M I N U T E S

MCWRAP MEETING—Harrisburg, Oregon
July 7, 2010
9:00 a.m.

PRESENT: Denise Kalakay (LCOG); Amanda Ferguson (City of Cottage Grove); Kathy Martin (Scio); Ginger Griffith (); Chuck Spies (Lowell); Ryan Taylor (Scio/Mill City); Ed Moore (DLCD); Denise Walters (Creswell); Pamela Wright (DEQ); Bruce Cleeton (Harrisburg); Denise Walters (Creswell); Ed (DLCD); Jacob Callister (LCOG); Drew Foster (Adair Village); Amanda Punton (DLCD)

WELCOME AND INTRODUCTIONS

Denise Kalakay called the meeting of MCWRAP to order. Those present introduced themselves.

ANNOUNCEMENTS

The SWCA consultants have only one more opportunity to attend a meeting. Because the LWI are not complete we are saving their return for the next meeting.

PROJECT UP-DATE HIGHLIGHTS

- Where are we at regarding inventories, assessments, maps, and reports:
  - The draft inventory is not here. We are waiting to have the two consultant teams come back at the next meeting when we will have preliminary results. Field work is completed working on getting the mapping data together. The reports have been started. At this point we are seeking to build the reports to be something useful, rather than something technical that is difficult to wade through.
- Timeline: LWI reports are due form the consultants in late August early September; . . .; anytime after January first public review.
- University of Oregon Resource Assistance for Rural Environments (RARE) Program
  - The program is linked with AmeriCorps, through the University of Oregon. Graduate students are recruited from all over the country and matched with organizations within Oregon. A position has been created for the MCWRAP project. The hope is to be able to do a better job of making sure each of the cities gets their individual needs met, provide the time and resource.
- Up-coming gaps analysis
  - This is one of the first tasks that the RARE participant will be involved in. Information on what the cities are already doing now (do you have a stormwater plan, etc.) Help LCOG gather that information and assist each of the cities in things that they are missing, etc. RARE will be on board in August or September will be contacting the cities.
- Additions?
  - No.

PROJECT UP-DATE HIGHLIGHTS GOAL 5 and 6 OPTIONS FOR WETLAND AND RIPARIAN INVENTORY, ASSESSMENT, AND PROTECTION

- Context within the overall protection strategy framework (regulatory, incentives, education, etc.)
    - Regulatory context and framework. Other things mixed in within those statewide planning goals. What the overall resource program might look like. Can become complicated.
    - Chuck: the problems are going to be explaining it to our citizens. None of us can really explain our requirements.
- Overview of Goal 5
    - Presentation Amanda Punton: Because MCWRAP is approaching wetland riparian protection from a voluntary basis, there are different options for to achieve your goals, in the end DEQ wants to work with you to get riparian protection on the ground. Whatever each cities objectives are we will try to meet those. In the end there is a path for everyone that won't necessarily be that complicated.
    - TMDL is connected with the objective of protecting water quality. Goal 6 allows you to approach wetland protection with a water quality objective in mind.
    - Goal 5 Rule is a connection of a bunch of rules: riparian, wetland, wildlife habitat. Three categories for which there was not a source of inventory information that is why the rule required that at periodic review.
    - There is no requirement for periodic review there is no longer a trigger process needs to be consistent with goal 5 or use one of the exemptions.
    - Goal 5 is about the process—look (find out what the resource is); evaluation process (which are significant, locally, reduce the impacts of development on those resources); ESEE analysis—either prohibiting or limiting uses or allowing conflicting uses because they are important enough. Program you get at the end is based on that analysis.
    - Structure—two big steps:
        - Inventory
            - Some have two options: Riparian (look, map, evaluate OR draw a line); riparian protection at the same time as you are doing wetland protection. Standard inventory—what could be considered significant, should be or you can also forget that and just use the set-back line.
            - Question: How do you define small stream?
                - Answer: 1,000 cfs is the threshold. The streams that are being considered are only fish-bearing.
        - Developing the Program to protect
            - Independent of which inventory you choose to use, then you have a choice: safe harbor or ESEE. Results in a protection program that is more consistent. Different than how a lot of people understand the rule: if you choose safe harbor it is safe harbor across the board. *They are actually*

separated out. Gives you more options rather than being committed.

- ESEE Analysis—
  - Chuck: The ESEE analysis causes small city real fear because it costs so much money and it can be litigated.
  - Pamela: Does not have to be exhaustive, in fact the types of conflicts that will result will be pretty much the same. You don't have to write pages and pages—if something needs to be explained more then spend the time. In the end the rub will come if a roadway is planned already through a significant riparian area→ change a transportation plan. For a lot of the other ideas that you will run up against it should call into place.
- What you want is a clear and objective so that the code can be administered at the counter level. You can say X,Y,Z, is not allowed or if it is then clearly say what can be done. Or you can say significant wetland bumps the line around the riparian area out.
- Denise K: The mixing and matching is very helpful. Safe harbor for inventory and standard for protection; another way is for this stream and these reaches you can mix and match. More detailed approaches on other streams
- Denise W: If we propose something like that, do you have to justify why you are selecting?
  - Denise K: You would want the reasoning behind that. It could be these rated the highest in the portion of our assessment process, transportation plan calls for a major corridor to go through here. Having the logic linked to the rationale of making choices.
  - Cities are goods about including interested parties in the process. When there is a conflict or you know there will be a conflict you cannot always fall back on the safe harbor approach.
- Consider also Goal 7—flood zones. If you eliminate development within the flood zones you have already eliminated the conflicting use.

- Wetlands/ Goal 5: A lot follows riparian areas. For wetlands there is only one way to do an inventory—LWI. Inventories are conducted according to the administrative rules. Inventory also includes an assessment.
  - Same decision making process: standard approach or safe harbor approach. Safe harbor for wetland is for all development. For each reach you can make a decision and do all of them differently if you would like.
  - Having a buffer around your wetland can be a very useful management tool.
- Questions about Goal 5:
  - Pamela: Is the inventory that is being done right now meant to protect water quality as well as meet these goals?
    - Answer: Water quality is part of the assessment of the criteria being looked at for the wetland, would guess in the riparian as well. It would allow a jurisdiction to look at measures that protect that element, function, they may be above protecting habitat

function. *The ability to mitigate only applies to the large 75 foot setback*

- Overview of Goal 6: opportunity to make room in your cities for water quality without having to go through a full goal 5 process. Some cities have done is use a combination of goal 6 and 7. Overlay zone that they create is based on 100 year flood plan and maybe slope, does not have to be linked to fish bearing streams. You can achieve the same results as goal 5 without actually doing it. Flexibility for what the cities can do in order to achieve your objectives.
    - Wording is technical.
    - Explain as a reason or the protection measures you choose to take.
- Combining Goal 5 and Goal 6
    - Concept if something would exceed Goal 6 or 7—not something to worry about, you will not get anything adopted if you don't have a justification.
- Discussion, questions, clarifications
    - Goal 6 is easier to apply a mechanism with the TMDL. Apply a goal 6 application to those and extend that if you wanted. TMDL really looks at all the bodies as having impact to the water quality.
    - An expedient approach is to be careful/ diligent on inventory so that you know what is important for your community and then apply the standard approach for protection for goal 5.
    - Pamela—Goal 6 is exactly what is in TMDL. Then also DEQ is behind it. And if DEQ is saying we support this it is easier.
    - Denise—really depends on your objectives, as part of the gaps-analysis. Talk a little bit about what is important to your area. It really does differ. So many options that it does come down to in the end, what you want to explore more deeply as how to get there in the end.
    - There is a lot of flexibility riparian and even wetland buffers can be tiered. For example: average, building in flexibility.
    - Chuck: Can you do something like adopt the safe harbor standard requirements and write code that says something if you have a use that does not meet the standards or requirements, you perform an ESEE and allow us to change in based on your analysis. Small cities do not have the funding to do an analysis necessary to do something other than safe harbor. We cannot risk the litigation—adopting safe harbor but want to have the option open so that they can go through the standard process (inventory).
        - *There are some codes that have something similar, but may not be correct.* Separate out the difference between the inventory or the program to protect—here program to protect: can set up a discretionary track, that would go back and say you want to do something different we can … get the criteria nailed down and when they come in under discretionary process.
        - Does not have to get expensive—standard based on the inventory, the inventory itself is not an arbitrary line, you just have to come up with a matrix to explain what the criteria were to explain certain

streams were significant. Just have to have a clear explanation as to what went into making the decision.
    - Always have the option of going back to your plan and changing it.

PROJECT UP-DATE HIGHLIGHTS APPLIED GOAL 5 AND GOAL 6 OPTIONS FOR RIPARIAN INVENTORY, ASSESSMENT, AND PROTECTION

- Take a first look at options for riparian areas
    - What did the consultants do to assess riparian areas: different in the southern cities than northern cities. URIAG—still an option for the northern group of cities. *But* if you are going to do safe harbor approach than there is no reason to do all this assessment.
    - Presentation Jake: URIAG. For riparian areas there is no clear description for doing the inventory in the OAR. Valuable to have some form of standard by which the information can be communicated. The DSL contracted with Pacific Habitat Services to develop the guide. Riparian areas are a Goal 5 resource which requires this inventory and a number of other steps. What was happening is that there are a number of methodologies being pursued for this inventory and assessment. A lot of these methods were not getting at and assessing these areas. Focus more attention on the quality component of riparian areas. Not mandated but a tool for assessing these riparian areas and making it consistent.
    - URIAG:
        - Worksheets are assessed based on each of the four different functions. This is the tool/ guide that take a wetland scientist through a set of questions of what they perceive on the ground.
        - Riparian width: determined by the height of the dominant tree species at maturity
        - The base inventory plus evaluation—not necessarily saying those are all significant. Raw data suggesting the potential tree high value for each of those trees.
        - Lessons from Glenwood—how the inventory/ potential tree height can be separated from the assessment piece. Connection to goal 6—based on water quality and the rich information we have
        - Amanda: even if you use URIAG and there is a 90 foot area in the end you can say you are only protecting 60 feet of the area, the potential tree height is just the first part of the evaluation, you might not have 90 feet as a riparian function.
        - Who determines whether the area is significant? There is no ultimate answer. Each small cities does not have to determine that on their own—LCOG with DEQ or watershed counsels will assist in going through the process and at that point the small cities can utilize that and make their own decision.
        - If you have a well-defined and supported process, if someone challenges you—LUBA will find in favor of the jurisdiction if the process is clear/ defined.

- Discuss initial impressions regarding how you think each city will want to address riparian areas

- Discuss whether or not to use the Urban Riparian Area Assessment Guidebook (URIAG) methodology in all of the cities
    - Northern cities—*this could be used as a basis for water quality Goal 6*?
    - Pamela—would want to look at the area photo, for example the Glenwood. What more can you do? Who owns that? In areas where there is not much hope then there is not much hope.
        - Would it ever be politically viable to limit the development? Pamela—Lebanon—what they have done is have the builder build the houses away from the riparian area.
        - Creswell—the marketability of those structures. Cluster development is a long way away.
    - Denise will follow up individually on whether they want to use URIAG.

WRAP-UP/ NEXT MEETING

- You will be hearing about the Gaps Analysis
- Draft reports will be coming soon.