar events but the zoning does not permit this type of use.

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