

1                   **BEFORE THE BOARD OF COUNTY COMMISSIONERS**  
2                   **FOR MULTNOMAH COUNTY, OREGON**

3  
4                   ORDINANCE NO. 784

5  
6                   An Ordinance Which Amends the Multnomah County Comprehensive  
7 Framework Plan Policies 16, 16-G, and Supplemental Findings For Water  
8 Resources, Streams, and Wetland Sites and Designations Under Statewide Plan-  
9 ning Goal 5

10                  Multnomah County Ordains as follows:

11  
12                  Section I. **FINDINGS.**

13  
14                  (A).    Multnomah County's 1990 Local Review Order was reviewed by the  
15 Land Conservation and Development Commission (LCDC) on April 23, 1993.  
16 The LCDC determined that amendments to the County's comprehensive plan  
17 and zoning code are required to comply with Statewide Planning Goals as  
18 detailed in Remand Order 93-RA-876; item 8 orders the following:

19  
20                       *"The county shall amend the comprehensive plan to map or identify the*  
21 *significant streams that are subject to the Significant Environmental Con-*  
22 *cern (SEC) provisions. Amend MCC 11.15.6404(C) to reference this plan*  
23 *inventory of significant streams rather than the FPA definition."*  
24

25                  (B).    Public hearings were held before the Planning Commission on  
26 August 2, 1993 and December 6, 1993 and before the Board of County Commis-

1 sioners on September 28, 1993 and December 28, 1993. On each of those dates  
2 written and oral testimony was taken and heard regarding this issue.

3  
4 (C). The Planning Commission recommends that the Board of Commis-  
5 sioners adopt proposed revisions to the Comprehensive Plan to comply with  
6 LCDC Remand Order 93-RA-876, item 8. Findings in support of the recommen-  
7 dation are detailed in Exhibit A, the Supplemental Staff Report for Case File C  
8 5-93 considered by the Planning Commission on December 6, 1993 and modified  
9 for the Board hearing on December 28, 1993.

10  
11 Section II. AMENDMENT OF FRAMEWORK PLAN TEXT IN POLICY 16

12  
13 Multnomah County Comprehensive Plan Policy 16, Strategy (C) is  
14 amended as follows; language appearing in [brackets] is to be deleted; under-  
15 lined language is new.

16  
17 POLICY 16: NATURAL RESOURCES

18  
19 THE COUNTY'S POLICY IS TO PROTECT NATURAL RESOURCES, CON-  
20 SERVE OPEN SPACE, AND TO PROTECT SCENIC AND HISTORIC  
21 AREAS AND SITES. THESE RESOURCES ARE ADDRESSED WITHIN  
22 SUB-POLICIES 16-A THROUGH 16-L.

23  
24 STRATEGIES

25 \* \* \*

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 protections in SUB-POLICIES 16-D, 16-E, 16-G, or 16-L,

~~[The Columbia River Gorge National Scenic Area, as defined in federal legislation PL 99-663~~

~~2. The Sandy River State Scenic Waterway,~~

~~3. Portions of the Mount Hood National Forest,~~

~~4. Smith and Bybee Lakes,]~~

2. ~~[5. The Undeveloped Columbia River Islands and]~~ Hayden Island west of the Burlington Northern Railroad tracks,

~~[6. Sturgeon Lake,]~~

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

4.~~[8.]~~ Johnson Creek,

~~[9. Beggar's Tick Marsh,~~

~~10. Virginia Lakes,~~

~~11. Rafton/Burlington Bottoms,~~

~~12. Multnomah Channel,~~

1 ~~13. Sand Lake,]~~

2 ~~14. Howell Lake,]~~

3 ~~15. Wagonwheel Hole Lake and nearby unnamed slough/lake to the~~  
4 ~~west,~~

5 ~~16. All Class 1 Streams (Oregon State Forestry Department designa-~~  
6 ~~tion) and the adjacent area within 100 feet of the normal high~~  
7 ~~water line except those within an ESEE designated "2A", "3A", or~~  
8 ~~"3C" mineral and aggregate resource site,]~~

9 ~~5. and such o]~~ Other areas as may be determined under established  
10 Goal 5 procedures to be suitable for this "area" designation.

11  
12 a. The County shall complete ESEE evaluations by June 30,  
13 1994 for Significant Water Resources & Wetlands potentially  
14 affected by the Angel Brothers and Howard Canyon Mineral  
15 and Aggregate Resource sites; and,

16  
17 b. The County will conduct ESEE evaluations and determine  
18 appropriate protections for Significant ('1C') sites as part of  
19 the Rural Area Planning Program, to include 1B designated  
20 sites subsequently determined to be Significant ['1C']; and

21  
22 c. The County shall complete all outstanding ESEE evalua-  
23 tions by January, 1998 for Significant Water Resources &  
24 Wetlands.

25  
26 \* \* \*

1 Section III. AMENDMENT OF FRAMEWORK PLAN TEXT IN POLICY 16-G

2  
3 POLICY 16-G: WATER RESOURCES AND WETLANDS

4  
5 IT IS THE COUNTY'S POLICY TO PROTECT AND, WHERE APPROPRI-  
6 ATE, DESIGNATE AS AREAS OF SIGNIFICANT ENVIRONMENTAL CON-  
7 CERN, THOSE WATER AREAS, STREAMS, WETLANDS, WATERSHEDS,  
8 AND GROUNDWATER RESOURCES HAVING SPECIAL PUBLIC VALUE  
9 IN TERMS OF THE FOLLOWING:

- 10  
11 A. ECONOMIC VALUE;  
12 B. RECREATION VALUE;  
13 C. EDUCATIONAL RESEARCH VALUE (ECOLOGICALLY AND SCIEN-  
14 TIFICALLY SIGNIFICANT LANDS);  
15 D. PUBLIC SAFETY, (MUNICIPAL WATER SUPPLY WATERSHEDS,  
16 WATER QUALITY, FLOOD WATER STORAGE AREAS, VEGETA-  
17 TION NECESSARY TO STABILIZE RIVER BANKS AND SLOPES);  
18 E. NATURAL AREA VALUE, (AREAS VALUED FOR THEIR FRAGILE  
19 CHARACTER AS HABITATS FOR PLANT, ANIMAL OR AQUATIC  
20 LIFE, OR HAVING ENDANGERED PLANT OR ANIMAL SPECIES).

21  
22 STRATEGIES

- 23  
24 A. Assess the economic values of Water Resource and Wetland  
25 Sites and designate as "significant" (1C) if:  
26 1. Any use of the water resource can be shown to be feasible

1           for use in significantly increasing a specified economic  
2           activity or function or substantially increasing the econom-  
3           ic value of the land through which the waters flow.

4  
5       B.   Assess the recreation values of Water Resource and Wetland  
6       Sites and designate as “significant” (1C) if:

7           1. The water resource lies within the boundary of a public  
8           park, publicly accessible recreational facility, or private  
9           recreational facility available for public or group use, and is  
10          an integral part of the facilities' recreational activities.

11  
12          2. The water resource contributes water to a water resource  
13          within the boundary of a public park, publicly accessible  
14          recreational facility, or private recreational facility avail-  
15          able for public or group use, and the diversion or degrada-  
16          tion of the contributing waters would significantly diminish  
17          the recreational value of the water resource.

18  
19       C.   Assess the educational research value of Water Resource and  
20       Wetland Sites and designate as “significant” (1C) if:

21  
22           1. The resource has been identified by the Oregon Natural  
23           Heritage Program as being ecologically or scientifically sig-  
24           nificant; or

25  
26           2. The water resource is used for public educational purposes.

1  
2 D. Assess the public safety values of Water Resource and Wetland  
3 Sites and designate as “significant” (1C) if:  
4

5 1. The water resource is within the Watershed Management Unit  
6 of an existing or proposed municipal water source as identi-  
7 fied by the US Forest Service, US Geological Service, City of  
8 Portland, or other public agency; or  
9

10 2. The water resource is part of a groundwater area which pro-  
11 vides a municipal water supply; or  
12

13 3. The water resource and surrounding lands are flood water  
14 storage areas whose removal or degradation would increase  
15 the frequency or height of floods to adjacent or downstream  
16 areas.  
17

18 4. The riparian or watershed vegetation associated with a water  
19 resource shall be considered part of the water resource area if  
20 that vegetation substantially contributes to the protection of  
21 water quality by reducing sedimentation and erosion, remov-  
22 ing nutrients, or lowering water temperature / increasing  
23 BOD.  
24

25 E. Assess the natural area value of Water Resource and Wetland  
26 Sites and designate “significant” (1C) if:

1  
2 **1. The Oregon Department of Forestry has classified the**  
3 **stream or watercourse as "Class 1 waters" as defined in the**  
4 **State Forest Practices Act; or**  
5

6 **2. The water resource or associated vegetation area is the**  
7 **habitat of an endangered or threatened plant or animal**  
8 **species as identified by the Oregon Natural Heritage Pro-**  
9 **gram, US Fish and Wildlife Service or other public agency;**  
10 **or**  
11

12 **3. A "Wildlife Habitat Assessment" (WHA) rating form has been**  
13 **completed and the site scored** ~~[Wetland areas that attain ]~~ 45 or  
14 more points of the possible 96 points. ~~[on the "Wildlife Habitat~~  
15 ~~Assessment" (WHA) rating form will be designated "Significant"]~~  
16 Sites ~~[with ratings of]~~ **with scores between 35 - 44 points** ~~[or~~  
17 ~~more]~~ **on the WHA form** may be determined "Significant" **(1C)** if  
18 they function ~~[in providing]~~ **as essential** connections between  
19 ~~[and]~~ **or demonstrably** enhance ~~[ment of]~~ higher rated adjacent  
20 ~~[habitat]~~ **resource** areas.  
21

22 The WHA is a standardized rating system for evaluating the wildlife  
23 habitat values of a site. The form was cooperatively developed by staff  
24 from the U.S. Environmental Protection Agency, the U.S. Fish and  
25 Wildlife Service, the U.S. Army Corps of Engineers, The Oregon  
26 Department of Fish and Wildlife, the Audubon Society of Portland,

1           The Wetlands Conservancy, and the City of Beaverton Planning  
2           Bureau.

3  
4   **F.[B.]** Significant water resource and wetland areas identified as a "2A", "3A",  
5           or "3C" sites using the Statewide Planning Goal 5 "Economic, Social,  
6           Environmental, and Energy analysis" procedure as outlined in OAR 660-  
7           16-000 through 660-16-025 shall be designated as "Areas of Significant  
8           Environmental Concern" and protected by either the SEC or WRG overlay  
9           zone.

10  
11   **G.[G.]** Wetlands information gathered by and made available to the County shall  
12           be utilized as follows:

- 13
- 14       1. The U.S. Fish and Wildlife National Wetland Inventory (NWI) maps  
15           should be consulted at the beginning stages of any development proposal  
16           in order to alert the property owner/developer of the U.S. Corps of Engi-  
17           neers and Division of State Lands permit requirements.
  - 18
  - 19       2. Wetlands shown on the NWI maps which are determined to not be impor-  
20           tant by the county after field study should be indicated as such on 1"=200'  
21           aerial photographs made part of the State Goal 5 supporting documents.
  - 22
  - 23       3. Boundaries of "Significant" wetlands located within the SEC and WRG  
24           overlay zones should be depicted on 1"=200' aerial photographs.
  - 25
  - 26       4. Additional information on wetland sites should be added to the plan and

1 supporting documents as part of a scheduled plan update or by the stan-  
2 dard plan amendment process initiated at the discretion of the county.  
3

4 **H.[D.]** Although a wetland area may not met the County criteria for the  
5 designation "Significant," the resource may still be of sufficient  
6 importance to be protected by State and Federal agencies.  
7

8 **I.[E.]** The zoning code should include provisions requiring a finding  
9 prior to approval of a legislative or quasijudicial action that the  
10 long-range availability and use of domestic water supply water-  
11 sheds will not be limited or impaired.  
12

13 \* \* \*

14  
15  
16 **Section IV. AMENDMENT OF POLICY 16-G INVENTORY OF WATER RESOURCES**  
17

18 The following are added to the Policy 16-G Inventory of Water Resources:  
19

20 **1. Protected Water Resources & Wetlands** (designated 2A, 3A, or 3C  
21 under Goal 5) identified on the attached List and map, a reduced copy  
22 of which is attached as Appendix A of Exhibit A; and  
23


24 **2. Significant Water Resources & Wetlands** (designated 1C under  
25 Goal 5) and identified on the attached List and map, a reduced copy of  
26 which is attached as Appendix B of Exhibit A; and,

1  
2 3. A list of potentially significant Water Resources & Wetlands (designat-  
3 ed 1B under Goal 5) and identified in Appendix C of Exhibit A.  
4  
5  
6

7 ADOPTED THIS 11th day of January, 1994, being the date of  
8 its 2nd reading before the Multnomah County Board of Commissioners.  
9

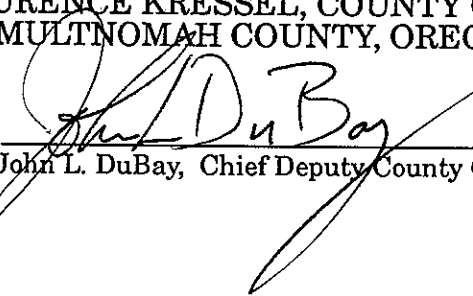


14 By

  
Beverly Stein,  
Multnomah County Chair

15  
16 REVIEWED:  
17 LAURENCE KRESSEL, COUNTY COUNSEL  
18 for MULTNOMAH COUNTY, OREGON

19 By:

  
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