

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Staff Presentation Worksheet

Presentation Date: November 10, 2009 **Time:** 10:30 am **Length:** 45 minutes

Presentation Title: Groundwater Protection Ordinance, Staff Recommendations

Department: Department of Transportation and Development, Planning Division

Presenters: Scott Pemble, Martha Nix, and Lorraine Gonzales, Planning Division;
Dan Chandler, County Counsel

POLICY QUESTION

Should the Planning Division create an ordinance that addresses groundwater availability and, if so, what provisions should be included in the ordinance?

ISSUES & BACKGROUND

In response to the Board of County Commissioners' 2009 Goals, Clackamas County Staff reviewed the groundwater ordinances of three other Oregon counties – Marion, Benton and Lane. Staff found there were parts of each of these ordinances that may be desirable for inclusion in an ordinance for Clackamas County. In general, however, many of the regulations in these ordinances were found to be costly to property owners while being largely ineffective in determining well interference or understanding impacts to the aquifer.

Should the Board want to proceed with a groundwater protection ordinance, Staff recommends a combination of requirements that would incorporate the following provisions:

1. Requiring proof of proper well abandonment should a well need to be closed;
2. Requiring property owners within a state-designated groundwater limited area to record a statement into their chain of title that acknowledges groundwater in the area may be limited and the county is not responsible for deepening or replacing wells that fail.
3. Requiring a professional Hydrogeology Study be completed for the following developments (outside the urban growth boundary) that will be using domestic wells:
 - a. All subdivisions of four or more lots within a state-designated groundwater limited area; and
 - b. All subdivisions of eleven or more lots in all other areas of rural unincorporated Clackamas County.
4. Including conservation strategies and incentives both in this ordinance and in the building codes to protect groundwater resources.

Several reference documents are attached to this worksheet:

1. "Groundwater Protection in Clackamas County," a draft document produced by the Planning Division, dated October 28, 2009.
2. "Groundwater Ordinance Issues," a draft memorandum from Dan Chandler, Senior Assistant County Counsel, dated September 28, 2009.

3. "Chapter 99: General Development Standards," excerpted from the Benton County Development Code.
4. "Chapter 181: Sensitive Groundwater Overlay Zone," excerpted from the Marion County Rural Zoning Ordinance.
5. "Chapter 13: Land Divisions," excerpted from the Lane Code.

QUESTION(S) PRESENTED FOR CONSIDERATION

1. Does the Board want the Planning Division to draft a groundwater protection ordinance for the County's Zoning and Development Ordinance?
2. Which of the provisions discussed today or that are found in the "Groundwater Protection in Clackamas County" report does the Board want to include in the ordinance?

OPTIONS AVAILABLE

1. Pursue the creation of a groundwater protection ordinance in the County, including all the aspects agreed upon today; or
2. Do not act at this time.

RECOMMENDATIONS

DTD recommends that, if the Board wishes to pursue a groundwater ordinance, it do so as is recommended in the "Groundwater Protection in Clackamas County" report.

SUBMITTED BY:

Division Director/Head Approval RSP

Department Director/Head Approval _____

County Administrator Approval _____

For information on this issue or copies of attachments, please contact Lorraine Gonzales 503.742.4541 or Martha Nix 503.742.4529
