



BOARD OF COUNTY COMMISSIONERS

PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

July 17, 2018

Karmen Fore, Director
Oregon Solutions
506 SW Mill Street, suite 720
Portland, OR 97201

Dear Ms. Fore,

Clackamas County respectfully requests the support of Oregon Solutions, with support from the Governor's Resilience Officer, to convene an Oregon Channel Migration Zone (CMZ) policy group to address the absence of state policies related to CMZs and their impact to public safety and healthy habitats.

Clackamas County has identified approximately 1,400 residences that are in the general CMZ of the upper Sandy River, and over 400 residences that are at high risk for erosion during a flood similar to the January, 2011 flood. CMZ's are not unique to Clackamas County, but there is a growing concern for increasing risk due to new development, continued threats to existing infrastructure, and the need for supporting healthy river habitats. These issues have revealed the need for a state-wide CMZ policy that provides jurisdictions the legal basis to make local land use determinations to prevent unnecessary loss of life, property and to protect critical habitat.

Clackamas County has taken great strides to inform the public about CMZ risk in the upper Sandy River basin, but without suitable State legislation to support local efforts Clackamas County, as well as other counties in similar situations, is unable to establish land use regulations preventing additional development in an area that is prominently known for frequent flooding and severe erosion.

Our request is based on the following conditions that require policy to address CMZ risk:

- In the December 1964 Christmas floods, 155 dwellings were destroyed in the Upper Sandy River Basin, primarily due to migrating river erosion. In the ensuing 50 years, significant development has occurred in the upper Sandy River Basin floodplains, with a 184% increase since 1965 in the homes currently exposed to CMZ risk.
- The likelihood of more severe flood disasters on the upper Sandy River should be expected due to increases in annual temperatures, reduced annual snow accumulations, retreating glaciers with exposed volcanic soils, and the increasing threat of wildfire in the watershed.

- CMZ areas are a unique nexus of hazard and habitat, with some of the best salmon spawning areas occurring in the recent eroded and deposition areas along the river.
- Since the removal of the Marmot Dam 10 years ago, the Sandy River Basin has demonstrated significant increases in migrating salmon and steelhead and is now considered an Oregon Salmon Stronghold.
- NOAA Fisheries has produced a **Technical Guidance: Oregon Reasonable and Prudent Alternative (RPA) for floodplain protection** (Jan. 2017) to safeguard the natural floodplain functions needed to support threatened and endangered salmon. These same measures improve safety for people and property by avoiding development in the highest flood risk areas currently mapped by the NFIP and where flood-related erosion is probable. Channel Migration Zones are not currently mapped by FEMA or regulated in Oregon.
- Oregon does not currently regulate development in the CMZ and has no land use or zoning criteria for this hazard. The Oregon Department of Geology and Mineral Industries (DOGAMI) is currently conducting a Statewide Channel Migration Assessment (May 2018) and has mapped channel migration zones on the upper Sandy River, Hood River, and on the Coos and Coquille Rivers.
- The community of Neskowin adopted erosion code language in 2016 and Curry County recently worked with DLCD in 2017 on a hearing-ready document on coastal erosion policies.
- Erosion hazards are endemic to the Oregon coast and the Oregon Department of Land Conservation and Development (DLCD) **Model Coastal Erosion Overlay Zone** document (2014), which includes example comprehensive plan amendments and adopting ordinance, may provide the policy basis for an Oregon CMZ regulatory overlay.

For the benefit of the policy discussion, the State of Washington Administrative Code **WAC 173-26-221** identifies CMZs as part of critical freshwater habitat and the Revised Code of Washington (**RCW 86.12**) identifies Flood Control by Counties with authorities for managing flood risk.

Clackamas County respectfully submits the following list of preferred agencies that may have an interest in the development of policy recommendations related to channel migration zones, including:

- State of Oregon
 - Department of Geology and Mineral Industries
 - Department of Land Conservation and Development
 - Department of State Lands
 - Department of Environmental Quality
 - Oregon Watershed Enhancement Board
 - Oregon Office of Emergency Management
 - Oregon Department of Forestry
 - Oregon Department of Fish and Wildlife
 - Association of Oregon Counties

- Federal Government
 - US Forest Service, Mount Hood National Forest
 - Federal Emergency Management Agency
 - US Army Corps of Engineers
 - Bureau of Land Management
 - National Marine Fisheries Service (NOAA)
 - Environmental Protection Agency
 - US Geological Survey

As part of our request, Clackamas County agrees to be the lead local sponsor of this policy group, should it be formed, and is committed to protecting the welfare of its residents, the health and function of its natural environment, and preserving the economic vitality of its scenic areas for future generations.

Thank you for your consideration.

Sincerely,



Jim Bernard, Chair
Clackamas County Board of Commissioners

cc: Mike Harryman, State Resilience Officer