

**PLANNING COMMISSION
MINUTES**

December 10, 2018
6:30 p.m., DSB Auditorium

Commissioners present: Brian Pasko, Mary Phillips, Gerald Murphy, Louise Lopes, Tom Peterson, Michael Wilson, Steven Schroedl, Christine Drazan

Commissioners absent: Mark Fitz

Staff present: Jennifer Hughes, Melissa Ahrens, Steve Hanschka, Darcy Renhard

1. Commission Chair Pasko called the meeting to order at 6:43 pm.

General public testimony not related to agenda items: none.

Commissioner Pasko opened the public hearing for ZDO-275, which is a proposal to amend the Zoning and Development Ordinance and to adopt revised floodplain maps for the Sandy River Basin area as mandated by FEMA.

Jennifer Hughes explained that the postcards that were sent out to all property owners in the affected floodplain areas is a requirement under State law. If the County is proposing to “rezone” property, which means to limit or prohibit uses on the property, then written notice must be provided to all who may be affected. The County has made no determination that property values will change based on any of the proposed amendments. Also, it should be noted that properties that are within city limits are not affected. The mailing went to everyone within the floodplain because there are changes to the applicable ordinance. If you are within the Sandy River Basin, then there are changes that will affect your property. This proposal is very different than a lot of the legislative amendments in that we have very little discretion in what is adopted. These amendments have been handed down from FEMA, and they take effect on January 18, 2019. If we do not adopt them, then we are no longer in the National Flood Insurance Program (NFIP), which would have significant impacts on flood insurance rates for property owners within the County.

Melissa Ahrens presented a PowerPoint outlining the proposed floodplain maps and text amendments to Section 703 of the ZDO. In order to remain a participant in the NFIP, the County is required to adopt FEMA’s amendments. Participation in the NFIP is optional, but participation ensures that property owners within the County have access to federal support in the case of a flood disaster, and also allows for the purchase of federally backed flood insurance.

Public outreach was conducted over a 5-year period from 2013 to 2018. Clackamas County has been a participant in the NFIP since 1978, but if the County opts to suspend participation, FEMA will not renew any existing flood insurance policies and flood insurance rates will increase significantly. Only the Sandy River, Salmon River, Zigzag River, Henry Creek, Cedar Creek, Clear Creek, Still Creek, and Tickle Creek within the Sandy River Basin are included in the new maps. As a result of the new maps, some properties that are currently within the floodplain in these areas will move out of the

floodplain while some properties will move into the floodplain. Amended regulations would require specific standards for siting and design of “critical facilities”, which are hospitals, schools, police, fire, etc. They would also remove the fish enhancement project exemption from Section 703.07. The floodplain will be removed or reduced on some properties and added or enlarged on others, but only within the Sandy River Basin. If the County adopts the new FIRMs and amendments to Section 703, the County will remain in the NFIP and FEMA will provide grandfathered flood insurance rates for 2 years. Staff recommends approval of ZDO-275 as proposed to adopt the most recent Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) and to adopt the proposed text changes to ZDO Section 703.

Commissioner Phillips asked if the term “critical facilities” was added per FEMA. Melissa answered that yes, it is FEMA language. Commissioner Wilson wanted to know if there were any substantial changes that were made to the siting standards. Melissa explained that there were not any specific standards before, these are new standards that are being added by FEMA. Commissioner Schroedl asked for further explanation of Section 703.07. Steve Hanschka responded that it really does not change a whole lot for us. It is basically an agreement between the federal level and FEMA Region X which is not in our Code, but allows us to still issue permits under the same standards.

Commissioner Murphy expressed his unhappiness that the revised maps do not include consideration of the channel migration zones. Commissioner Peterson agrees that the County should pursue adopting the channel migration zones. Steve pointed out that the reality is that the FEMA maps are independent of the channel migration zones. We are working on a project to adopt channel migration maps within the County, but that is a project with our Disaster Management program. They are two very separate things. FEMA came to us with these new standards, but they don’t map channel migration. Only over-bank flooding. The channel migration zones are another project that is underway, but we don’t have completion timeline yet. It would come back to the PC under a completely separate proposal. Commissioner Pasko would like to encourage the BCC to add it to the Work Program so that it can move forward.

Staff entered two new exhibits into the record, both of which were provided to the PC tonight.

There were no other agencies who wished to provide testimony.

Ted Labbe (Portland) – Mr. Labbe is the Policy and Program Director for Oregon Greenspace. They work with other entities on restoration projects. He is in support of the proposed amendments, but would like to see it go a little further and be even more restrictive. He would love to see an explicit purpose statement that floodplains provide essential ecological functions. He would also like to see a limitation on impervious surfaces. He thinks that we could do more to recognize the ODFW technical standards regarding fish passageways. While he does think that there could be small improvements, he is in support of these proposed amendments.

Dennis Tylka (Welches) – Mr. Tylka asked if ZDO-275 exceeds federal minimum standards. Melissa answered that County exceed the minimum standards, which is why Clackamas County has a higher rating. Mr. Tylka referred to an exhibit that he submitted and said that it looks to him like the flood people were using property lines as the floodplain lines, which is not an accurate depiction. He is

proposing to have some type of language in the ordinance that a flood elevation certificate be mandatory in areas that touch on these areas because GIS does not always accurately depict where floodplain is. He is also concerned that the Salmon, Sandy, and Zigzag Rivers are critical salmon habitats and are recognized by NMFS. He feels that the proposed floodway is too narrow to allow obstructions to pass. Additionally, he is concerned that the revision of the floodplain maps will have an adverse impact on the rivers by loosening restrictions on land use patterns and development in the area. He thinks it would be prudent to have a buffer area where the floodplain could be raised if needed. There is going to be significant impact to the rivers if they are managed as a gutter.

Neil Schulman (Milwaukie) – Mr. Schulman is director of the North Clackamas Urban Watershed Council. He would like to encourage the County to take the language even further and integrate nature into the flood management process. He would also strongly recommend that language encourage upstream mitigation. A lot of the flooding does not originate in the floodplain, it originates in the uplands and flows down to the lower lands. He agrees that there is a lot of ecological value to floodplain management, but we should take every opportunity we can to remove barriers in the fish passageways. This is an opportunity to look at additional measures that can be taken to improve natural flood management. Steve Hanschka explained that any time things get close to the bed or banks of the river, we coordinate with DSL and ODFW. Commissioner Lopes asked if we would be able to add language to the purpose statement as previously mentioned. Jennifer Hughes explained that the purpose statement is not regulatory, it is a visionary statement. We have other regulations that are outside of Section 703 that apply and work in concert with Section 703.

Marlyne Casley (Welches) – A few years ago the County lost their CRS rating. Will this have any effect on that? Steve Hanschka answered that this is correct, and it may end up being one of our performance measures to reinstate the CRS, but it was decided several years ago that it was more labor intensive than there was value.

Commissioner Pasko closed the public testimony portion of the hearing.

Everyone agrees that the maps have to be adopted. Commissioner Murphy moved to adopt the new FEMA maps as presented by staff. Commissioner Wilson seconded. *Ayes=8; Nays=0. Motion passes.*

Commissioner Drazan wanted to know if there are currently any critical facilities located in the floodplains. Steve Hanschka answered that there is only one to his knowledge, but it is possible that there are others. Commissioner Phillips asked what sections we actually have discretion on. Jennifer answered that there isn't much, only on the critical facilities. Commissioner Phillips said that it seems to be that we are focusing on things that are not part of what we are actually looking at tonight, and that some of these things are part of a much bigger picture and need to be addressed through the Work Program.

Commissioner Lopes moves to approve ZDO-275 as presented by staff. Commissioner Peterson seconded. *Ayes=8; Nays=0. Motion passes.*

The stream channel migration and constriction of the streams and the environmental mitigation standards are all topics that the Planning Commission would like staff to take a close look at. There was discussion about the logistics for getting them added to the work program. Commissioner Wilson asked staff to explain where some of these issues already are addressed and whether or not they really are issues. Commissioner Peterson voiced his formal support for the channel migration project that Commissioner Murphy has been working on and feels that it should be a high priority for the County.

Commissioner Phillips provided some corrections to the November 26th minutes. Commissioner Wilson moved to approve the minutes with the noted corrections. Commissioner Lopes seconded. *Ayes=7; Nays=0; Abstain=Drazan. Motion passes.*

There being no further business, the meeting was adjourned at 9:09 p.m.