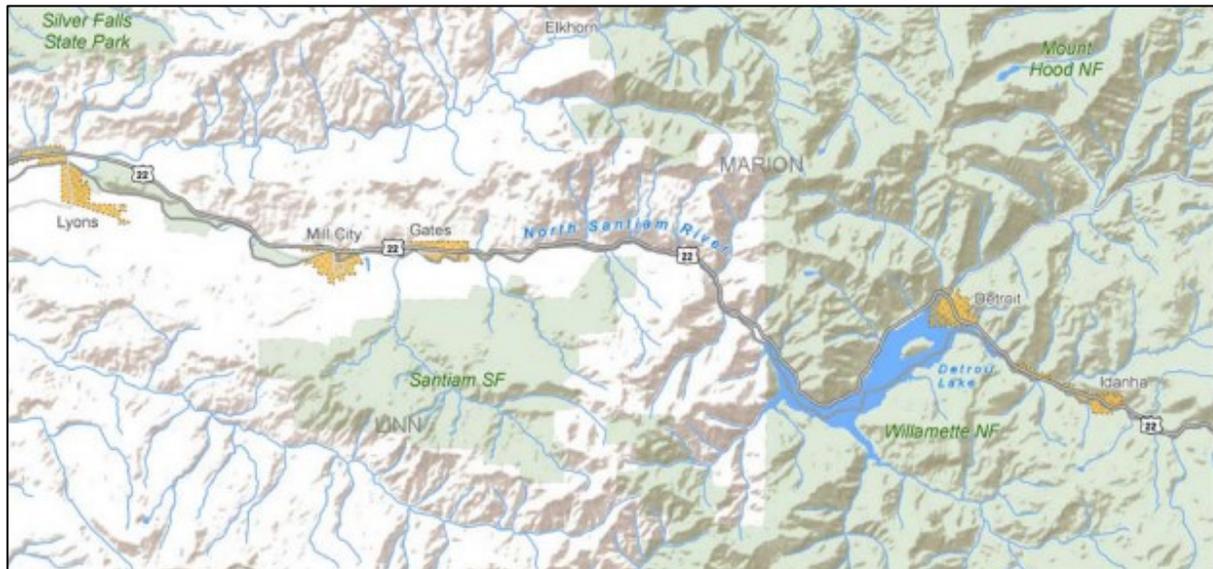


# LAND USE REGULATION AND TRIBAL LANDS PLANNING CONTEXT

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## Background and History of Santiam Canyon Land Use



### Native Lands

- Kalapuyan Indian tribes were the major Willamette Valley inhabitants prior to any settlement of white people. Each spoke their own dialect and names of tribes and bands such as Santiam, Yamhill, Lakmiute, Chemeketa and Chemawa are still commonly used - **Marion County Comprehensive Land Use Plan, Background and Inventory Report**, revised November 2004, <https://www.co.marion.or.us/PW/Planning/zoning/Documents/backgroundinventory1.pdf>
- In terms of required nation-to-nation consultations related to expenditures of federal and state funds, the Confederated Tribes of Grande Ronde, the Siletz Tribe, and Warm Springs Tribes should be contacted. (Source: Mid-Willamette Valley Council of Governments (MWVCOG) and The Office of Tribal Affairs, Oregon Department of Human Services)

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### Non-Indigenous Settlement

- The first non-indigenous settlements established in the Valley were fur trading centers. Around the latter part of 1812, the first such “trading house” was constructed in present day City of Salem by William Wallace and J.C. Halsey, two clerks associated with the Astor enterprise. By 1830, farms had been established in the French Prairie area, now part of northern Marion County. The population of the Valley in 1841 has been estimated at 140 persons. However, by that date the farms of the Valley were already exporting livestock, butter, cheese, and hides. Exporting of surplus timber had begun nearly ten years earlier. After 1841, settlement increased rapidly – the population of the Valley reached 6,000 by 1845. **Marion County Comprehensive Land Use Plan, Background and Inventory Report**, revised November 2004, <https://www.co.marion.or.us/PW/Planning/zoning/Documents/backgroundinventory1.pdf>

### Santiam Canyon Recent City Code Updates (Source: MWVCOG)

- Detroit:
  - 2018/2019 - Code updates to Permit “Tiny Homes” and permit RV’s for seasonal use.
  - 2020 - Fire response: permission of transitional housing for recovery victims, expansion of allowances for non-conforming development/use for rebuild.
  - 2021 - Currently in a legislative amendment for Floodplain Development updates.
  - Discussion of future code updates for Main Street themes (note Detroit Downtown Development Association report from 2000, cited below).
  - Discussion of overall code update of entire code.
- Gates:
  - 2018 - Accessory Structure updates.
  - 2020 - Fire response: permission of transitional housing for recovery victims, expansion of allowances for non-conforming development/use for rebuild, permit of RVs.
  - 2021 - Currently in a legislative amendment:
    - Floodplain Development updates.
    - The city is considering removing the Minimum Dwelling size of 1,000 square feet in its residential zone to allow more flexibility for reconstruction and to allow for tiny homes.

## LAND USE REGULATION AND TRIBAL LANDS

- Wildfire-related regulations, as per Oregon Department of Land Conservation and Development **Administrative Rule, Fire-siting Standards for Dwellings and Structures, OAR 660-006-0035** (<https://secure.sos.state.or.us/oard/view.action?ruleNumber=660-006-0035>):
  1. The owners of a dwelling, or structure occupying more than 200 square feet, shall maintain a primary fuel-free break area on land surrounding the dwelling that is owned or controlled by the owner in accordance with the provision in "Recommended Fire Siting Standards for Dwellings and Structures and Fire Safety Design Standards for Roads" dated March 1, 1991, and published by the Oregon Department of Forestry (<https://www.oregon.gov/odf/Documents/fire/FireSitingStandards.pdf>)
  2. The dwelling shall have a fire-retardant roof.
  3. The dwelling shall not be sited on a slope of greater than 40 percent.
  4. If the dwelling has a chimney or chimneys, each chimney shall have a spark arrester.

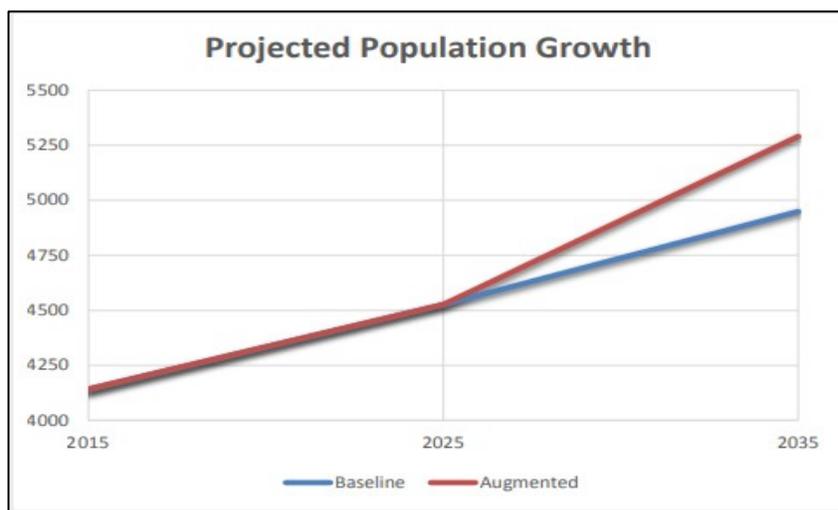
## Existing Plans, Policies, Projects, or Funding

### ***Pre-Disaster***

- Each jurisdiction in Santiam Canyon has its own comprehensive plan for growth and farm/forest conservation, as well as implementing ordinances (e.g. zoning/development codes), capital improvement plans, and some other topic-specific community plans. The Comprehensive Plans that govern land use in the canyon were originally established 10 or more years ago (of course, they have had interim revisions since then to address new issues that have arisen since growth concepts were originally conceived).
- Generally speaking, the unincorporated areas of Marion and Linn counties have provisions in the canyon for limited rural residential uses in addition to the extensive areas planned for forest/farm conservation, parks and natural areas, and other non-urban uses. The cities of Mill City, Gates, Detroit, and Idanha each have their own urban growth boundaries with respective management plans, and local zoning/development codes for a range of uses and different densities, including commercial, residential, industrial, institutional, parks/open space, and others.
- The last canyon-wide planning effort conducted was the 2014 North Santiam Canyon Economic Opportunity Study. This study set out the economic challenges and opportunities in the canyon, and identified specific projects and investments needed for the area to meet its full economic potential.

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- Prior to the wildfires, the Santiam Canyon was in a low-growth mode, with some cities losing population in recent years (specifically Idanha, Detroit, and Gates). The Portland State University Population Research Center houses the most recent population estimates for all areas of Oregon, along with average annual growth rate population projects. For most recent data, visit <https://www.pdx.edu/population-research/>.
- The 2017 regional land inventory (see next page) reported that the primary employers in the canyon were retail trade, educational services, accommodation/food service, and manufacturing. Though it has declined in total over the years, manufacturing of lumber/wood products was the largest employment sector in the canyon.
- In January 2017, the **North Santiam Regional Land Inventory (RLI)** (<https://www.co.marion.or.us/CS/EconomicDevelopment/Documents/MaulFosterAlongiFINAL2017.01.09NSCLandInventorySummaryReport.pdf>) was completed as part of the analysis for a potential wastewater treatment facility. The project was commissioned by the Oregon Business Development Department and with financial support from Marion County on behalf of regional stakeholders, Marion and Linn counties, the Mid-Willamette Valley Council of Governments, and the incorporated communities of the North Santiam Canyon: Mehama, Lyons, Mill City, Gates, Detroit, and Idanha.
  - The RLI included assessment of future land use and economic growth. The study looked at the potential impact of a sanitary sewer being added to the cities in the canyon. The funding allocated by the Legislature in 2021 has now made new sewers serving Gates, Idanha, and Detroit a predictable event. The graph below, from the 2017 study, demonstrates population growth assumptions with the addition of a sanitary sewer treatment system by 2025. NOTE: these growth assumptions were made prior to the wildfire impacts of property destruction and displacement of residents.



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- **The Three Basin Rule / Oregon Administrative Rule 340-041-0350 - The Three Basin Rule: Clackamas, McKenzie (above RM 15) & the North Santiam** ([https://oregon.public.law/rules/oar\\_340-041-0350](https://oregon.public.law/rules/oar_340-041-0350)) has a bearing on new development in the Santiam Canyon. The intent of the rule is to preserve or improve water quality for municipal water supplies, recreation, and preservation of aquatic life. With certain exceptions, the rule prohibits new or increased waste discharges to the North Santiam. Thus, new development (or reconstruction) must meet the very stringent water quality standards associated with the rule.

### ***Post-Disaster***

- In addition to the significant loss of residences, the wildfires made huge impacts on the timber and recreation resources in the canyon. The Detroit Reservoir remains, but many trees are gone or may yet not survive.
- The City of Detroit, a tourism center adjacent to the reservoir, was severely affected with 70% of its structures and much of the utility and infrastructure systems destroyed; rebuilding remains a priority.
- The infusion of state and federal capital for recovery, and specifically funding for a sanitary sewer system in the canyon, will provide long term growth and development options that were likely infeasible before the fires.

## Opportunities for Recovery

### **General Recovery Observations**

- It is safe to say that the inclusion of sanitary sewer service in the canyon presents opportunities for recovery and economic growth that would be otherwise infeasible.
- Other opportunities, in part made possible due to significant state and federal resources being directed toward recovery, include enhanced recreation within the cities and along the North Santiam River.

**Build Back Better.** Having experienced a devastating fire either directly in their city or in a city nearby, there is a clear opportunity for pursuing development that is more fire resilient and may provide a greater opportunity for redevelopment that encourages a stronger commercial revitalization in the community. Some opportunities are addressed below.

- Work with Marion and Linn Counties to ensure building regulations will create more fire-resistant structures in the unincorporated portions of Santiam Canyon. A balance of fire-resistance with cost effectiveness should be evaluated, recognizing the economic realities of the Santiam Canyon.

## LAND USE REGULATION AND TRIBAL LANDS

- Several cities lost commercial buildings. This was particularly prevalent in Gates and Detroit. There is an opportunity for local design standards and/or guidelines that will promote more attractive and functional new development. Residential design guidelines are also an option, however, they may be more difficult to put into place, and may be less appealing to community members. Commercial design guidelines (typically less specific than design standards) could address the following areas:
  - Setbacks - Generally commercial structures that are built close to the street create a more walkable main street and offer a more attractive “front” to people both walking and driving by.
  - Minimum storefront windows – Windows in a commercial building make the building more visually interesting and distinctive. Downtown development throughout the country typically promotes sizable front windows, so that businesses can attract passers-by with displays, people eating in restaurants can watch the town go by over a good meal, and businesses are well-lit and promote community.
  - Sidewalks in all new developments - If current codes do not already require sidewalks be constructed with new construction, it would be a good topic to discuss for redevelopment.
  - Parking adjacent to new commercial construction - Noting the setback discussion above, parking can be placed adjacent to buildings rather than in front of new commercial structures. That allows more building frontage to be closer to patrons and those passing by on the street and sidewalk.
  - Other concepts - Some communities have adopted a design identity. As an example, Sisters, Oregon has a “western” theme for most new commercial buildings. If design guidelines are pursued, it should be broadly discussed in the community and cost impacts should also be considered. Good design does not necessarily need a theme. Often, a variety of building architecture can be quite appealing if the general elements identified above are addressed.
  - In April 2000, a design team from the Oregon Downtown Development Association prepared a report for the City of Detroit addressing downtown development, that includes guidelines and development concepts still relevant today. (Reproduction copy sourced from MWVCOG)
- Fire resistant urban design. There are many community design practices for landscaping standards, park design / “green buffers”, building siting, construction materials, and other land use regulations that can be utilized to make a community more fire resistant. Refer to the resource guide of Planning-related Best Practices for details of plans, codes, and case studies of how other communities have become more resilient against wildfires.

## LAND USE REGULATION AND TRIBAL LANDS

### Recommendations

- It is recommended that cities and counties/unincorporated areas in the Santiam Canyon review their building and planning codes for any needed modifications, host community discussions, and potentially pursue some or all of the issues in the Opportunities for Recovery section above.
- Recovery efforts would be aided by a community-based recovery and rebuilding vision that could be developed for each individual city and for the entire Santiam Canyon - a well-coordinated plan that expresses the values of community members, the desires of how they hope Santiam Canyon provides housing, services and employment in the future, and the unique roles each area of the canyon could contribute to fulfilling the vision.
- Review and update comprehensive plans and implementing ordinances to align with community-based vision and/or other new community plans developed through the recovery process.