Oregon

Tina Kotek, Governor

HPAC Work Group Recommendation Template

Last Update: June 21, 2023

Work Group

- ☐ Availability of land
- X Land development permit applications
- Codes and design
- ☐ Workforce shortages
- ☐ Financing

Recommendation

All non-federal jurisdictional wetlands shall be permitted a prescriptive path for soil disturbance within 5 feet of Waters of the State (not Waters of the US). Implementation of a prescriptive sediment reduction method shall rely on currently accepted practices necessary for the substantial reduction of sediment run-off into wetlands.

Related Work Plan Topics

Many impediments to development of housing comes from public works departments – this also extends to DSL and DEQ (as far as making land easier and quicker to develop without generally compromising the values which are implicit in what those agencies do.

Adoption of Recommendation

Consensus at group meeting

Co-chairs Guidance: Standards for Analysis

1. Clearly describe the housing production issue that the recommended action(s) will address.

Current DEQ regulations restrict disturbance of soil within a certain proximity of wetlands. These regulations do not distinguish between wetlands of varying quality. This recommendations provides a more appropriate sediment control measure which considers the function and quality of the specific wetland.

2. Provide an overview of the housing production issue, including quantitative/qualitative context if available.

The primary issue revolves around available land for building homes. As an example the current prescriptive 50' buffer around a 1 acre wetland on a 4 acre development site could easily reduce the number of housing units by 50%. The net buildable area might go from 3 acres to 2 acres depending on the geometry of the site. Under this recommendation, same site described above might only lose 0.1 acre of development versus 1 acre. While justifiable in some circumstances, current regulations are overly restrictive when considering lower quality wetlands…and at the expense of housing production.

3. To assess the issue and potential action(s), include subject matter experts representing all sides of the issue in work group meetings, including major government, industry, and stakeholder associations.

DEQ Blair Edwards (Codes and Design Workgroup)

Department of State Lands: Ryan, Melody Rudenko, and Dana Hicks (Land Availability Workgroup)

4. Provide an overview of the expected outcome of the recommended action(s), including quantitative/qualitative context if available.

On all projects encumbered by non-jurisdictional wetlands, upon adoptions this recommendation would immediately increase the area of land which could be used for housing production.

5. Estimate of the time frame *(immediate, short, medium, long-term)*, feasibility *(low, medium, high)*, and cost *(low, medium, high)* for implementation of the recommended action(s).

Time Frame	**Feasibility**	**Cost**
__ Long-term	_ _ High	__ High
__ Medium-term	__ Medium	__ Medium
__ Short-term	__ Low	__ Low
__ Immediate		

Time frame Short
Feasibility: High
Cost: Lost.

6. Provide a general overview of implementation, the who and how for the recommended action(s).

This would likely require an administrative rule change (or potentially would require legislation). Implementation would be mostly through modifications to DEQ's 1200C permitting program which regulates soil disturbance on construction sites exceeding 1 acre.

7. Outline the data and information needed for reporting to track the impact and implementation of the recommended action(s).

Tracking could be done at the state level through DEQ's 1200C permitting process. Simple record keeping of what projects utilize this prescriptive path would provide important documentation as to the impact of this recommendation.

8. Identify any major externalities, unknowns, tradeoffs, or potential unintended consequences.

We can't see any real downside to this recommendation.

Please include any relevant reports, data analyses, presentations, or other documents that would be informative and useful for the full HPAC as the recommendation is discussed and considered.