



EXHIBIT: F
LAND CONSERVATION & DEVELOPMENT
COMMISSION
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SUBMITTED BY: Kamie Kehoe

COMMUNITY PLANNING ORGANIZATION OF CLACKAMAS COUNTY

January 23, 2008

Today I am providing comment regarding the LCDC draft rules OAR 660, Division 27 Urban and Rural Reserves in the Portland Metropolitan Area. After reviewing the broad rules authorizing Metro and counties in designating reserves, I am discouraged that once again little attention is focused on areas subject to natural disasters or hazards, such as steep slopes and areas subject to landslides.

The rules laid out appear to give Foundation Agricultural Land precedence in determining rural reserves and these soil types are already determined by the January 2007 Oregon Department of Agriculture report entitled "Identification and Assessment of the Long -Term Commercial viability of Metro Region Agricultural Lands" (OAR 660-027-0040(11) Designation of Urban and Rural Reserves).

Similar attention is not paid to areas subject to natural disasters or hazards under the before mention rule and in fact is not brought up until ORS 660-027-0060(3)(b) Factors for Designation of Lands as Rural Reserves, which determines that Metro's February 2007 "Natural Landscape Features Inventory" are the considering factors when designating important natural landscape features.

Unless Metro has utilized a complete verification process to determine areas subject to landslides such as a thorough examination of information process that involves site-visit reports to conclude evaluation of geologic, soil, and groundwater conditions and slope stability by a certified engineering geologist (CEG) and registered geologist (RG), LIDAR technology (light detection and ranging surveys), air photos, and public input and review, then the "Natural Landscape Features Inventory" report is incomplete and contains more holes than Swiss cheese. Another considering factor, is that DOGAMI is currently on a mission to create Landslide Hazard Susceptibility Maps for the entire Portland Metropolitan region, but they are short on funding. Metro should work in tandem with DOGAMI to complete the mapping and include the results in their "Natural Landscape Features Inventory". These steps must take place prior to an urban and rural reserves designation process.

Prior to LCDC adopting the proposed new OAR 660, Division 27, they should carefully consider if the ORS 660-027-0060 Factors for Designation of Lands as Rural Reserves does in fact support ORS 660-027-0005(2) PURPOSE :

Rural reserves under this division are intended to provide long-term protection for large blocks of agricultural land and forest land, and for "important natural landscape features" that limit urban

development or define natural boundaries of urbanization. The objective of this division is a balance in the designation of urban and rural reserves that, in its entirety, best achieves livable communities, the viability and vitality of the agricultural and forest industries and protection of the important natural landscape features that define the region for its residents.

LCDC should also carefully consider ORS 660-027-0010(6) DEFINITIONS prior to making a decision:

“Important natural landscape features” means landscape features that limit urban development or help define appropriate natural boundaries or urbanization, and that thereby provide for the long-term protection and enhancement of the region’s natural resources, public health and safety, and unique sense of place. These features include, but are not limited to, plant, fish and wildlife habitat; corridors important for ecological, scenic and recreational connectivity; steep slopes, floodplains and other natural hazard lands; areas critical to the region’s air and water quality; historic and cultural areas; and other geographic features that define and distinguish the region.

I am seeking LCDC’s concurrence on the importance of landslide hazard mitigation and believe the before mentioned steps addressing this issue will reinforce the State’s vision of doing things with a lasting positive impact and planning for quality growth. We all want development that is smart and responsible as we all desire sustainable communities.

Respectfully Submitted,



Kami Kehoe

Chair Holcomb-Outlook CPO

March 12, 2007

Councilor Brian Newman
Metro
600 NE Grand Ave.
Portland, OR 97232

Dear Councilor Newman,

Thank you for taking the time out of your busy schedule to listen to our concerns about landslide hazards and the areas we feel Metro can improve upon as a proponent in future mitigation of homeowner loss due to landslides. My hope is that our suggestions were lucid and it was not my intent for personal opinions of the Park Place Concept Plan to cloud the agenda I set forth. If this were the case, please allow me to recapitulate.

It is my understanding that the regional policies, which are adopted by Metro's Urban Growth Management Functional Plan, recommend and require changes to city and county comprehensive plans and implementing ordinances. Does Metro have the ability to implement a model ordinance on landslide hazards just like they have on water quality and flood management, which would force cities under Metro's jurisdiction to comply with Metro's performance standards and update their codes and ordinances. Does Metro have the desire to implement such an ordinance? Does Metro feel such an ordinance is necessary?

This would require an addition to Metro Chapter 3.07 Urban Growth Management Functional Plan under Metro's Title III Planning to include a title 14: Landslide Management and a code 3.07.1410 Intent to read similar to:

To protect against geologic hazards by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with landslides.

A code 3.07.1420 Applicability to read similar to:

- A. Title 3 applies to:
 - 1. Development in established Landslide Prone Areas.
 - 2. Development in areas consisting of topography, geology, soil conditions, groundwater conditions, and slope instability conducive to landslide hazards within the Metro Boundary.

A code 3.07.1430 Implementation Alternatives for Cities and Counties to read similar to:

- A. Cities and Counties "shall" (requirement) comply with this title in one of the following ways:
 - 1. Amend their comprehensive plans and implementing ordinances to adopt all or part of the Title 3 Model Ordinance or code language that substantially complies with the performance standards in Section 3.07.1440 and the intent of this title, and adopt either the Metro Landslide Management Area Map or a map which substantially complies with the Metro map.
(Metro would have to establish a Landslide Management Area Map and this could possibly be an expansion of Metro's Natural Hazards Program Maps and a report prepared under contract with Metro by Dr. Scott Burns, Professor of Geology PSU, Landslides In The Portland, OR Metro Area Resulting From The February 1996 Storm; Conceivably, the inclusion of updated landslide maps with partnerships from DOGAMI, FEMA, and other agencies and individuals as well as the use of LIDAR technology and onsite reconnaissance).

- B. Cities and Counties may choose one of the following options for applying this section:

1. Adopt code language implementing this title which prevails over the map and uses the map as reference; or
2. Adopt a city or county field verified map of Landslide Management Areas based on the Metro Landslide Area Map updated according to Section 3.07.14xx, implementing this title which prevails over adopted code language. Field verification is a process of identifying or delineating landslide hazard areas shown on the Metro Landslide Management Area Map. This process includes examination of information such as site visit reports to include evaluation of geologic, soil, and groundwater conditions and slope stability by a certified engineering geologist (CEG) and registered geologist (RG), LIDAR technology (light detection and ranging surveys), air photos, and public input and review.

I could go on but this partial illustration should suffice in giving you an idea of what we have in mind. One of the reasons I deem this necessary is due to the fact landslides are not being addressed as a serious hazard and counties and cities are lacking stringent codes and ordinances to address this issue. The DLCDC adopted Goal 7 in September 2001, which provides guidance to local governments in planning and mitigating landslide hazards and regulating development activities in such a way as to decrease the risk to people and property. However, the DLCDC has not adopted rules to implement Goal 7, as the commission regards implementation as a local government responsibility, and this is where Metro can set the bar.

The City of Salem partnered with FEMA, DOGAMI, and the Oregon Emergency Management Office to develop a model ordinance addressing landslide hazards in urban areas, which was adopted in November 2000, and it is a comprehensive landslide ordinance addressing a multitude of issues arising from these natural hazards. Section 69.060 introduces a graduated response table and rating system determining the level of site investigation that is necessary prior to any development. The strengthened policies and precautions have garnered a 90-98% effective rating in reducing damages and stemming losses from landslides.

Oregon City is presently taking precautions arising from landslide concerns brought to their attention during the Park Place Concept Plan with an ordinance amendment (not sure what this is as it hasn't been implemented yet), a preliminary geologic and geotechnical evaluation conducted by GRI, and LIDAR mapping from DOGAMI. This is a step in the right direction but it only provides for an overlay district of the proposed development and UGB expansion areas. During our meeting, you did mention that Metro's Comprehensive Plan has designated massive future development in this area and so therefore, should partake in the creation of Landslide Management Area Maps. This would provide for precise delineation of steep slopes and landslide prone areas, which may ultimately call for future geological engineering reports, when the UGB expansions are facilitated.

Bill Burns, CEG DOGAMI, states that they currently on a mission to create Landslide Hazard Susceptibility Maps for the entire Portland Metropolitan region, but they are short on funding. Once the Susceptibility Map are completed, these are the maps municipalities should adopt, as well as possible changes in building codes, allowing cities, counties, communities, home builders, and developers to build smart and responsibly.

During our meeting with Senator Schrader, we will be requesting a review of Senate Bill 12 and sponsorship for amendments to include a geological review on all new landslides, real estate laws disclosing slide hazards when a home for sale is in a landslide area, amendments to local development ordinances addressing landslides, and legislation mandating homeowners insurance coverage for landslides. We may also touch upon the amendments to ORS 197.298 and statewide planning Goal 14, which determines which areas are better suited for UGB expansion, and currently does not address landslide prone areas as a considering factor. This would pave the way to apply Metro code 3.01.055

Regular Review of Chapter (Urban Growth Boundary and Urban Reserves Procedures), which states the procedures in this chapter shall be reviewed by Metro every five years and can be modified by the Council at any time to correct any deficiencies which may arise.

I am seeking Metro's concurrence on the importance of landslide hazard mitigation and believe amendments addressing this issue will reinforce Metro's vision of doing things with a lasting positive impact and planning for quality growth. We all want development that is smart and responsible as we all desire sustainable communities.

Sincerely,

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cc: David Bradgon, Metro Council President