

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, October 22, 2014

9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Sam Brentano, Commissioner Janet Carlson and Commissioner Kevin Cameron. Also present were John Lattimer as chief administrative officer, Gloria Roy as county counsel and Kim Hewlett as recorder.

Commissioner Brentano called the meeting to order at 9:00 a.m.

PRESENTATION

SEDCOR 2014-15 1st Quarter Report – Chad Freeman, Nick Harville

Commissioner Brentano stated that SEDCOR would make their presentation on October 29, 2014.

PUBLIC COMMENT

Video Time (00:01:17)

Summary of presentation:

Ron Sterba, Salem, presented the Oregon Technical Resource Guide (attachment A).

Video Time (00:14:48)

CONSENT

BOARD OF COMMISSIONERS

Ratification of resolution 14R-6 increasing change fund for Wheatland Ferry on 2/12/14 from \$100 to \$200.

Approve letter from the Marion County Public Safety Coordinating Council to the Oregon Criminal Justice Commission regarding House Bill 3194 Administrative Rules.

BUSINESS SERVICES – HUMAN RESOURCES

Approve recommendation to change the Unit designation for Department Specialist 3, position #2332 from Unit 12 unrepresented to Unit 6 represented.

Approve recommendation to update the classification specification and to adjust salary range upward for the Community Services Director.

Approve recommendation to adjust salary range upward for Business Services Director.

HEALTH

Approve amendment 19 to the intergovernmental agreement with Oregon Health Authority to add \$192,223.12 for the operation of community addictions and mental health services.

LEGAL COUNSEL

Approve settlement order in USDC Case No. 6:12-cv-01866-TC, Eichhorn v. Marion County. – Gloria Roy

MOTION: Commissioner Cameron moved approval of the consent calendar. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

ACTION

Video Time (00:17:53)

PUBLIC WORKS

1. Consider adoption of an administrative ordinance granting case # ZC/CP/CU 14-003, Portland General Electric, Clerk's File # 5687. – Joe Fennimore

Summary of presentation:

- Application of Portland General Electric:
 - Change comprehensive plan designation from rural residential (RR) to public (P);
 - Change zone from acreage residential (AR) to (P); and
 - Request conditional use to establish solar power generating facility on 52-acre parcel in 5200-5400 block Auburn Road NE;
- July 30, 2014, hearings officer recommended board grant request;
- Board conducted public hearing on September 10, 2014, and approved request subject to conditions:
 - Right-of-way dedication;
 - Road improvements;
 - Removal of fence in right-of-way;
 - Stormwater management;
 - Installing and maintaining a vegetative buffer; and
 - Sound study submittal.
- Not all uses in the (P) zone were appropriate for property and limited overlay use was applied;
- Two conditions of approval in Exhibit B slightly modified from hearings officer's recommendation:
 - Condition five changed to provide flexibility – widening gravel portion of Hampden Lane not to be centered on paved portion; and
 - Condition nine reworded for clarity.
- Applicant's representative reviewed proposed conditions and had no concerns; and
- Administrative Ordinance now ready for formal adoption.

Board discussion:

- Fence must be installed although not specific condition; and
- Entire property to be fenced.

MOTION: Commissioner Carlson moved adoption of an administrative ordinance granting case # ZC/CP/CU 14-003, Portland General Electric, Clerk's File #5687. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

PUBLIC HEARING

9:30 A.M.

None.

Commissioner Brentano read the weekly calendar.

Commissioner Brentano adjourned the meeting at 9:37 a.m.

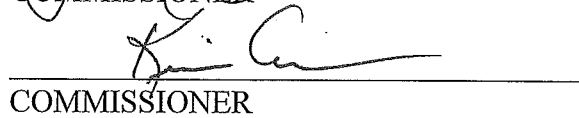
Attachments: (A) Oregon Technical Resource Guide



CHAIR

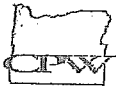


COMMISSIONER

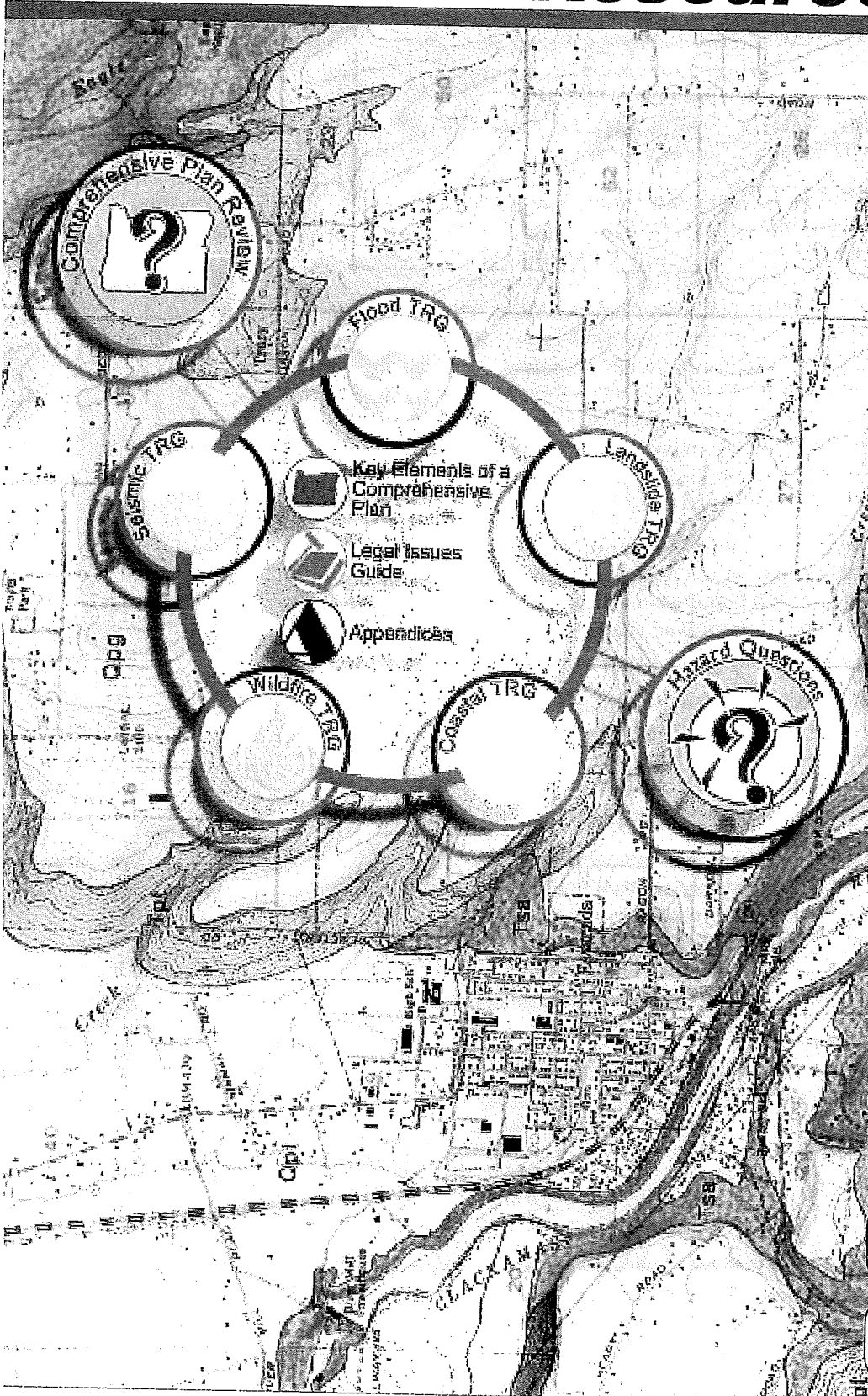


COMMISSIONER

Board Sessions can be viewed on-line at <http://www.cctvsalem.org/streaming.php> under Marion County Board of Commissioners.



Planning for Natural Hazards: Oregon Technical Resource Guide



Letter from the
Director of the DLCD



Acknowledgements



Introduction



Comprehensive
Plan Review



Key Elements of a
Comprehensive Plan



Legal Issues Guide



Flood TRG



Landslide TRG



Coastal TRG



Wildfire TRG



Seismic TRG



Appendix A:
Goals 2, 7, 17 & 18



Appendix B:
Contacts



Appendix C:
Tools



Planning for Natural Hazards: Letter from the Director of the DLCD

From the Director:

On behalf of the Land Conservation and Development Commission (LCDC), our department is pleased to provide the Planning for Natural Hazards: Oregon Technical Resource Guide.

The Guide is part of the state's response to the damaging flood and landslide events of 1996 and 1997. Following those disasters, Governor Kitzhaber directed our agency to review Statewide Planning Goal 7 (Natural Hazards) to see if more could be done through the state land use program to reduce the risks to life and property.

With the support of a federal hazard mitigation grant, our review of Goal 7 began in 1998 with the assistance of a consultant team from the University of Oregon's Community Planning Workshop. We conducted a statewide survey of local planning officials and met with hazard experts and state agencies. The survey revealed two priorities for many local planners: 1) the need for updated information about natural hazards affecting their communities, and 2) practical examples and technical assistance to help strengthen the hazard provisions of their comprehensive plans and implementing regulations. In June 1999, based on the survey and the recommendations of a state-local advisory committee, LCDC directed the department to prepare a package of technical assistance materials for local governments on natural hazards.

The department believes that the task of addressing natural hazards adequately in the planning and development of Oregon's communities will become more important as our state's population continues to grow. We hope the Guide will help lead to improved comprehensive plans to relieve the mounting pressures to develop in hazard areas.

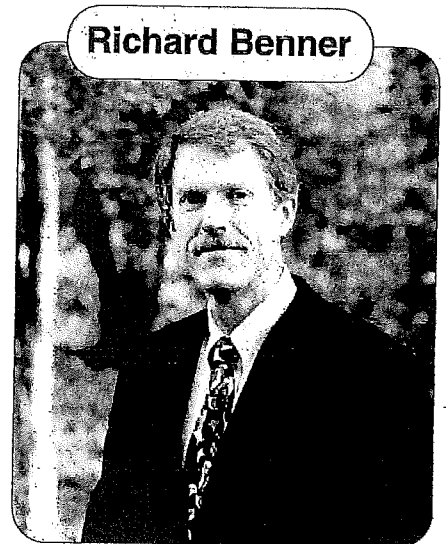
The department is grateful for the assistance of many local and state specialists who volunteered their time and expertise to review the drafts of the Guide and offered many useful suggestions. Their contributions were invaluable in making sure that the Guide is technically accurate and presents practical planning assistance in an easy-to-use format.

The Natural Hazard Guide demonstrates our department's continuing commitment to respond to the technical assistance needs of local governments as they carry out their many responsibilities under Oregon's statewide planning program. Those using the Guide are encouraged to share it with others and copy pertinent sections to further expand their awareness of the importance of natural hazards in land use planning.

Please feel free to write or contact the department concerning any questions, corrections or improvements to the Guide. A 'comment card' is included with the document. In the future, if budget funds permit, we hope to prepare and distribute updated supplements to the Guide.

Sincerely,

Richard Benner, Director



Oregon's Statewide Planning Goals and Guidelines

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

A. NATURAL HAZARD PLANNING

1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.

2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides,¹ earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.

B. RESPONSE TO NEW HAZARD INFORMATION

1. New hazard inventory information provided by federal and state agencies shall be reviewed by the Department in consultation with affected state and local government representatives.

2. After such consultation, the Department shall notify local governments if the new hazard information requires a local response.

3. Local governments shall respond to new inventory information on natural hazards within 36 months after being notified by the Department of Land Conservation and Development, unless extended by the Department.

C. IMPLEMENTATION

Upon receiving notice from the Department, a local government shall:

1. Evaluate the risk to people and

property based on the new inventory information and an assessment of:

- a. the frequency, severity and location of the hazard;
- b. the effects of the hazard on existing and future development;
- c. the potential for development in the hazard area to increase the frequency and severity of the hazard; and
- d. the types and intensities of land uses to be allowed in the hazard area.

2. Allow an opportunity for citizen review and comment on the new inventory information and the results of the evaluation and incorporate such information into the comprehensive plan, as necessary.

3. Adopt or amend, as necessary, based on the evaluation of risk, plan policies and implementing measures consistent with the following principles:

a. avoiding development in hazard areas where the risk to people and property cannot be mitigated; and

b. prohibiting the siting of essential facilities, major structures, hazardous facilities and special occupancy structures, as defined in the state building code (ORS 455.447(1)

(a)(b)(c) and (e)), in identified hazard areas, where the risk to public safety cannot be mitigated, unless an essential facility is needed within a hazard area in order to provide essential emergency response services in a timely manner.²

4. Local governments will be deemed to comply with Goal 7 for coastal and riverine flood hazards by adopting and

¹ For "rapidly moving landslides," the requirements of ORS 195.250-195.275 (1999 edition) apply.

² For purposes of constructing essential facilities, and special occupancy structures in tsunami inundation zones, the requirements of the state building code - ORS 455.446 and 455.447 (1999 edition) and OAR chapter 632, division 5 apply.

implementing local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements.

D. COORDINATION

1. In accordance with ORS 197.180 and Goal 2, state agencies shall coordinate their natural hazard plans and programs with local governments and provide local governments with hazard inventory information and technical assistance including development of model ordinances and risk evaluation methodologies.

2. Local governments and state agencies shall follow such procedures, standards and definitions as may be contained in statewide planning goals and commission rules in developing programs to achieve this goal.

GUIDELINES

A. PLANNING

1. In adopting plan policies and implementing measures to protect people and property from natural hazards, local governments should consider:

- a. the benefits of maintaining natural hazard areas as open space, recreation and other low density uses;
- b. the beneficial effects that natural hazards can have on natural resources and the environment; and
- c. the effects of development and mitigation measures in identified hazard areas on the management of natural resources.

2. Local governments should coordinate their land use plans and decisions with emergency preparedness, response, recovery and mitigation programs.

B. IMPLEMENTATION

1. Local governments should give special attention to emergency access when considering development in identified hazard areas.

2. Local governments should consider programs to manage stormwater runoff as a means to help address flood and landslide hazards.

3. Local governments should consider nonregulatory approaches to help implement this goal, including but not limited to:

- a. providing financial incentives and disincentives;
- b. providing public information and education materials;
- c. establishing or making use of existing programs to retrofit, relocate, or acquire existing dwellings and structures at risk from natural disasters.

4. When reviewing development requests in high hazard areas, local governments should require site-specific reports, appropriate for the level and type of hazard (e.g., hydrologic reports, geotechnical reports or other scientific or engineering reports) prepared by a licensed professional. Such reports should evaluate the risk to the site as well as the risk the proposed development may pose to other properties.

5. Local governments should consider measures that exceed the National Flood Insurance Program (NFIP) such as:

- a. limiting placement of fill in floodplains;
- b. prohibiting the storage of hazardous materials in floodplains or providing for safe storage of such materials; and
- c. elevating structures to a level higher than that required by the NFIP and the state building code.

Flood insurance policy holders may be eligible for reduced insurance rates through the NFIP's Community Rating System Program when local governments adopt these and other flood protection measures.





Note
3.1.1
4.4.6

PLANNING FOR NATURAL HAZARDS:

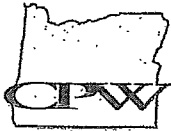
Flood TRG

July 2000



Oregon Department of Land Conservation & Development

635 Capitol Street NE, Suite 150
Salem, OR 97301
503-373-0050



Community Planning Workshop

Community Service Center
1209 University of Oregon
Eugene, OR 97403
541-346-3889

Special Acknowledgements to:

Community Planning Workshop Researcher:

Lori Olson — *Community and Regional Planning; Public Policy and Management Masters Candidate*

Special thanks to the following persons for their guidance in the development of this chapter:

Ann Beier — *Oregon Department of Land Conservation and Development*

Mark Fancey — *Mid-Willamette Valley Council of Governments*

Nancy Kincaid — *City of Talent Community Development Department*

Dennis Olson — *Umatilla County Department of Resource Services and Development*

Joseph Murray — *Oregon State Police, Office of Emergency Management*

Dennis Sigrist — *Oregon State Police, Office of Emergency Management*



To Whom We Owe Thanks:

The Oregon Department of Land Conservation and Development (DLCD) recognizes the many individuals and organizations who provided invaluable assistance in preparing the Natural Hazards Technical Resource Guides.

We would like to offer special thanks to the members of our project steering committee. Steering committee members from local government provided insights about the challenges facing many Oregon communities to successfully address natural hazards in their comprehensive plans at a time of rapid population growth. Their advice and experiences from the perspective of the "local planning shop" also provided a critical reality check. They helped to make sure that the guides offer needed information in an easy-to-use format. Their contributions will benefit professional planners, planning commissioners and local elected officials.

We would also like to thank the state agency representatives who participated on the steering committee. Agency members of the steering committee provided descriptions of current Oregon law on natural hazards as well as background about the missions and programs of their respective agencies. Our state agency colleagues also helped clarify technical issues and identified references and web sites for those readers seeking additional information. The Department expresses special thanks to Dennis Sigrist of Oregon Emergency Management who managed the Federal Emergency Management Agency's hazard mitigation grant which funded this project.

All of the committee members deserve our appreciation for the many hours spent in meetings and reviewing and commenting on draft documents. Listed on the next page are the committee members, along with the organizations they represent and their positions.

TRG Steering Committee

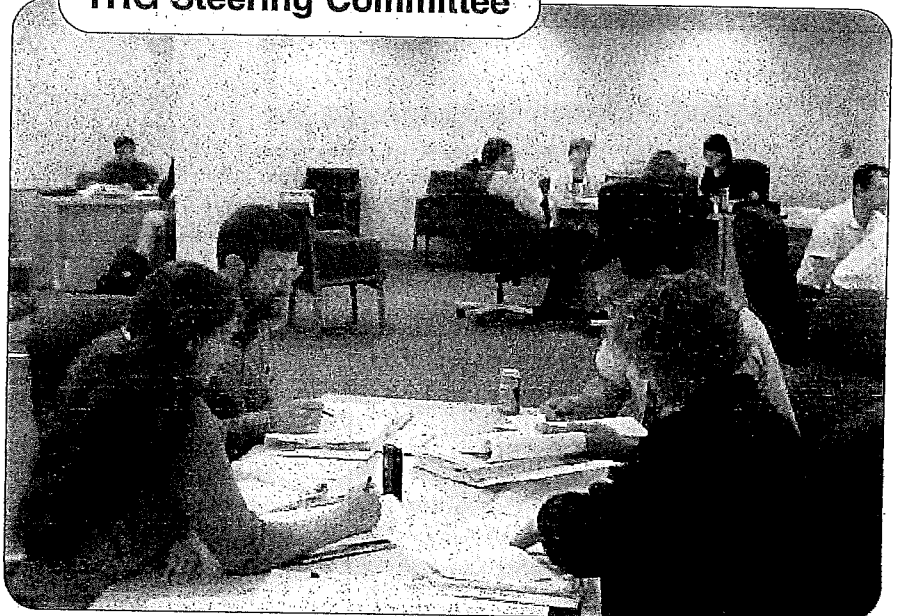


Photo by: André LeDuc

reduce water levels. Lake levels rise and inundate the surrounding properties.

The best-known example of playa-basin flooding in Oregon occurs at Malheur and Harney Lakes in Harney County. In higher than average precipitation years, the lakes flood adjacent ranches and public roads. Malheur and Harney Lakes flooded during the years 1979 to 1986, and then gradually receded. During the wetter years of 1997 to 1999, these lakes again flooded.²³

2.3 What are some Terms Related to Flooding?

2.3.1 Floodplain

A floodplain is a land area adjacent to a river, stream, lake, estuary or other water body that is subject to flooding. These areas, if left undisturbed, act to store excess flood water. The floodplain is made up of two sections: the flood fringe and the floodway (See Figure 1).²⁴

2.3.2 Floodway

The floodway is one of two main sections that make up the floodplain. Floodways are defined for regulatory purposes. Unlike floodplains, floodways do not reflect a recognizable geologic feature. For National Flood Insurance Program (NFIP) purposes, floodways are defined as the channel of a river or stream, and the overbank areas adjacent to the channel. The floodway carries the bulk of the floodwater downstream and is usually the area where water velocities and forces are the greatest. NFIP regulations require that the floodway be kept open and free from development or other structures, so that flood flows are not obstructed or diverted onto other properties.²⁵ The NFIP floodway definition is "the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (See Figure 1)."²⁶ Floodways are not mapped for all rivers and streams but are generally mapped in developed areas.

2.3.3 Development

For floodplain ordinance purposes, development is broadly defined to mean "any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials."²⁷ The definition of development for floodplain purposes is generally broader and includes more activities than the definition of development used in other sections of local land use ordinances.

NFIP - National Flood Insurance Program
CONGRESS - 1968



Section 3:

What are the Laws in Oregon for Flood Hazards?

Oregon communities have a statutory mandate to develop comprehensive plans and implementing ordinances. As a part of the comprehensive planning process, cities and counties must address areas with “known” natural hazards. This section of the Flood Technical Resource Guide presents current laws that Oregon communities are required to address.

3.1 Oregon Laws Related to Flood Hazards

3.1.1 Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 is the Statewide Planning goal that directs local governments to address natural hazards in their comprehensive plans. Goal 7 states that “Developments subject to damage or that could result in loss of life shall not be planned or located in known areas of natural disasters and hazards without appropriate safeguards. Plans shall be based on an inventory of known areas of natural disasters and hazards...”

In addition to the requirement “To protect life and property from natural disasters and hazards,” Statewide Planning Goal 7 includes specific guidelines for local governments to address in responding to flood hazards. For example, Goal 7 guidelines include a specific preference for the use of non-structural techniques to minimize flood hazards. The guidelines state, “In planning for floodplain areas, uses that will not require protection through dams, dikes and levies should be preferred over uses that will require such protection.” The guidelines also suggest that land uses that are least subject to loss of life and property damage, such as parks and open spaces should be encouraged in the floodplain. Finally, to avoid obstructing floodwater flow, no development should occur in the floodway portion of the floodplain.⁴⁰

3.1.2 Goal 17: Coastal Shorelands

Goal 17 is concerned with conservation and protection, as well as appropriate development of Oregon’s coastal shorelands. It aims to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat resulting from the use and enjoyment of Oregon’s coastal shorelands.

3.1.3 Goal 18: Beaches and Dunes

The purpose of Goal 18 is to conserve, protect, and where appropriate, to either develop on or restore the resources and benefits of coastal beach and dune areas. It is also concerned with reducing the hazard to human life and property from natural or man-induced actions associated with these areas.⁴¹



TRG Key

Information on Goal 7 and additional floodplain development guidelines can be found in Appendix A of the Natural Hazard Technical Resource Guide.



TRG Key

Additional development standards related to flooding apply in coastal areas where velocity zones, or V-zones, have been mapped. Refer to Section 3 of the Coastal Hazards Technical Resource Guide for additional information on V-zone requirements, coastal shorelands and beaches and dunes.

watershed councils or through the Oregon Watershed Enhancement Board (OWEB). See Section 4.5.1 for more information on how OWEB and watershed councils can provide assistance in flood mitigation.

4.4.5 Improve Maps of the Flood Hazard Area

In order to participate in the National Flood Insurance Program, local governments must include a reference to the Flood Insurance Administration's (FIA's) Flood Insurance Study and the Flood Insurance Rate Maps in their flood development ordinance. However, many of these maps are almost twenty years old and do not reflect flood hazards associated with new development. A community might include a broader area for floodplain management based on historic flood records, including aerial photos to better protect its residents from flooding. Oregon's Marion County has done this, and it has improved their maps significantly. An example of the possible ordinance language that can be used is:

"The Ordinance shall apply to all areas of special flood hazard areas within the jurisdiction of _____. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the _____" dated _____, 19____, and as amended, with accompanying Flood Insurance Maps, as amended are hereby adopted by reference and declared to be a part of this ordinance. The flood hazard areas also include areas identified and mapped by (jurisdiction) that were not studied by the Flood Insurance Administration. The report and maps are incorporated in the overlay zone by this reference and are on file _____."

4.4.6 Strengthen Setback Requirements

The National Flood Insurance program does not require a specific setback requirement for new development along waterbodies. Statewide Planning Goal 17 requires a setback from coastal shorelands. Local governments may apply Statewide Planning Goal 5 provisions for "safe harbor" riparian area protection in their ordinances as a means to enhance floodplain management and reduce flood damages. See Section 6 for information on Goals 17 and 5 and how to contact the Department of Land Conservation and Development.

Under a typical setback ordinance, new development is required to be set back from the top of the bank of a stream or river or from a mapped floodway line. Setback distances will vary depending upon the site conditions (again, see the safe harbor for Goal 5). The following are some of the benefits of maintaining a riparian buffer area:

- Setbacks provide an added margin of safety by keeping structures away from the higher velocity flood forces that are closest to the main stream channel;
- Setbacks reduce flood losses caused by stream bank failure (erosion damage) when stream channels migrate; and

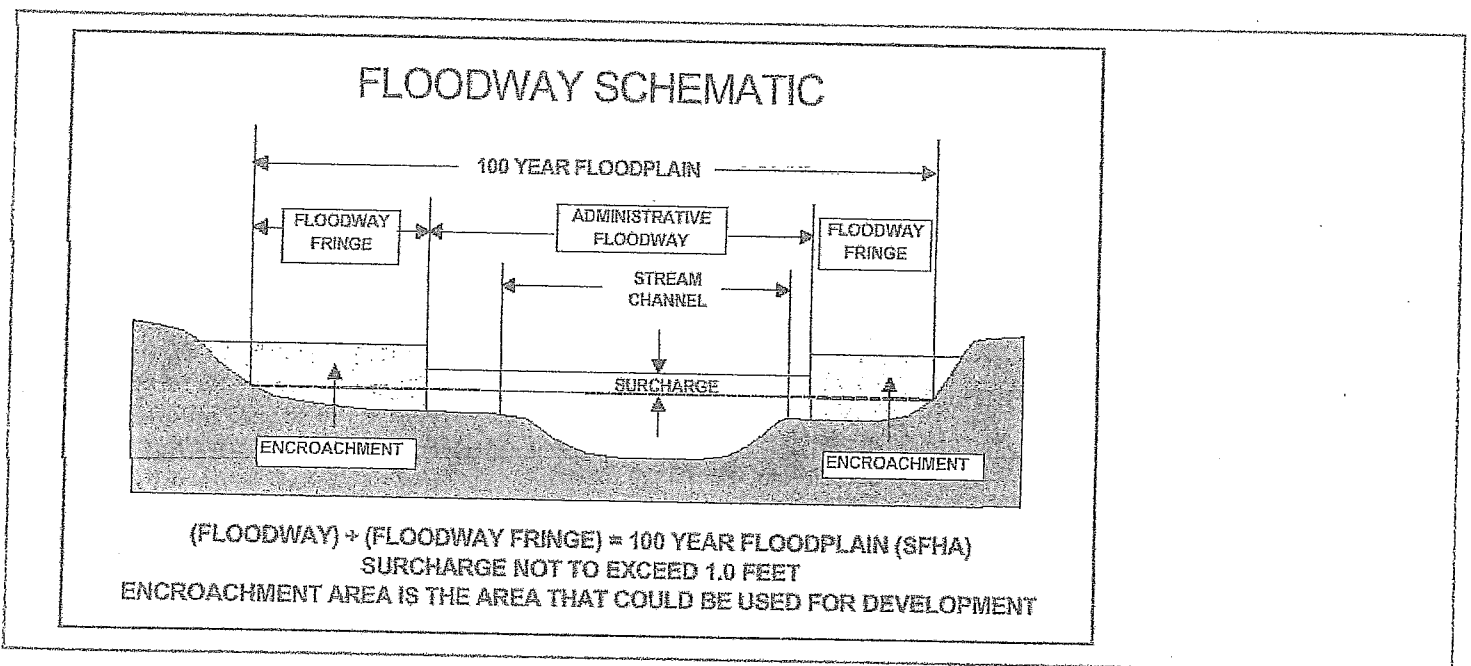


The floodway is the channel of a river or stream and the overbank areas that must remain open to carry the deeper, faster moving water during a flood. If the remainder of the floodplain, called the floodplain fringe, is completely obstructed, the 100-year flood elevation would not increase more than one foot. The regulatory floodway may be shown on the Flood Insurance Rate Map or on a separate Flood Boundary and Floodway Map. Because floodway boundaries are delineated using computer modeling, they often do not correspond to any features visible at the site.

Floodway Encroachments

Why Is the Floodway Different than Other Floodplain Areas?

A basic principle of floodplain management is that *development must not increase the flood hazard on other properties*. "Floodways" are areas where fill or other development is likely to divert flow and contribute to increased water depths during a flood. Floodways may also be subject to high velocities, which can cause severe damage to structures and high risks for occupants and emergency responders. *Ideally, floodways should be undeveloped areas that can accommodate flood flows with minimal risk.* Any new development in the floodway generally requires an engineering analysis of the impact on flood hazards.



To Oregon Department of Transportation:

2-6-2014

I am a citizen of Salem Oregon. I live at 500 20th st ne 97301

Sighting Natural Hazard Technical Guide Resource Guide

July 2000, Oregon Department of Land Conservation & Development.

Paragraphs: 2.3.2 & 2.4 & 3.1.1 Goal 7 & 4.4.4 & 4.4.6 & 4.4.10 & 4.4.11

At this time I want to acknowledge my opposition to the Minto Island foot bridge being built in a FLOODWAY of the Willamette River. My resource guide is Oregon's Flood TRG. Pictures of 1996 Willamette river Flood waters at Salem's water front park.

- #1 My concerns are for the SAFETY of the pedestrians using the bridge.
- #2 Homeless camps established on the grounds of Minto Island.
- #3 Debris dam against the supporting beams of the footbridge.
- #4 Location of east bank bridge foundation next to upstream Mill Creek.
- #5 Upstream flooding at Salem Hospital on Mill creek caused by Debris dam at footbridge.

My position has always been for a footbridge to Minto Island but not this location. Salem is ill prepared for a national disaster to accept emergency vehicles on the east bank of the Willamette River if the main bridges were disabled. I believe this project has all the makings of a disaster's waiting to happen.

Spring on 2013 an Oregon National Guard helicopter had to be brought in over the Minto Island slough to look for a lost canoeist. WHY? No rescue access off the east bank of the Willamette River at Salem's water front.

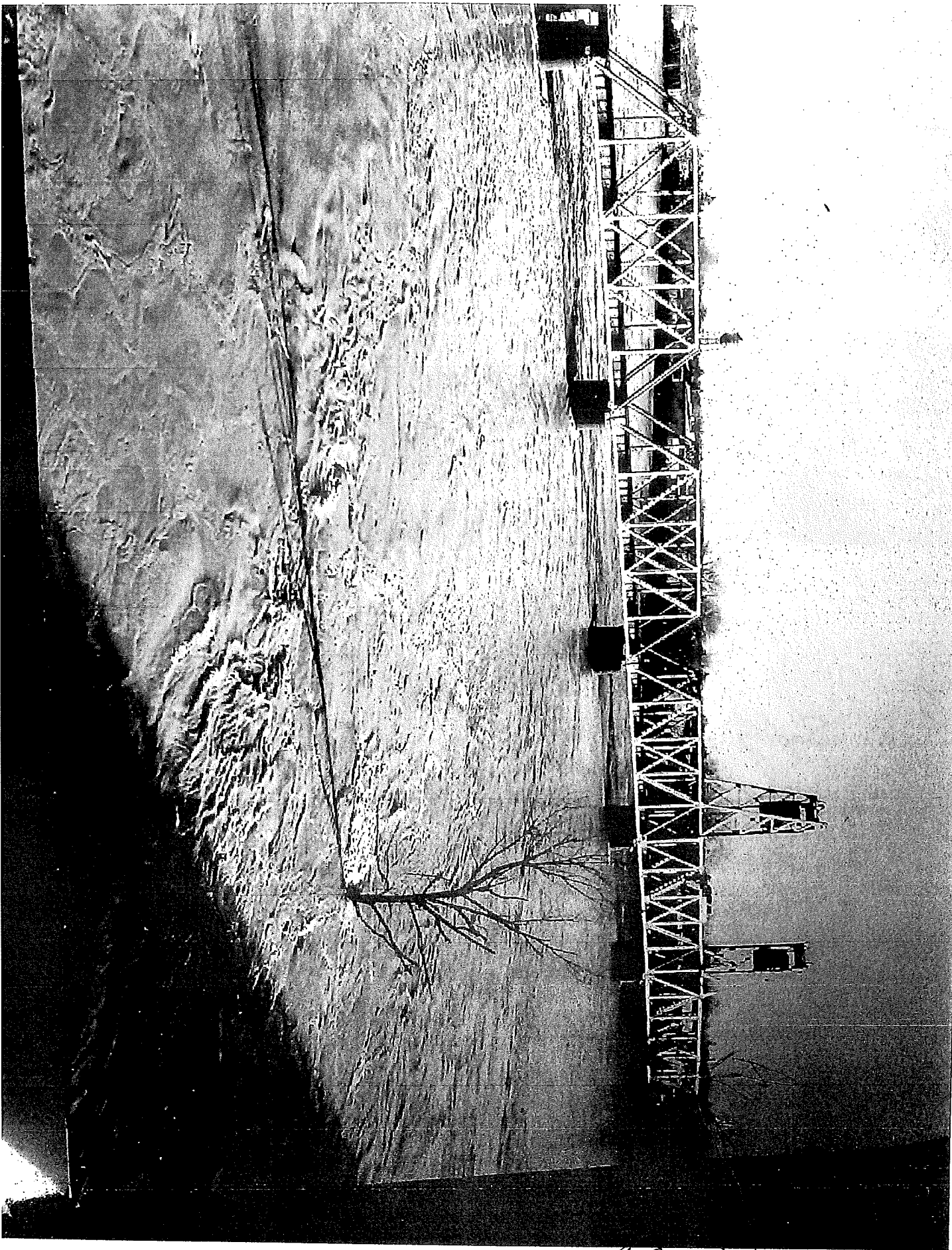
What should be done?

The east bank of the Willamette river (at river front park south to a point near Belleview ave S.) should be developed for easy access for emergency teams and vehicles needing access to Minto Island. The east bank of the Willamette River in Portland has a floating pedestrian bridge/bikeway. The same concept could be built here with good planning from ODOT.

A foot bridge (wide enough for an emergency vehicle to access) to Minto Island would be in a better location minimizing damage from floodwaters of the Willamette FLOODWAY. If constructed at this new location it would offer better access to Salem's city hall and neighborhoods.

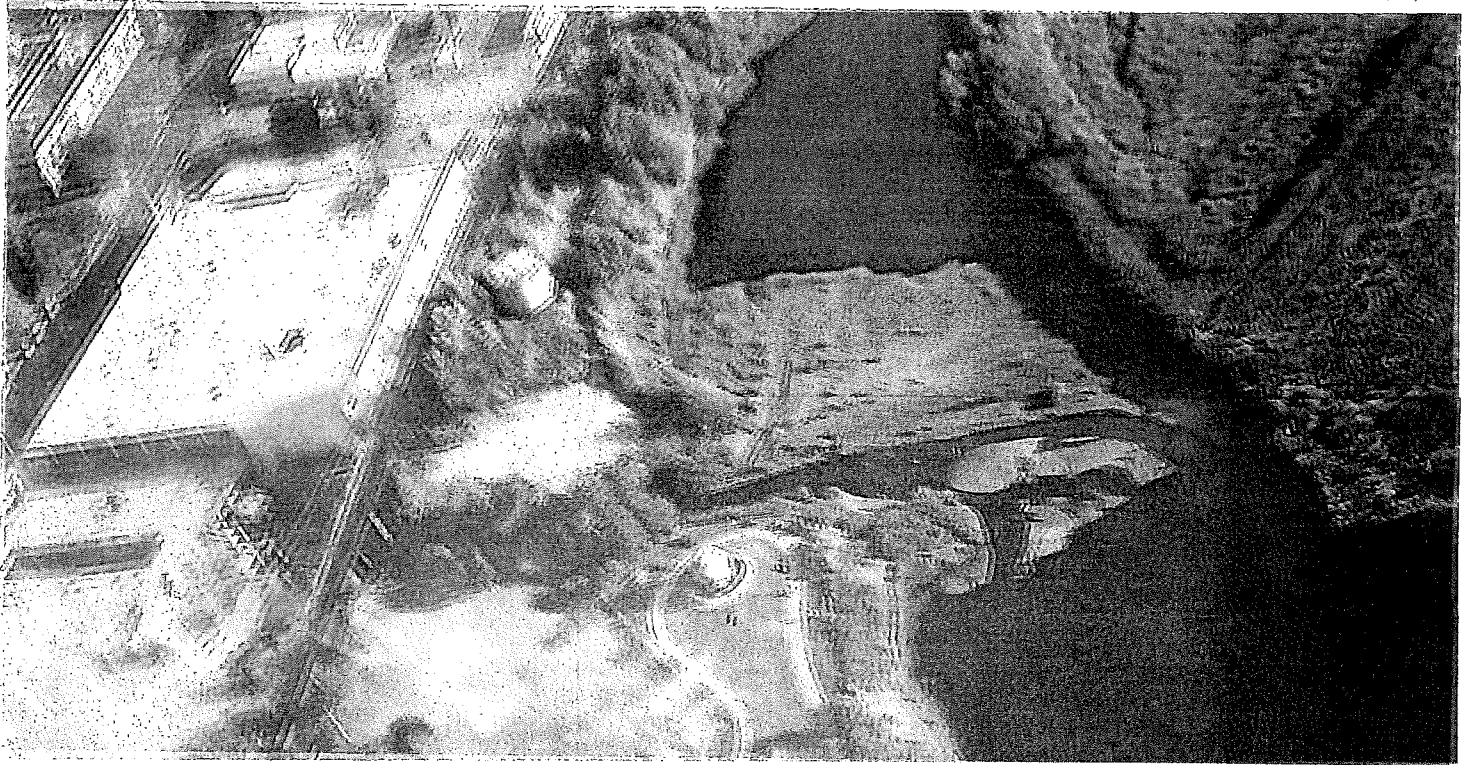
God Bless
Best regards,

Ronald Sterba
503 364 6005
ronsrv9a@gmail.com



TDA road

R.R. ↗
Marion Bridge
Center St. ↘ Proposed

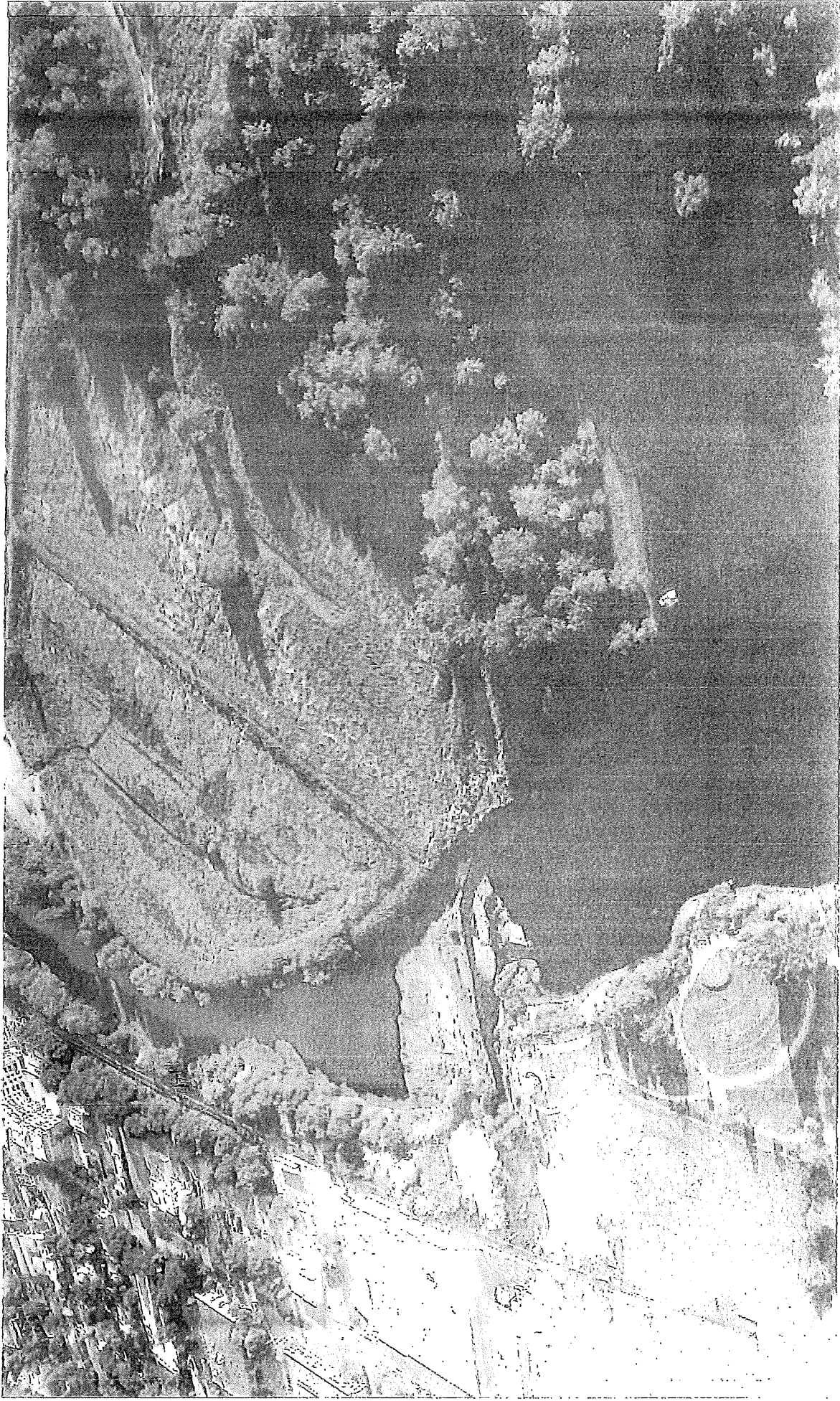


Safety Concerns

1. Debris dam, increasing hazard by silt deposits
2. Algae bloom in slough, huge stagnant water.
3. Dredging out silt deposits to reduce flooding

Positive and intuitive planning for the Monte Jo Park.

1. Move the bridge closer to Bellhome SE SE.
Use Pre-cast spans (I-Beams for walkway).
2. Be able to dredge for Salmon & trout restoration
of Mill creek. + flood control.
3. Boat ramps at South-end of Slough for
canoes to Kayaks.
4. River Boat Cruises to continue.



7-28-19.

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