



MEMORANDUM

To: **Prineville Planning Commission**
From: Greg Winterowd
Date: Tuesday, May 15, 2007
Re: **Policy Options and ESEE Summary**

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PURPOSE

This memorandum summarizes policy options based on research conducted over the last several months related to development approvals in Prineville and the ESEE (Economic, Social, Environmental and Energy) consequences analysis. This memorandum should be read in conjunction with the *Updated Natural Features Program Outline* and the *Prineville Natural Features Inventory*.

RESOURCE PROTECTION PROGRAMS THAT DO NOT REQUIRE AN ESEE ANALYSIS

As noted in the *Updated Natural Features Program Outline* (Winterbrook Planning, 2007), there are a number of program options that do not require an ESEE analysis. Conflicts can be resolved without an ESEE Analysis in one of five ways by:

1. Applying “*Safe Harbor*” programs set forth in the Goal 5 administrative rule to significant surface water resource sites;
2. Continuing to apply *adopted City and County Goal 5 regulations* to significant resource sites (or portions thereof);
3. Recognizing that certain conflicts have already been resolved by an *approved development application*;
4. Applying *Goal 7 natural hazard regulations* to Goal 5 resource sites within hazard areas;
5. Applying *Goal 6 “water quality” programs* to significant groundwater sites; or

As discussed in subsequent sections of this report, the Program Outline recommends use of Options 1-5 for protection of most Goal 5 resource categories in Prineville.

If none of the five program options is used, then an ESEE (economic, social, environmental and energy) consequences analysis must be conducted prior to adopting a protection program.

RECOMMENDED GOAL 5 CONFLICT RESOLUTION METHODS

Table 1 summarizes the Program Outline recommendations accepted by the City Council for each resource category and site. Table 1 relies on a combination of adopted regulations, approved development plans, and Goal 5 safe harbor provisions.

Table 1 also assumes that the Planning Commission will recommend that the City Council and County Court adopt standards prohibiting development on (a) slopes of 30% or greater, (b) within mapped slide hazard areas at the base of rimrock, and (c) within 50 feet of the centerline of mapped dry washes.

Table 1. Recommended Goal 5 Conflict Resolution Methods

Resource Site	Goal 5 ESEE	Goal 5 Riparian Corridor Safe Harbor	Goal 7 Natural Hazard Standards	Adopted Regulations or Land Use Decision
Barnes Butte / Hudspeth Drainage	<ul style="list-style-type: none"> ▪ Barnes Butte Scenic ▪ Bird Nesting Habitat 	<ul style="list-style-type: none"> ▪ Hudspeth Drainage 	Steep Slopes Slide Hazards Dry Washes	<ul style="list-style-type: none"> ▪ Iron Horse ODP⁵ ▪ Rimrock Setback⁴
Upper Ochoco Creek / SE Rimrocks	<ul style="list-style-type: none"> ▪ Bird Nesting Habitat 	Riparian Corridors Assoc. Wetlands ²	Steep Slopes Slide Hazards Dry Washes Floodplain ¹	Riparian Setbacks ³ Rimrock Setback ⁴
Lower Ochoco Creek	<ul style="list-style-type: none"> ▪ Bird Nesting Habitat 	Riparian Corridors Assoc. Wetlands ²	Steep Slopes Slide Hazards Dry Washes Floodplain ¹	Riparian Setbacks ³ Rimrock Setback ⁴
Upper Crooked River / South Rimrocks	<ul style="list-style-type: none"> ▪ Isolated Wetlands ▪ Deer Winter Range Habitat 	Riparian Corridors Assoc. Wetlands ²	Steep Slopes Slide Hazards Dry Washes Floodplain ¹	Riparian Setbacks ³ Rimrock Setback ⁴ Angler's Canyon ODP ⁶
Lower Crooked River / SW Rimrocks	<ul style="list-style-type: none"> ▪ Antelope Range Habitat 	Riparian Corridors Assoc. Wetlands ²	Steep Slopes Slide Hazards Dry Washes Floodplain ¹	Riparian Setback ³ Rimrock Setback ⁴
Ryegrass Ditch	<ul style="list-style-type: none"> ▪ Bird Nesting Habitat 	Riparian Corridors Assoc. Wetlands ²		
Groundwater Resources	Groundwater resources are protected under a model ordinance developed by the Oregon Department of Water Quality, and therefore are protected under Statewide Planning Goal 6 (Air, Land and Water Resources Quality).			

Source: Revised Goal 5 Natural Features Program Outline

¹ Floodplain Regulations: Prineville §153; Crook County §3.170

² Safe Harbor for Riparian Corridors and Associated Wetlands: OAR 660-023-090

³ Riparian Corridor Setbacks for Unincorporated Areas within UGB: Crook County §4.190

⁴ Top of Rimrock Setback: Crook County §4.210

⁵ Iron Horse Outline Development Plan (ODP) Final Decision (SUB 05-707)

⁶ Angler's Canyon ODP Final Decision (SUB 06-XXX)

CONFLICTING USES

Goal 5 requires that conflicting uses be identified for resources that require an ESEE Analysis. Table 2, on the following page, identifies broad categories of land uses that may conflict with scenic and wildlife resource sites that require an ESEE analysis.

Table 2. Conflicting Use Matrix for Barnes Butte Scenic Area, Significant Wildlife Habitat Areas, and Isolated Wetlands

Resource Site(s)	Comprehensive Plan Designation / Zoning	Park or School Conflicts	Planned Streets or Utilities	Vegetation Removal & Grading
Barnes Butte Primary Scenic Area (Tier 1)	Residential Open Space/Parks (BLM) Iron Horse ODP	Passive Park/Trails	Iron Horse ODP	Iron Horse ODP
Barnes Butte Secondary Scenic Area (Tier 2)	Residential Iron Horse ODP	Passive Parks/Trails Active Parks	Iron Horse ODP	Iron Horse ODP
Barnes Butte Scenic Impact Area (Tier 3)	Residential Iron Horse ODP	Active Parks Passive Parks/Trails School Site	Iron Horse ODP	Iron Horse ODP
Barnes Butte Bird Nesting Sites (5)	Residential Open Space/Parks (BLM) Iron Horse ODP	Passive Park/Trails Iron Horse ODP	Iron Horse OHP	Iron Horse ODP
Upper Ochoco Creek (Combs Road) Bird Nesting Site	Residential Commercial	Schools	Yes	No
Upper Ochoco Creek Mule Deer Winter Range	Residential	No	Yes	Yes
Ryegrass Creek Bird (Lamonta Road) Bird Nesting Sites (2)	Industrial Commercial Residential	No	Yes	Yes
Lower Crooked River Antelope Range	Industrial	No	Yes	Yes
Upper Ochoco Creek Isolated Wetlands	Residential Angler's Canyon ODP	Fairgrounds	Yes	Angler's Canyon ODP

As indicated on Table 2, conflicts with isolated wetlands have been resolved by the Angler's Canyon ODP, and most conflicts with bird (raptor) nesting habitat and scenic views have been resolved by the Iron Horse ODP.

ISSUES & POLICY OPTIONS TABLE

Table 3 on the following page summarizes issues and policy options related to Goal 5 resources that require an ESEE Analysis.

Table 3. Policy Options for Planning Commission Consideration Regarding Barnes Butte Scenic Area and Significant Wildlife Habitat Areas

Resource Site(s)	Issue(s)	Policy Options
Barnes Butte Primary And Secondary Scenic Areas and Bird Nesting Sites <i>Iron Horse ODP</i>	A. Most conflicts have been resolved by Iron Horse ODP, including building height, density, street location, and bird nesting site impacts. However, Cuts and Fills resulting from street construction as approved Iron Horse Street Plan may require discretionary approval – by this Planning Commission – of grading alterations in averaging more than three feet per 158.089.D.2.b*	A1. Rely on existing two tiered standards to resolve conflict, recognizing that Street Plan may need to be amended <i>if</i> Planning Commission does <u>not</u> approve alteration? <i>or</i> A2. Address potential cut and fill impacts on scenic views as part of this ESEE Analysis? <i>and</i> A3. Apply Design standards related to exterior color and reflecting glass.
Barnes Butte Primary And Secondary Scenic Areas <i>Outside City Limits</i>	B. Conflicts have not been resolved for properties outside existing city limits.	B1. Apply existing Cut and Fill standards' <i>or</i> B2. Adopt new standards that strictly limit cuts and fill impacts in scenic areas of 10% slope or greater. <i>and</i> B3. Adopt standards limiting the height and density of new residential development. <i>and</i> B4. Apply design standards related to exterior color and reflecting glass.
Upper Ochoco Creek and Ryegrass Ditch Bird Nesting Sites	C. Both these sites have adjacent urban development, making it impossible to apply the quarter mile.	C1. Rely on a combination of riparian corridor safe harbor standards; <i>and</i> C2. ODFW recommendations regarding the timing of development.
Upper Ochoco Creek Mule Deer Winter Range Lower Crooked River Antelope Range	D. This wildlife range habitat was carried over from the Crook County Comprehensive Plan to sites that were recently added to the UGB.	D1. Apply a buffer separating future urban development from the larger range habitat area outside the UGB? <i>or</i> D2. Recognize that the range habitat areas are within the UGB and allow conflicting uses fully?
Upper Ochoco Creek Isolated Wetlands	E. Isolated wetlands in this area provide useful flood storage and water quality functions. The Draft <i>Program Outline</i> calls for protection of these wetlands with a 25-foot building setback. However, these wetlands have been impacted by the recently approved Angler's Canyon ODP.	E1. Apply the wetland protection program recommended in the <i>program Outline</i> to remaining wetlands; <i>or</i> E2. Allow conflicting uses, subject to review and approval by the Department of State Lands (existing City policy).

* Note: In order to approve cuts and fills that alter lot elevations by more than an average of three feet from “natural, pre-existing grade,” discretionary Planning Commission approval is required. One of the criteria that must be met relates to scenic view impacts. PCO 158.089(D)(2)(b) reads as follows:
“That construction on the cut or fill will not adversely affect the views of adjacent property over and above the effect without land alteration, or that modifications to the design and/or placement of the proposed structure will minimize the adverse impact.”

In response to this standard, the Council’s Findings approving the Iron Horse ODP (p. 38) read as follows:

“In order to be in compliance with the above stated criteria, the Applicant shall not fill or grade in excess of three feet on average without Planning Commission approval. This is condition of approval. See Condition 7. Approval may be granted during each stage of development.”

NEXT STEPS

The City Council has referred the *Prineville Natural Features Inventory* and the *Updated Prineville Goal 5 Program Outline* to the Planning Commission for review and recommendation.

Next steps, or “action items,” are as follows:

1. Adoption of the *Prineville Natural Features Inventory* with any changes recommended by the Planning Commission following the public hearing.
2. Approval of the *Updated Goal 5 Program Outline*, incorporating changes recommended by the Planning Commission that, at a minimum, address policy options shown in Table 3.
3. Direct the City and Winterbrook Planning to complete ESEE Analysis findings to support the Planning Commission’s recommended *Goal 5 Program Outline*.
4. Direct the City to prepare draft implementation standards (amendments to the Prineville Code of Ordinances) including:
 - a. Riparian Corridor “safe harbor” standards;
 - b. Goal 7 slope hazard standards;
 - c. Scenic area protection standards;
 - d. Wildlife habitat protection standards, including ODFW wildlife habitat consultation and review process; and
 - e. Goal 6 groundwater protection ordinance (based on DEQ model ordinance).