

# NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

## Introduction

The purpose of Goal 5 is: “*To protect natural resources and conserve scenic and historic areas and open spaces.*” The goal language states that local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. The goal requires that the following resources be inventoried:

- Riparian corridors, including water and riparian areas and fish habitat
- Wetlands
- Wildlife Habitat
- Federal Wild and Scenic Rivers
- State Scenic Waterways
- Groundwater Resources
- Approved Oregon Recreation Trails
- Natural Areas
- Wilderness Areas
- Mineral and Aggregate Resources
- Energy sources
- Cultural areas

Local governments are encouraged to maintain current inventories of the following resources:

- Historic Resources
- Open Space
- Scenic Views and Sites

Administrative rules to implement Goal 5 were first adopted in 1981 and then revised in 1996 for all resources except cultural resources. Cultural resource requirements are still based on the original Goal 5 rules. The rules establish the following standard five-step planning process:

Inventory local occurrences of resources listed in Goal 5 and determine which sites are “significant”, i.e. important.

1. Identify potential land uses on or near each resource site and any conflicts that might result.
2. Analyze the economic, social, environmental, and energy (ESEE) consequences of allowing, limiting, or prohibiting such conflicting uses.
3. Adopt policies to allow, limit, or prohibit conflicting uses at each site.
4. Adopt measures such as zoning and ordinances to put the policies into effect.

The 1996 rule revision made several important changes including making new inventories voluntary for historic resources, open space and scenic resources and adding new “safe harbor” procedures for certain resources that are more prescriptive, requiring less work for local governments.

The “safe harbor” provision is an important element of the revised Goal 5 rules that provides greater certainty and short-cuts over the standard five-step planning process, while still providing flexibility. For

riparian corridors, wetlands, and wildlife habitat local governments have the option of following the standard five-step process or the safe harbor approach. A “safe harbor” consists of an optional course of action that satisfies certain requirements under the standard process. For example, after conducting a wetland inventory and identifying “significant” wetlands, a jurisdiction may adopt a “safe harbor” wetland ordinance that meets the requirements of the Goal 5, rather than follow the ESEE decision process. Depending on the resource, the safe harbor provisions may apply to the inventory, significance determination, analysis, and/or protection program. The standard process gives local governments more flexibility, but is more time consuming, costly to apply, and heightens the risk of litigation.

## **Monmouth Goal 5 Process**

The following sections outline the process used to address Goal 5 requirements in Monmouth.

### ***Goal 5 Resources***

Each Goal 5 resource is addressed separately in the following sections. Each section contains the resource definition(s) from Oregon Administrative Rules (unless another source is listed), specific requirements in place of or in addition to the standard process, if any, for inventory procedures and significance determinations, the methods used to conduct the inventories and significance determinations, the results of the inventories, a determination of adequacy of inventory information and significance determinations. For resources determined to be significant a description of proposed resource protection measures is provided.

## **Riparian Corridors**

### ***Definitions***

"Riparian corridor" includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary (OAR 660-23-090 (1)(d)).

"Water area" is the area between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream, excluding man-made farm ponds (OAR 660-23-090 (1)(h)).

"Fish habitat" means those areas upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration (OAR 660-23-090 (1)(a)).

"Riparian area" is the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem (OAR 660-23-090 (1)(b)).

"Wetland" is an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions (OAR 660-23-100 (1)).

### ***Inventory Requirements and Methods***

Local governments may follow the standard inventory process for riparian corridors or use the “safe harbor” methodology. This inventory provides information to support using the safe harbor method for determining the boundaries of significant riparian corridors in Monmouth. Additional inventory and assessment work would be required to use the standard process. The safe harbor methodology allows a local government to determine the boundaries of significant riparian corridors within its jurisdiction using a standard setback distance from all fish-bearing lakes and streams. Along all streams with average annual stream flow greater than 1,000 cubic feet per second (cfs), the riparian corridor boundary shall be 75 feet upland from the top of

each bank. Along all lakes and fish-bearing streams with average annual stream flow less than 1,000 cfs, the riparian corridor boundary shall be 50 feet from the top of bank.

Local governments are encouraged, but not required, to conduct field investigations to verify the location, quality, and quantity of resources within the riparian corridor. At a minimum, local governments shall consult the following sources, where available, in order to inventory riparian corridors along rivers, lakes, and streams within the jurisdiction:

- Oregon Department of Forestry stream classification maps;
- United States Geological Service (USGS) 7.5 minute quadrangle maps;
- National Wetlands Inventory maps;
- Oregon Department of Fish and Wildlife (ODFW) maps indicating fish habitat;
- Federal Emergency Management Agency (FEMA) flood maps; and
- Aerial photographs.

The Luckiamute/Ash Creek/American Bottom Watershed Assessment (2004) was used to identify fish habitat. Additional information from field inspections was compiled during development of the Local Wetland Inventory (described in the Wetlands section).

### ***Inventory Results***

*Riparian areas* were inventoried in Monmouth, including adjacent wetlands.

Several branches of Ash Creek traverse portions of the Monmouth urban area. The North Fork of Ash Creek flows into the city from Hoffman Road and joins the Middle Fork near the City's sewage lagoons in the northeast section of the city. The Middle Fork of Ash Creek flows from the west through the area north of Western Oregon University before joining the North Fork. The South Fork of Ash Creek crosses the southwest corner of the Monmouth UGB near the Griffin Estates Subdivision.

In the Monmouth urban area, the North Fork of Ash Creek is identified as habitat for Chinook salmon and Winter steelhead, both of which are listed as threatened or endangered species. The North Fork of Ash Creek has an average annual stream flow of less than 1,000 cubic feet per second.

*Wetlands* were inventoried by conducting a Local Wetland Inventory (described in the Wetlands section). Wetlands were identified primarily in areas adjacent to Ash Creek.

### ***Adequacy of Information***

The available information is adequate to complete the Goal 5 process for riparian corridors using the safe harbor methodology.

### ***Significant Resources***

Significant riparian corridors in Monmouth are present along the portions of the North Fork of Ash Creek located within the urban growth boundary that provide fish habitat. Average annual stream flows in this portion of Ash Creek are less than 1,000 cfs. For fish-bearing streams with average annual flows of less than 1,000 cfs the standard riparian corridor setback is 50 feet from the top of bank.

## ***Resource Protection***

DLCD rules require local governments to protect significant riparian corridors either through the standard process or by adopting a safe harbor ordinance. Monmouth will protect significant riparian corridors through a safe harbor ordinance that contains restrictions on placement of new structures and impervious surfaces, grading, and vegetation removal within riparian buffer sites. The ordinance shall include a variance procedure to consider hardship variances, claims of map error, and reduction or removal of the restrictions for any lands demonstrated to have been rendered not buildable by application of the ordinance.

## **Wetlands**

### ***Definitions***

“Wetland” is an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions (OAR 660-23-100 (1)).

### ***Inventory Requirements and Methods***

Local governments are required to conduct a Local Wetland Inventory (LWI) using the standards and procedures of OAR 141-086-0110 through 141-086-0240 and adopt the LWI as part of the comprehensive plan or as a land use regulation. As part of the LWI process, local governments are required to identify “significant wetlands” using the criteria adopted by the Division of State Lands (DSL) pursuant to ORS 197.279(3)(b) and adopt the list of significant wetlands as part of the comprehensive plan or as a land use regulation.

Local governments may follow the standard inventory process for riparian corridors or use the “safe harbor” process. The safe harbor process allows a local government to adopt an ordinance to protect significant wetlands. The protection ordinance shall place restrictions on grading, excavation, placement of fill, and vegetation removal other than perimeter mowing and other cutting necessary for hazard prevention. The ordinance shall also include a variance procedure to consider hardship variances, claims of map error verified by DSL, and reduction or removal of restrictions determined to have been rendered not buildable by application of the ordinance.

### ***Inventory Results***

Wetland areas in Monmouth have been inventoried in the Monmouth Local Wetland Inventory and significant wetlands have been identified. The LWI was reviewed and approved by the Division of State Lands.

### ***Adequacy of Information***

The available information is adequate to complete the Goal 5 process for wetland resources.

### ***Significant Resources***

The LWI identified 13 significant wetlands totaling approximately 147.03 acres in the Monmouth urban area.

## ***Resource Protection***

Oregon Administrative Rules require local governments to protect significant wetlands either through the standard process or by adopting a safe harbor ordinance. Monmouth will protect significant wetlands through a safe harbor ordinance. The protection ordinance shall place restrictions on grading, excavation, placement of fill, and vegetation removal other than perimeter mowing and other cutting necessary for hazard prevention. The ordinance shall also include a variance procedure to consider hardship variances, claims of map error verified by DSL, and reduction or removal of restrictions determined to have been rendered not buildable by application of the ordinance. The ordinance require notification of DSL concerning applications for development permits or other land use decisions affecting wetlands on the inventory.

## **Wildlife Habitat**

### ***Definitions***

"Wildlife habitat" is an area upon which wildlife depend in order to meet their requirements for food, water, shelter, and reproduction. Examples include wildlife migration corridors, big game winter range, and nesting and roosting sites (OAR 660-23-110 (1)(b)).

### ***Inventory Requirements and Methods***

Local governments may determine wildlife habitat significance using the standard inventory process or apply safe harbor criteria. This inventory provides information to support using the safe harbor method for identifying significant wildlife habitat in Monmouth. Additional inventory and assessment work would be required to use the standard process. Under the safe harbor criteria, local governments may determine that "wildlife" does not include fish, and that significant wildlife habitat is only those sites where one or more of the following conditions exist:

- (a) The habitat has been documented to perform a life support function for a wildlife species listed by the federal government as a threatened or endangered species or by the state of Oregon as a threatened, endangered, or sensitive species;
- (b) The habitat has documented occurrences of more than incidental use by a species described in subsection (a) of this section;
- (c) The habitat has been documented as a sensitive bird nesting, roosting, or watering resource site for osprey or great blue herons pursuant to Oregon Revised Statutes 527.710 (Oregon Forest Practices Act) and OAR 629-024-0700 (Forest Practices Rules);
- (d) The habitat has been documented to be essential to achieving policies or population objectives specified in a wildlife species management plan adopted by the Oregon Fish and Wildlife Commission pursuant to Oregon Revised Statutes Chapter 496; or
- (e) The area is identified and mapped by ODFW as habitat for a wildlife species of concern and/or as a habitat of concern (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, or pigeon springs).

Information from ODFW was reviewed regarding habitat for threatened, endangered, or sensitive species and species of concern.

### ***Adequacy of Information***

The available information is adequate to complete the Goal 5 process for wildlife habitat.

### ***Significant Resources***

No significant wildlife habitat is located in Monmouth.

## **Federal Wild and Scenic Rivers**

### ***Definitions***

Federal Wild and Scenic Rivers are river segments and associated corridors designated by the federal government under the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287).

### ***Inventory Requirements and Methods***

All Federal Wild and Scenic Rivers are considered significant. The National Park Service's on-line Wild and Scenic Rivers List was reviewed for current information.

### ***Adequacy of Information***

The available information is adequate to complete the Goal 5 process for Federal Wild and Scenic Rivers.

### ***Significant Resources***

No Federal Wild and Scenic Rivers are located in Monmouth.

## **State Scenic Waterways**

### ***Definitions***

State Scenic Waterways are river segments and associated corridors designated by the state under the Scenic Waterways statutes (Oregon Revised Statutes 390.826).

### ***Inventory Requirements and Methods***

All State Scenic Waterways are considered significant. The Oregon State Parks Department maintains a list of Scenic State Waterways that was reviewed.

### ***Adequacy of Information***

The available information is adequate to complete the Goal 5 process for State Scenic Waterways.

### ***Significant Resources***

No State Scenic Waterways are located in Monmouth.

## **Groundwater Resources**

### ***Definitions***

"Groundwater" is any water, except capillary moisture, beneath the land surface or beneath the bed of any stream, lake, reservoir, or other body of surface water (OAR 660-23-140 (1)(b)).

### ***Inventory Requirements and Methods***

By rule, significant groundwater resources are limited to the following:

- (a) Critical groundwater areas and ground-water-limited areas designated by the Oregon Water Resources Commission (OWRC), and
- (b) Wellhead protection areas delineated following the standards and procedures in Oregon Health Division rules and either:
  - (1) The public water system served by the wellhead area has a service population greater than 10,000 or has more than 3,000 service connections and relies on groundwater from the wellhead area as the primary or secondary source of drinking water; or
  - (2) The wellhead protection area is determined to be significant under criteria established by a local government, for the portion of the wellhead protection area within the jurisdiction of the local government.

### ***Inventory Results***

Monmouth's public water system does not serve a population greater than 10,000 and has less than 3,000 service connections. None of the wells serving the Monmouth public water system are located within the Monmouth UGB. No critical groundwater areas or groundwater-limited areas designated by OWRC are found in Monmouth.

### ***Adequacy of Information***

The available information is adequate to complete the Goal 5 process for groundwater resources.

### ***Significant Resources***

No significant groundwater resources are located within the Monmouth UGB.

## **Approved Oregon Recreation Trails**

### ***Definitions***

Oregon Recreation Trails are recreational trails for walking, bicycling and horseback riding designated by rule by the Oregon Parks and Recreation Commission (OAR 660-23-150 (1)).

### ***Inventory Requirements and Methods***

Local governments are required to designate all recreation trails approved by OPRC as significant resources. OPRC was contacted for current information.

### ***Adequacy of Information***

The available information is adequate to complete the Goal 5 process for Oregon Recreation Trails.

### ***Significant Resources***

No approved Oregon Recreation Trails are found in Monmouth.

### **Natural Areas**

#### ***Definitions***

“Natural areas” include areas listed in the Oregon State Register of Natural Heritage Resources (OAR 660-23-160 (1)).

#### ***Inventory Requirements and Methods***

All listed natural areas are considered significant. The most recent published edition of the Oregon State Register of Natural Heritage Resources was reviewed and ONHP was contacted for current information.

#### ***Inventory Results***

No listed Natural Areas are found in Monmouth.

### ***Adequacy of Information***

The available information is adequate to complete the Goal 5 process for natural areas.

### ***Significant Resources***

No significant natural areas are found in Monmouth.

### **Wilderness Areas**

#### ***Definitions***

“Wilderness areas” are those areas designated as wilderness by the federal government (OAR 660-23-170 (1)).

#### ***Inventory Requirements and Methods***

All federally designated wilderness areas are considered significant.

#### ***Inventory Results***

No federally designated wilderness areas are found in Monmouth.

### ***Adequacy of Information***

The available information is adequate to complete the Goal 5 process for wilderness areas.

### ***Significant Resources***

No federally designated wilderness areas are found in Monmouth.

## **Mineral and Aggregate Resources**

### ***Definitions***

“Minerals” includes soil, coal, clay, stone, sand, gravel, metallic ore, and any other solid material or substance excavated for commercial, industrial or construction use from natural deposits situated within or upon lands in this state (Oregon Revised Statutes 517.750).

"Aggregate resources" are naturally occurring concentrations of stone, rock, sand and gravel, decomposed granite, lime, pumice, cinders, and other naturally occurring solid materials used in road building (OAR 660-23-180 (1)(a)).

### ***Inventory Requirements and Methods***

Local governments are not required to amend acknowledged inventories or plans with regard to mineral and aggregate resources except in response to an application for a post-acknowledgement plan amendment (PAPA), or at periodic review to include procedures and requirements consistent with this rule for the consideration of PAPAs concerning aggregate resources. An inventory was not conducted. Available information was reviewed.

### ***Inventory Results***

No inventory of mineral and aggregate resources has been conducted in Monmouth to date. The Department of Geologic and Mineral Industries (DOGAMI) inventoried existing and past rock material extraction sites in Polk County in 1981. The inventory identified one location in the Monmouth UGB that had previously been used as a source of clay for brick and tile. The site is approximately 1.97 acres in size, is identified as Assessor Map 8524A, Tax Lot 1300 and is located adjacent to 4990 Riddell Road. The inventory states that the site was converted to use as a landfill. This site has subsequently been converted to a pond.

### ***Adequacy of Information***

Not applicable.

### ***Significant Resources***

No identified significant mineral or aggregate resources are found in Monmouth.

## **Energy Sources**

### ***Definitions***

"Energy source" includes naturally occurring locations, accumulations, or deposits of one or more of the following resources used for the generation of energy: natural gas, surface water (i.e., dam sites), geothermal, solar, and wind areas (OAR 660-23-190 (1)(a)).

### ***Inventory Requirements and Methods***

Local governments shall amend their acknowledged comprehensive plans to address energy sources using the standard inventory process. Energy sources applied for or approved through the Oregon Energy Facility Siting Council (EFSC) or the Federal Energy Regulatory Commission (FERC) shall be deemed significant energy sources for purposes of Goal 5. EFSC and FERC on-line sources were reviewed for current information.

### ***Inventory Results***

No known energy sources are located within the Monmouth urban area. No energy facilities applied for or approved by the Oregon Energy Facility Siting Council are found in Monmouth. No hydroelectric generating facilities approved or exempted by the Federal Energy Regulatory Commission are found in Monmouth.

### ***Adequacy of Information***

The available information is adequate to complete the Goal 5 process for energy sources.

### ***Significant Resources***

No significant energy sources are found in Monmouth.

## **Historic Resources**

### ***Definitions***

"Historic resources" are those buildings, structures, objects, sites, or districts that have a relationship to events or conditions of the human past (OAR 660-23-200 (1)(d)).

"Historic resources of statewide significance" are buildings, structures, objects, sites, or districts listed in the National Register of Historic Places, and within approved National Register historic districts pursuant to the National Historic Preservation Act of 1966 (16 U.S.C. 470).

### ***Inventory Requirements and Methods***

Local governments are not required to amend acknowledged plans or land use regulations in order to provide new or amended inventories or programs regarding historic resources, except local governments shall protect all historic resources of statewide significance through local historic protection regulations.

### ***Inventory Results***

The Monmouth Historic Resources Inventory was completed in 1987. The Historic Resources Inventory was updated with additional properties in 2012, 2013, and 2017. To date, 321 buildings have been surveyed. The inventory identifies 14 significant historic buildings in Monmouth. Three (3) buildings in Monmouth are included on the National Register of Historic Places.

### ***Adequacy of Information***

The available information is adequate to complete the Goal 5 process for historic resources.

### ***Significant Resources***

Seven (7) buildings in Monmouth have been designated as Historic Landmarks. Monmouth's historic preservation ordinance requires that the Historic Commission review and approve any significant physical alterations to these buildings. In addition, any proposed demolition of the Significant Landmarks must be approved by the Historic Buildings and Sites Commission. Demolition can only occur after a 120-day "cooling off" period, during which time other remedies such as sale or moving the building are to be considered. The landmark designation shall be removed at the request of the property owner.

### **Open Space**

#### ***Definitions***

"Open space" includes parks, forests, wildlife preserves, nature reservations or sanctuaries, and public or private golf courses (OAR 660-23-220 (1)).

#### ***Inventory Requirements and Methods***

Local governments are not required to amend acknowledged comprehensive plans to identify new open space resources.

#### ***Inventory Results***

An inventory of this resource has not been conducted in Monmouth. The City of Monmouth park system includes 10 developed parks and one (1) undeveloped park. All of the parks are on City-owned property. Other potential open space resources include forested areas and wetlands in the floodplains and bottomlands of Ash Creek.

#### ***Adequacy of Information***

Not applicable.

### ***Significant Resources***

No significant open space resources have been identified in Monmouth.

### **Scenic Views and Sites**

#### ***Definitions***

"Scenic views and sites" are lands that are valued for their aesthetic appearance (OAR 660-23-230 (1)).

#### ***Inventory Requirements and Methods***

Local governments are not required to amend acknowledged comprehensive plans in order to identify scenic views and sites.

### ***Inventory Results***

An inventory of this resource has not been undertaken in Monmouth. The Coast Range Mountains and rural, agricultural scenery can be seen from Monmouth. Views are pleasant and typical of what can be seen from rural, flat areas in the mid-Willamette Valley.

### ***Adequacy of Information***

Not applicable.

### ***Significant Resources***

No significant scenic views and sites have been identified in Monmouth.

## Goal 5 Significant Resources Summary

The results of the resource inventories and significance determinations are presented in Table 1. Significant resources include riparian corridors and wetlands.

**Table 1. Goal 5 Resource Summary**

<b>Resource</b>	<b>Inventory Type</b>	<b>Inventory Results</b>	<b>Significant Resources</b>	<b>Goal 5 Process</b>
<i>Riparian Corridors</i>	<b>Safe Harbor</b>	<b>Portions of Ash Creek</b>	<b>Yes</b>	<b>Protect resource through Safe Harbor ordinance</b>
<i>Wetlands</i>	<b>Local Wetland Inventory</b>	<b>13 significant wetlands totaling approximately 147.03 acres</b>	<b>Yes</b>	<b>Protect resource through Safe Harbor ordinance</b>
<i>Wildlife Habitat</i>	Standard	Resource does not occur in Monmouth	No	Complete; no further action required
<i>Federal Wild and Scenic Rivers</i>	Standard	Resource does not occur in Monmouth	No	Complete; no further action required
<i>State Scenic Waterways</i>	Standard	Resource does not occur in Monmouth	No	Complete; no further action required
<i>Groundwater Resources</i>	Standard	Resource does not occur in Monmouth	No	Complete; no further action required
<i>Approved Oregon Recreation Trails</i>	Standard	Resource does not occur in Monmouth	No	Complete; no further action required
<i>Natural Areas</i>	Standard	Resource does not occur in Monmouth	No	Complete; no further action required
<i>Wilderness Areas</i>	Standard	Resource does not occur in Monmouth	No	Complete; no further action required
<i>Mineral &amp; Aggregate Resources</i>	None; not required	Inventory not conducted	No	Complete; no further action required
<i>Energy sources</i>	Standard	Resource does not occur in Monmouth	No	Complete; no further action required
<i>Historic Resources</i>	Standard	Seven (7) Significant Landmarks have been designated	Yes	Complete; No further action required
<i>Open Space</i>	None; not required	Inventory not conducted	No	Complete; no further action required
<i>Scenic Views and Sites</i>	None; not required	Inventory not conducted	No	Complete; no further action required