

# City Council Work Session Water Resource Area (WRA)

May 5, 2014

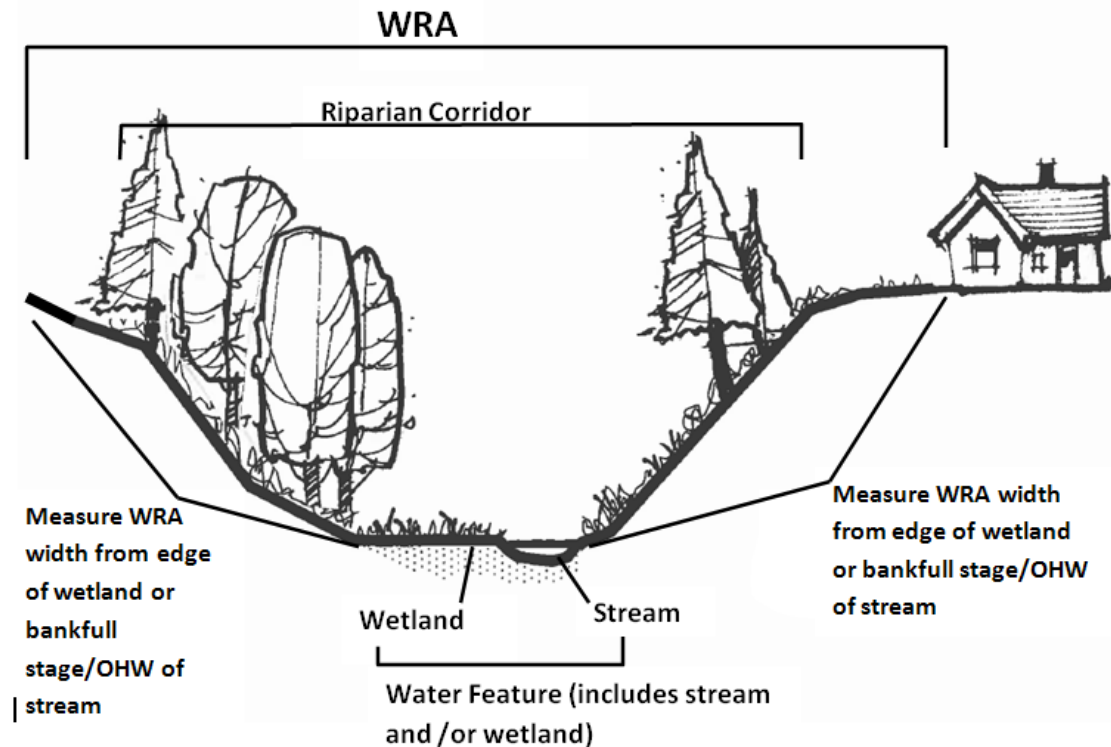


**Proposed changes to Community Development Code (CDC) Chapter 32: WRA (CDC-10-03)**

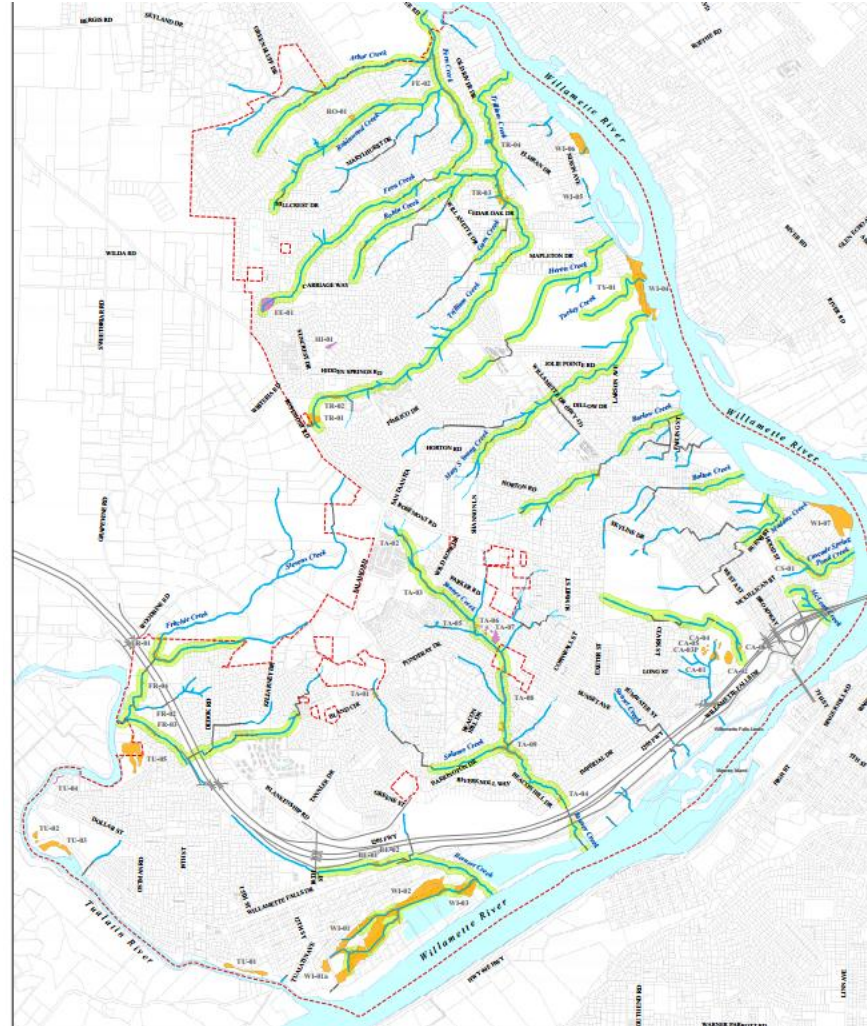
# What is a Water Resource Area (WRA)?



The WRA boundary comprises all streams, wetlands, and riparian areas plus an additional distance or setback to reduce the likelihood of eroded material (soil, pollutants, etc.) from getting into the stream or wetland.



West Linn has about 26 lineal miles of streams, wetlands and riparian corridors, not counting the Tualatin and Willamette Rivers





## Five reasons why we need to protect WRAs

- ◆ **Legal.** To be in compliance with Oregon Statewide Planning Goal 5, cities in the Metro area are required to adopt land use regulations that address water quality and flood management (Metro Title 3) and protect fish and wildlife habitat (Metro Title 13).
- ◆ **Maintaining water quality.** Wetlands and vegetated areas along streams trap and filter pollutants that would otherwise reach the stream. This helps to maintain water quality at levels that will sustain fish and wildlife. Riparian area trees shade streams and keep water temperatures cool for fish.
- ◆ **Flood mitigation.** Wetlands and associated vegetation absorb and store storm water that might otherwise result in flooding and erosion.
- ◆ **Wildlife habitat.** Wetlands and riparian areas provide a variety of habitats that support birds, mammals, amphibians and fish. WRAs have great value as wildlife corridors too.
- ◆ **Recreation/Aesthetic Value.**

# WRA Issues and Solutions



Current WRA code	Problem or Issue	Proposed WRA Code Solution and page number of applicable section
All streams are regarded as the same.	This approach does not recognize the difference between perennial or year round streams and streams that exist only in response to brief downpours.	Created a new class of ephemeral streams which are defined by almost a complete lack of water. (p. 12 of proposed WRA chapter)



# WRA Issues and Solutions



Current WRA code	Problem or Issue	Proposed WRA Code Solution and page number of applicable section
<p>The Public Works Department's Surface Water Management Plan (SWMP) map is used to identify storm water pipes and open streams.</p>	<p>SWMP maps 126 miles of storm water facilities, most of them piped underground. This makes it difficult to identify the 26 miles of open stream channels.</p> <p>It also does not identify wetlands or fish bearing streams.</p>	<p>Created a WRA specific map that shows streams, wetlands, riparian corridors and fish bearing streams. (p. 28)</p>

# WRA Issues and Solutions



Existing Surface Water Management Plan Map



Proposed WRA Map

Proposed WRA Map eliminates the distraction of over 100 miles of buried concrete storm water pipe and similar facilities.

# WRA Issues and Solutions



<b>Current WRA code</b>	<b>Problem or Issue</b>	<b>Proposed WRA Code Solution and page number of applicable section</b>
Setbacks are standardized and inflexible.	There is no science based method available to create setbacks that are tailored to a specific lot or site conditions	Under the “Alternate Review Process”, a property owner may hire a wetland biologist to assess the quality of the WRA and recommend setbacks that are appropriate to those conditions. (p. 19)







# WRA Issues and Solutions

Current WRA code	Problem or Issue	Proposed WRA Code Solution and page number of applicable section
Definitions are limited.	As the LUBA case “Horsey vs. West Linn” demonstrated, the lack of appropriate definitions, such as “ <i>temporarily disturbed areas</i> ”, created problems.	Provide more definitions and illustrations for terms (p. 29)

***“Temporarily Disturbed Areas (TDA):*** Area impacted by clearing, grubbing, grading, excavation, storage of building materials, building equipment, construction activity or other temporary activity whereby the area is modified from its original state but is subsequently fully restored in terms of soil character and grades and re-vegetated. TDAs will not have any new structures or other physical improvements built on them, but they may have buried utilities approved consistent with Chapter 32. The TDA definition is distinct and separate from disturbed areas, PDAs and MDAs. TDA’s shall not include significant trees or wetlands that cannot be replicated in a timely way through restoration.”

# WRA Issues and Solutions



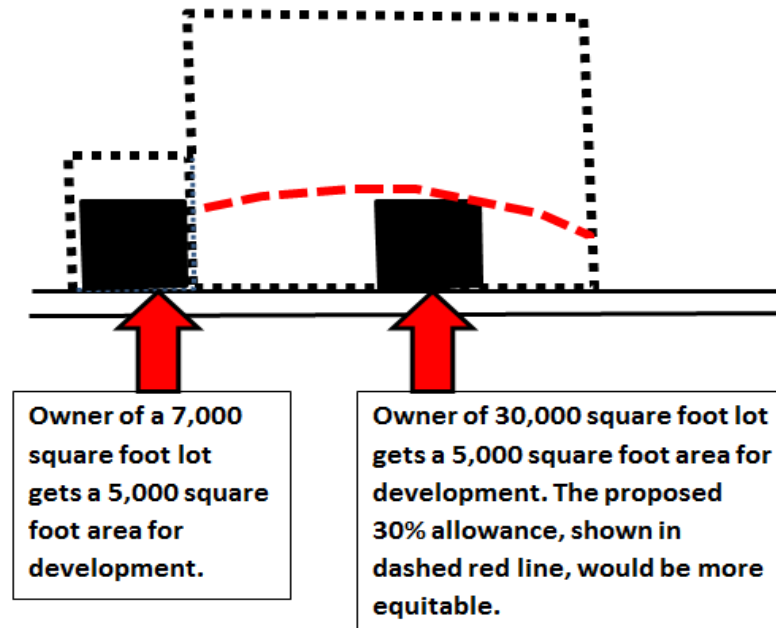
Current WRA code	Problem or Issue	Proposed WRA Code Solution and page number of applicable section
If a property owner daylights or opens up a piped stream section the full 67-100 foot WRA setbacks apply on each side.	In 25 years, no one has opened up a piped stream because of the disincentive created by the setback.	Create an incentive to daylight streams by reducing the setback to 15 feet. (p. 18)





# WRA Issues and Solutions

Current WRA code	Problem or Issue	Proposed WRA Code Solution and page number of applicable section
Hardship provisions allow a maximum temporarily or permanently disturbed area of 5,000 square feet.	Although 5,000 square feet may be reasonable for many residential lots, the owners of larger properties find 5,000 square feet to be inadequate.	Hardship provisions will allow the permanent disturbance of 5,000 square feet or 30% of the WRA, whichever is greater, to be developed. (p. 23)



# WRA Issues and Solutions

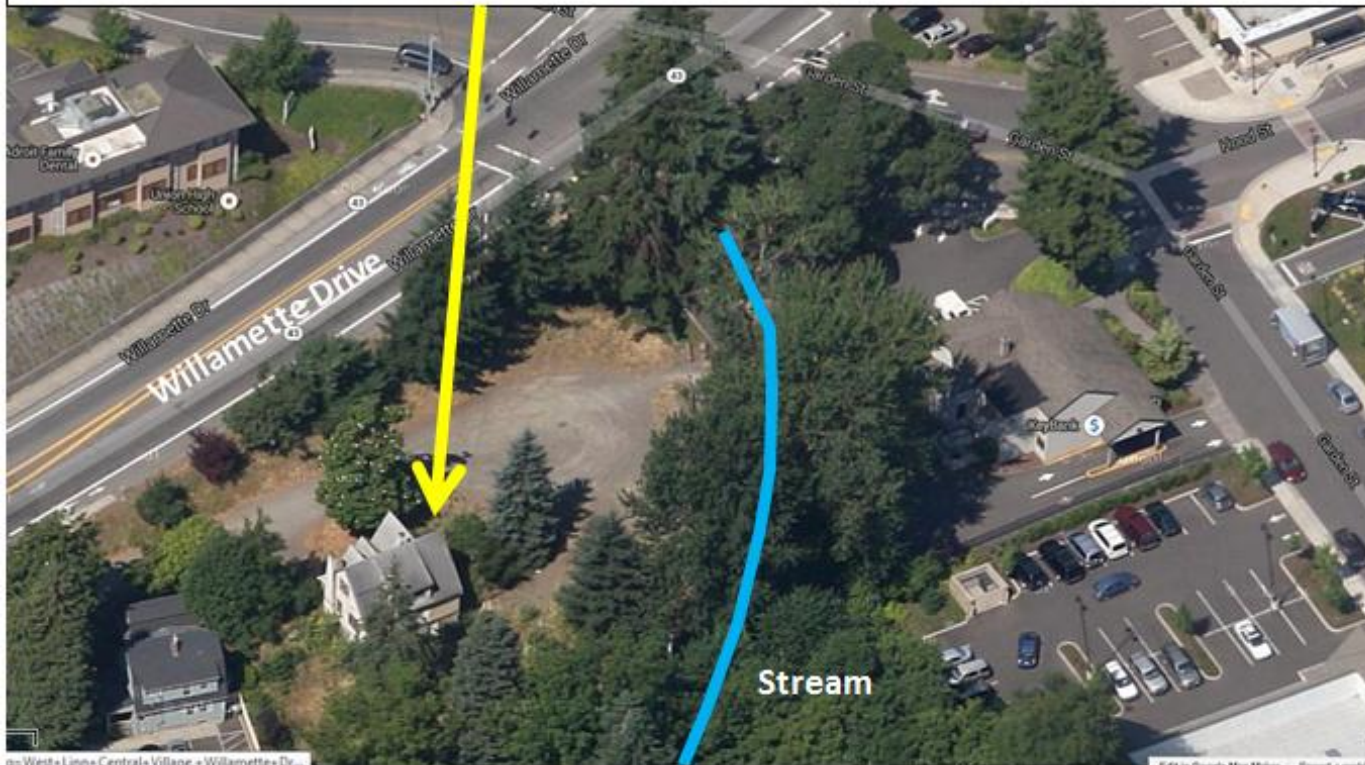


Current WRA code	Problem or Issue	Proposed WRA Code Solution and page number of applicable section
<p>Hardship provisions allow properties within WRAs to develop but applicants must show that they would otherwise be deprived of “<i>all economically viable use</i>” of the property.</p>	<p>“<i>All economically viable use</i>” severely limits development of most properties. (e.g. the proposed Holiday Inn Express on Willamette Falls Drive)</p>	<p>Replaces “<i>All economically viable use</i>” with “<i>Reasonable Use</i>”. It allows “<i>uses, similar in size, intensity and type, to uses allowed on other properties in the City that have the same zoning designation as the subject property.</i>”</p> <p><b>Staff recommends putting the burden on the applicant to demonstrate that the use of the standard WRA setbacks and provisions will deny reasonable use of the property.</b> (see page 2 of “Proposed changes to Hardship...’ memo)</p>

# WRA Issues and Solutions



**Example of potential application of “reasonable use”:** A “reasonable use” for this 20,000 square foot property zoned General Commercial near the Central Village is a commercial building, not the existing 2,000 square foot dilapidated house.



# WRA Issues and Solutions

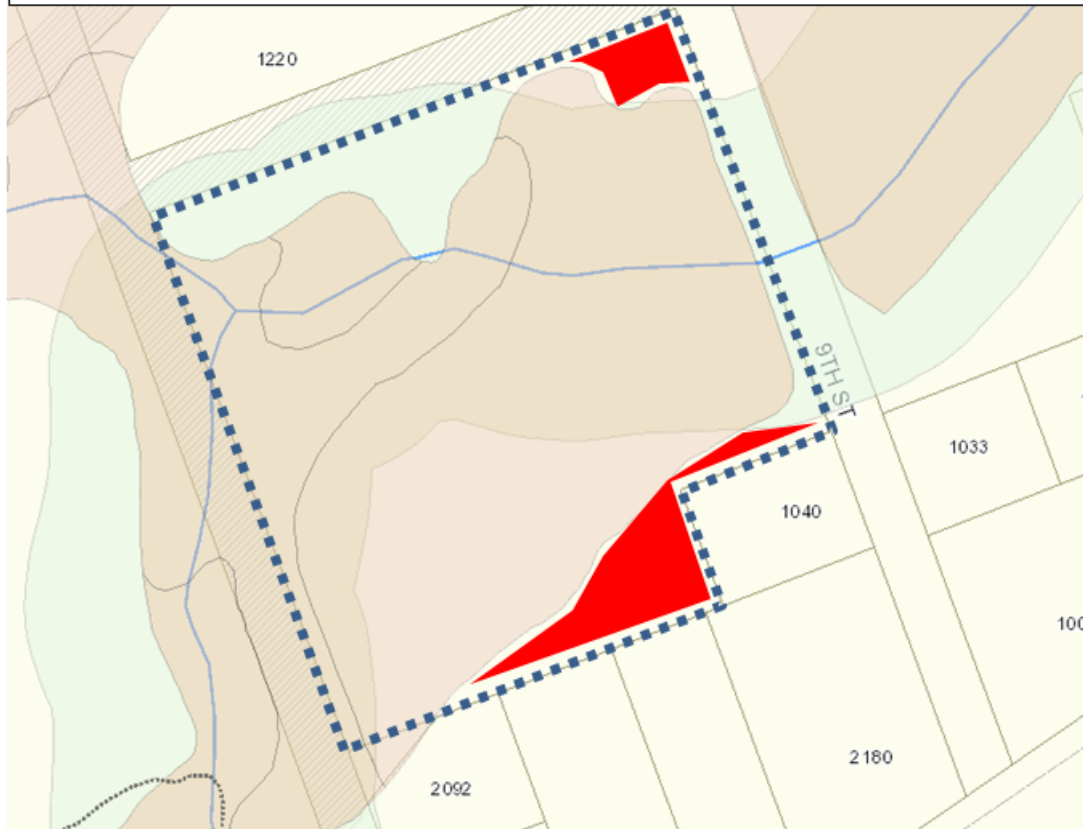


<b>Current WRA code</b>	<b>Problem or Issue</b>	<b>Proposed WRA Code Solution and page number of applicable section</b>
<p>For properties that are eligible for hardships, it is not clear if lands that are outside the WRA, that are being developed, count against the 5,000 square foot/30% allowance.</p>	<p>Although it may be inferred that non-WRA development does not count, it is not definitive or clear enough.</p>	<p>Staff and the Planning Commission did not discuss or address this at the hearing. (p. 24)</p> <p><b>Staff proposes language in the attached “Hardship” memo to address this lack of clarity. (see pages 3 and 4 of “Proposed changes to Hardship...’ memo)</b></p>

# WRA Issues and Solutions



Of this 3.76 acre lot on 9<sup>th</sup> Street, only the areas in red are outside of the WRA. The 5,000 square foot or 30% developable area allowed by the hardship provisions would not count the red non-WRA land.



# WRA Issues and Solutions



<b>Current WRA code</b>	<b>Problem or Issue</b>	<b>Proposed WRA Code Solution and page number of applicable section</b>
Temporarily disturbed areas, such as utility trenches, even though they are subsequently backfilled and re-vegetated with native plants, count against the maximum disturbance area in the WRA.	This limits the footprint of permanent development.	Temporarily disturbed areas would not count against the maximum disturbance area. (p. 25)



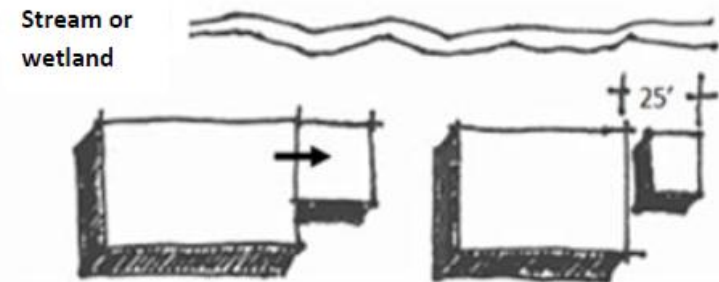




# WRA Issues and Solutions

Current WRA code	Problem or Issue	Proposed WRA Code Solution and page number of applicable section
Limited illustrations to explain how things are measured and defined.	Staff is left to interpret where to measure setbacks from.	Provide more illustrations showing how to measure setbacks and identify “bankful flow” etc. (p. 13, etc.)

<p>A.</p>	<p>The bankfull stage or OHW level of stream systems is typically delineated in the field by:</p> <ul style="list-style-type: none"> <li>• the outer extent of facultative or obligate plants;</li> <li>• the litter of branches, twigs and organic debris below and the presence of woody vegetation (e.g., willow and alder species) above;</li> <li>• textural change of depositional sediment or changes in the character of the soil (e.g. from silts, sand, cobble and gravel to upland soils);</li> <li>• top of the zone of washed or exposed roots;</li> <li>• a clear natural line impressed on the bank;</li> <li>• a break or change in slope angle.</li> </ul>
<p>B.</p>	<p>When there are wetlands or wetlands adjacent to a stream the measurement begins at the outer edge of the wetland or the OHW/bankfull stage, whichever is greater.</p>



Lateral Addition (attached or detached) in WRA may extend a maximum 25 feet from the side of the building and may not exceed 500 square feet (footprint). It cannot come closer to the water resource.



# WRA Issues and Solutions

<b>Current WRA code</b>	<b>Problem or Issue</b>	<b>Proposed WRA Code Solution and page number of applicable section</b>
Habitat Friendly Development Practices, as proposed by Metro, are not included in the chapter.	Few people choose to use Habitat Friendly Development Practices.	Habitat Friendly Development Practices are incorporated into the approval criteria. (p. 18)

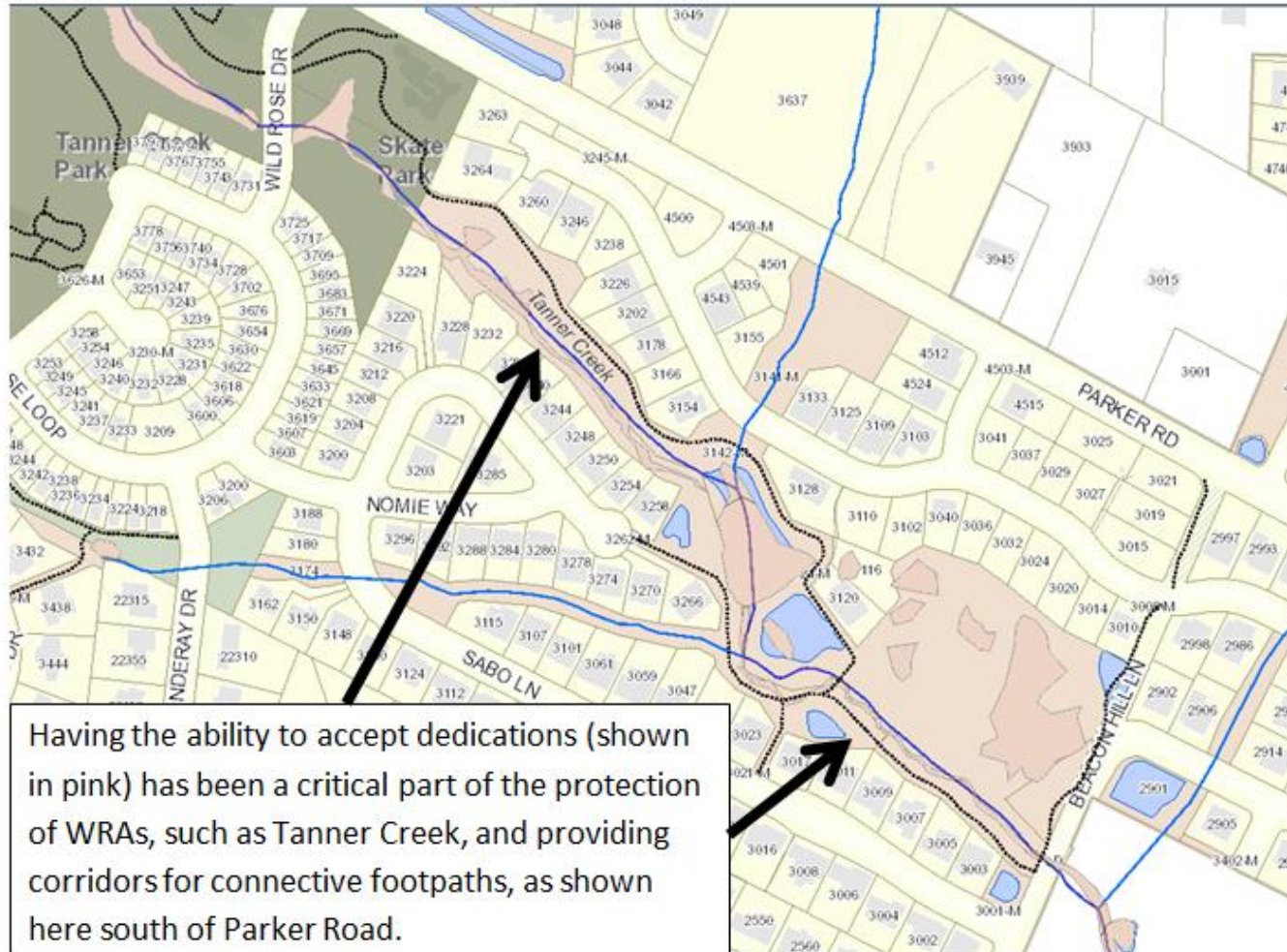


# WRA Issues and Solutions



Current WRA code	Problem or Issue	Proposed WRA Code Solution and page number of applicable section
<p>In the case of development applications like partitions and subdivisions, current language allows WRA dedication to the City or the establishment of protective easements.</p>	<p>Deed restrictions may be a more appropriate means of resource protection instead of easements.</p> <p>Meanwhile, the Planning Commission did not support dedications to the City.</p>	<p>The proposed language would prohibit the City from receiving dedications of land and only allow private trusts or conservation groups to receive dedications. (p. 11)</p> <p><b>Staff believes that if the City and a property owner jointly agree to the dedication of land to the City, it should be permitted.</b> (see pages 5 and 6 of “<i>Proposed changes to Hardship...’</i> memo)</p>

# WRA Issues and Solutions



# WRA Issues and Solutions



Current WRA code	Problem or Issue	Proposed WRA Code Solution and page number of applicable section
Section 32.050(K) of the current code's approval criteria requires mitigation and re-vegetation in the case of development applications.	The proposed language has extensive provisions that detail how mitigation and re-vegetation is to be achieved but no cross-reference in the approval criteria.	Staff and the Planning Commission did not discuss or address this at the hearing.  <b>Staff proposes to add mitigation and re-vegetation language to the approval criteria.</b> (see page 5 of <i>“Proposed changes to Hardship....”</i> memo)



# WRA Issues and Solutions



<b>Current WRA code</b>	<b>Problem or Issue</b>	<b>Proposed WRA Code Solution and page number of applicable section</b>
Setbacks from stream or wetland to structures	Should we reduce or increase setbacks?	Setbacks are simplified and left essentially the same with one allowance for a reduction if findings of stable drainageway slope and soils are provided by a geotechnical engineer.



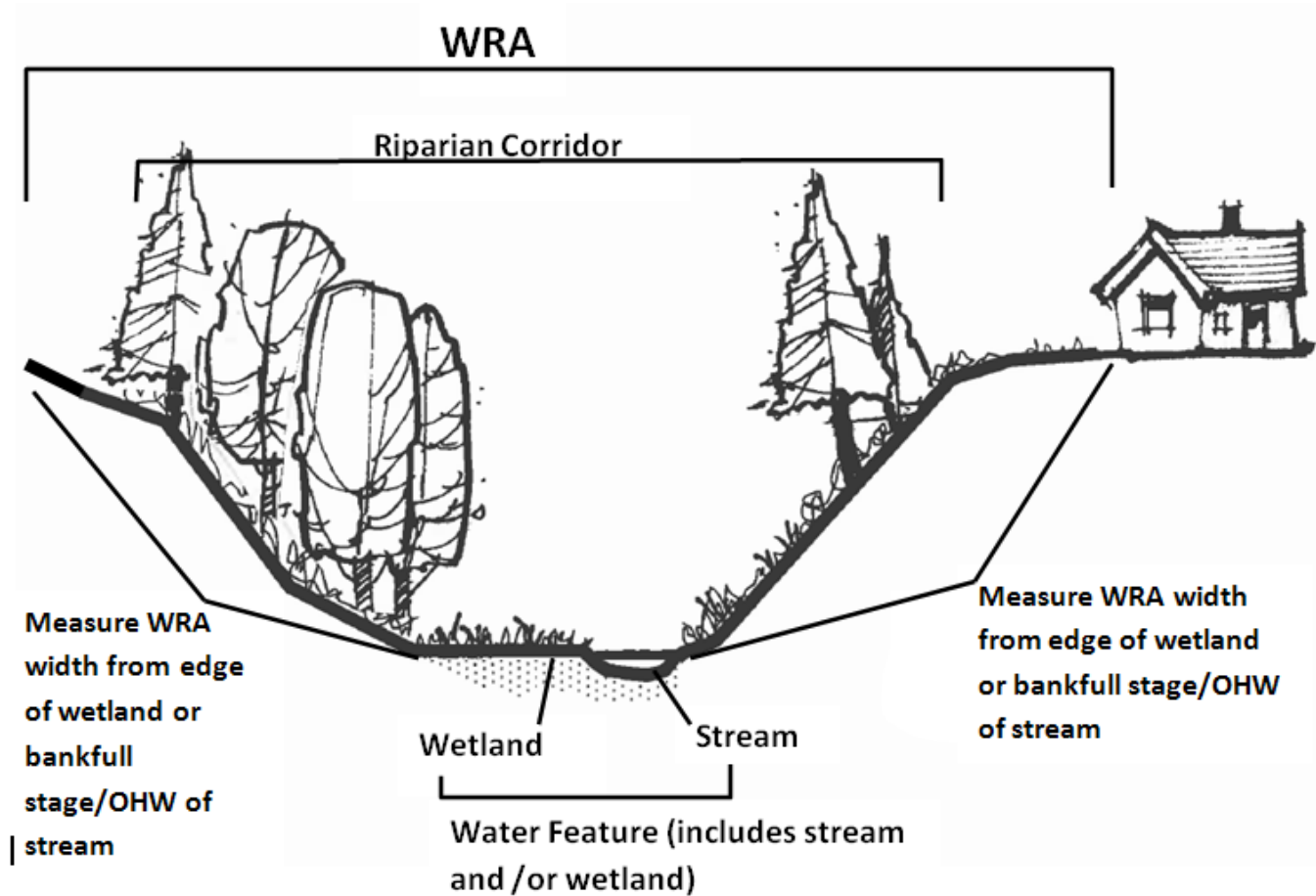
# Comparison of existing and proposed WRA width

(as measured from edge of wetland, edge of bankfull flow, or other)



WRA by type	Existing	Proposed
0-25% slope	50'+7.5-15'	65'
Over 25% to distinct top of slope (ravine)	50'+7.5-15' from distinct top of bank	50' from distinct top of bank (may be reduced to 25 feet after geotechnical study demonstrates slope stability and no increased threat of erosion)
Over 25% with no distinct top of bank for 150 feet	200'+7.5-15'	200'
Riparian Corridor	100'+ 7.5-15'	100'

# END OF CITY COUNCIL WORK SESSION PRESENTATION







# Possible “Hardship” criteria

## 32.110 HARDSHIP PROVISIONS OPTION

A. The right to obtain a hardship allowance is based on the existence of a lot of record recorded with the County Assessor’s Office on, or before, January 1, 2006. The lot of record may have been, subsequent to that date, modified from its original platted configuration but must meet the minimum lot size and dimensional standards of the base zone. **The following provisions shall also apply:**

**1. The right to a hardship allowance shall not include lots with existing single family structures (house) if the existing “living area”, as defined by County Assessor records, exceeds the mean average “living area” of all single family structures, within 150 feet of the subject property boundary.**

*This quantifies “reasonable” as an average sized use.*

**2. Unpermitted encroachments into the WRA on a neighboring property cannot be used as justification to make similar encroachments.**

**3. The burden shall be on the applicant to demonstrate that the use of standards of this chapter, including Table 32-2 “Required Width of WRA”, will deny them “reasonable use” of their property.**

# City Council Work Session



 **END**



# What's wrong with the current code?

- ◆ **All WRA setbacks are the same** regardless of the size or type of the WRA.
- ◆ **No way to propose alternative setbacks** appropriate to the quality of the WRA.
- ◆ **No incentives to open up or daylight piped stream sections and restore these streams.**
- ◆ **Inadequate definitions and explanations.** (e.g.: how to measure the WRA or how much disturbance is allowed for utilities, roads and driveways. The LUBA case, City of West Linn vs. Horsey, pointed out the need to define “temporarily disturbed land”.)
- ◆ **Relies on the Public Works Department’s Surface Water Management Plan (SWMP) map to identify WRAs.** The SWMP is a utility plan and is not concerned with identifying WRAs.
- ◆ **Hardship cases only get the minimum “economically viable use” of the land.** For properties within a WRA, so long as a tiny espresso cart or a 900 square foot house is considered the minimum “economically viable use” then the property owner is limited to that use.
- ◆ **Hardship cases can only develop a maximum of 5,000 square feet regardless of whether you own a small 6,000 square foot lot or a large 10 acre lot.** This raises the question of fairness for the large lot owner.



🍃 What will the proposed code do?

Simplify: Adopt a WRA specific map to identify streams, wetlands and riparian corridors only.



Existing Surface Water Management Plan Map



Proposed WRA Map

Proposed WRA Map eliminates the distraction of over 100 miles of buried concrete storm water pipe and similar facilities.

# Continued protection of wetlands, streams and riparian areas



The existing and proposed protective setbacks will be substantially the same.



# Appropriate protection for ephemeral streams



Ephemeral streams flow only briefly in response to a downpours. Most of the rainwater runs off on the surface or quickly soaks into the ground. Many do not have an identifiable stream channel. These “streams” do not warrant the same protection as a year round (perennial) stream. A 15 foot setback is appropriate.



# Create incentives to Daylight Streams



Currently, there is no incentive to daylight piped streams, such as this one near Walling Circle.

To staff's knowledge, no piped streams have been daylighted in the past 25 years.

Reducing the setback from 57.5 to a 15 feet may encourage the property owner to restore the stream.





# Issues and Solutions



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<p>Hardship provisions allow a maximum temporarily or permanently disturbed area of 5,000 square feet.</p>	<p>Although 5,000 square feet may be reasonable for most, single family, residential lots, the owners of multi-acre or non- residential uses properties find 5,000 square feet to be inadequate.</p>	<p>Hardship provisions will allow the permanent disturbance of 5,000 square feet or 30% of the WRA, whichever is greater, to be developed. (p. 23)</p>
<p>Hardship provisions allow properties within WRAs to develop an “economically viable use” (e.g. coffee cart).</p>	<p>“All economically viable use” severely limits development of most properties and has proven to be difficult to define and complicated to apply. (e.g. the proposed Holiday Inn)</p>	<p>Replaces “All economically viable use” with “Reasonable Use”. It allows “uses, similar in size, intensity and type, to uses allowed on other properties in the City that have the same zoning designation as the subject property.” Staff recommends putting the burden on the applicant to demonstrate that the use of the standard WRA setbacks and provisions will deny reasonable use of the property. (see page 2 of “Proposed changes to Hardship...’ memo)</p>

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<p>Temporarily disturbed areas, such as utility trenches, even though they are subsequently backfilled and re-vegetated with native plants, count against the allowable disturbance area in the WRA.</p>	<p>This limits the footprint of permanent development.</p>	<p>Temporarily disturbed areas would not count against the allowable disturbance area. (p. 25)</p>
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# Issues and Solutions



Current WRA code	Problem or Issue	Proposed WRA Code Solution and page number of applicable section
To daylight or open up a piped stream section the full 67-100 foot WRA setbacks are imposed on the property.	In 25 years, no one has opened up a piped stream because of the disincentive created by the setback.	Create an incentive to daylight streams by reducing the setback to 15 feet. (p. 18)
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The Public Works Department’s Surface Water Management Plan (SWMP) map is used to identify storm water pipes and open streams.	SWMP maps 126 miles of storm water facilities, most of them piped underground. This makes it difficult to identify the 26 miles of open stream channels. It also does not identify wetlands or fish bearing streams.	Created a WRA specific map that shows streams, wetlands, riparian corridors and fish bearing streams. (p. 28)
Setbacks are standardized.	There is no science based method available to create setbacks that are tailored to a specific lot or site conditions	Under the “Alternate Review Process”, a property owner may hire a wetland biologist to assess the quality of the WRA and recommend setbacks that are appropriate to those conditions. (p. 19)
Definitions are limited.	As the LUBA case “Horsey vs. West Linn” demonstrated, the lack of WRA definitions allows the review bodies to create definitions for us.	Provide definitions and illustrations for terms and to communicate how things are to be interpreted. (p. 29)

# Provide options: Tailoring the WRA setbacks to specific site conditions



This Metro idea gives property owners the option to hire a qualified professional to propose setbacks appropriate to the quality of their WRA, particularly severely disturbed sites. This would be balanced with a mitigation plan.



# Other Features of the Proposed Code



1. **Easier to Understand.** More tables, illustrations and definitions.
2. **Specific.** Spells out exactly what is required in terms of mitigation and re-vegetation.
3. **Allow “Reasonable Use” of Land.** Instead of being limited to the minimum “economically viable use” of the land, the proposed term: “reasonable use” (used in Washington State) would allow uses consistent with nearby properties or in that same zone.
4. **Allow “Disturbed Area” proportionate to the size of the lot.** We would allow 5,000 square feet or 30% of the WRA, whichever is greater. (e.g.: 20,000 square foot WRA allows a 6,000 square foot disturbed area.)
5. **Exempt Temporarily Disturbed Areas.** Site work followed by complete restoration of natural grade and re-vegetation with native plants would not count against the maximum disturbed area.
6. **Encourages use of Metro’s Habitat Friendly Development Practices.** The proposed language includes some of Metro’s “Habitat Friendly Development Practices”. Property owners can make simple modifications to their development proposals to improve water quality (e.g. use of water permeable pavers).



# Comparing Existing WRA language to Proposed language (1)

Category	Existing language	Proposed language
Required setback from top of ravine to new structures	65 feet	50 feet (with possible reduction to 25 feet with geotechnical report)
Required setback from stream or wetland on 0-25% slope to new structures	57.5-65 feet	65 feet
Protective category for streams with almost no flow or channel	No	Yes
Protective category for fish bearing streams	No	Yes
Incentives to daylight piped streams	No	Yes (allow 15 foot setback)
Opportunity to have setbacks specific to your property based on study by wetland biologist or equivalent professional	No	Yes
Invasive vegetation removal encouraged	Yes	Yes
Maintenance of existing landscaping allowed (including non-native plants)	Yes	Yes
Map that specifically identifies WRAs	No	Yes



# Comparing Existing WRA language to Proposed language (2)

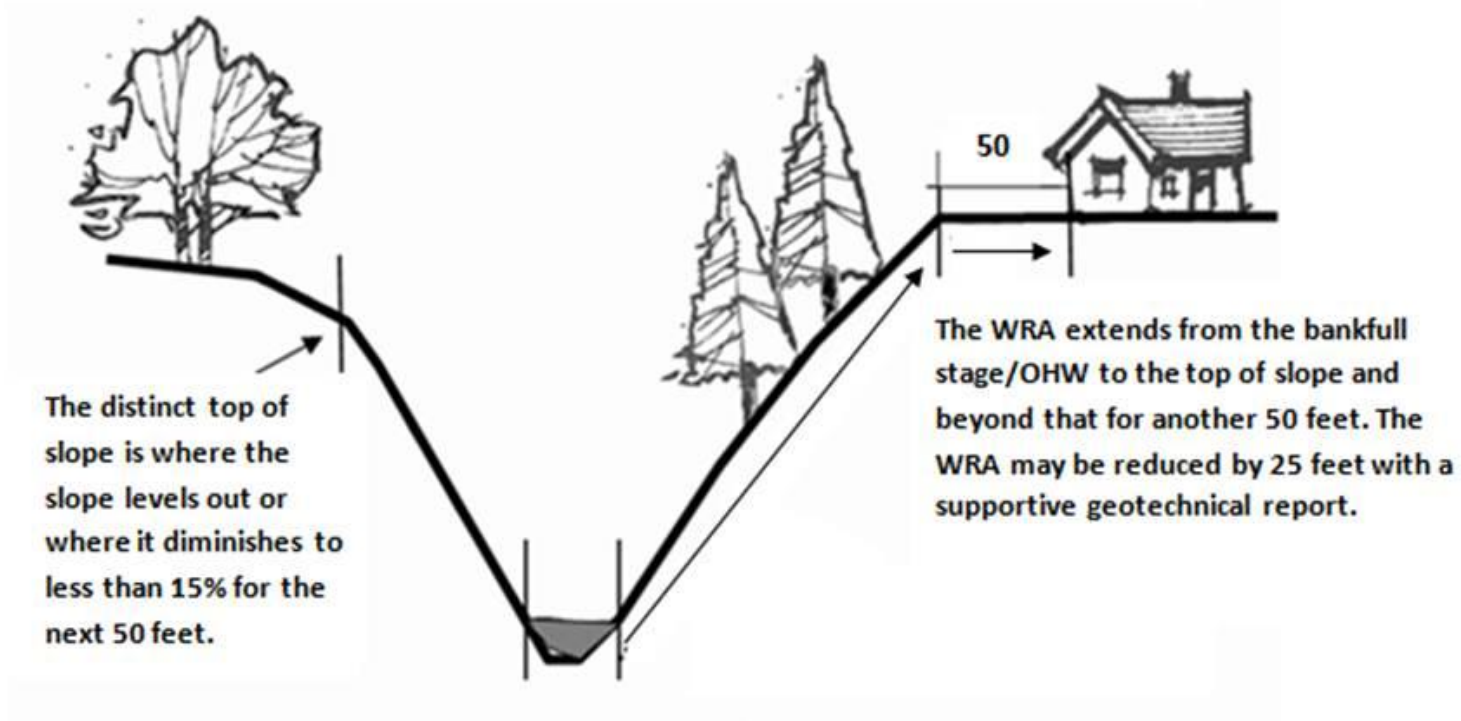


Category	Existing language	Proposed language
Development of hardship areas can be increased proportionate to lot size	No	Yes
Temporarily disturbed areas, that are properly re-graded and re-vegetated, do not count against allowable development square footage	No	Yes
Accessory structure (120 sq. ft.), water permeable patio and decks within 30 inches of grade are allowed in WRA boundary and exempt from permit	No	Yes (minimum 50 feet from stream or wetland or behind top of bank, whichever is greater)
Interior remodel of building is exempt from WRA permit	Yes	Yes
Lateral additions to existing house in WRA	Yes (10 feet)	Yes (25 feet)
Hardship cases within WRA may allow development of “reasonable use” of land instead of “minimally economic use”	No	Yes

# Setbacks for ravines...



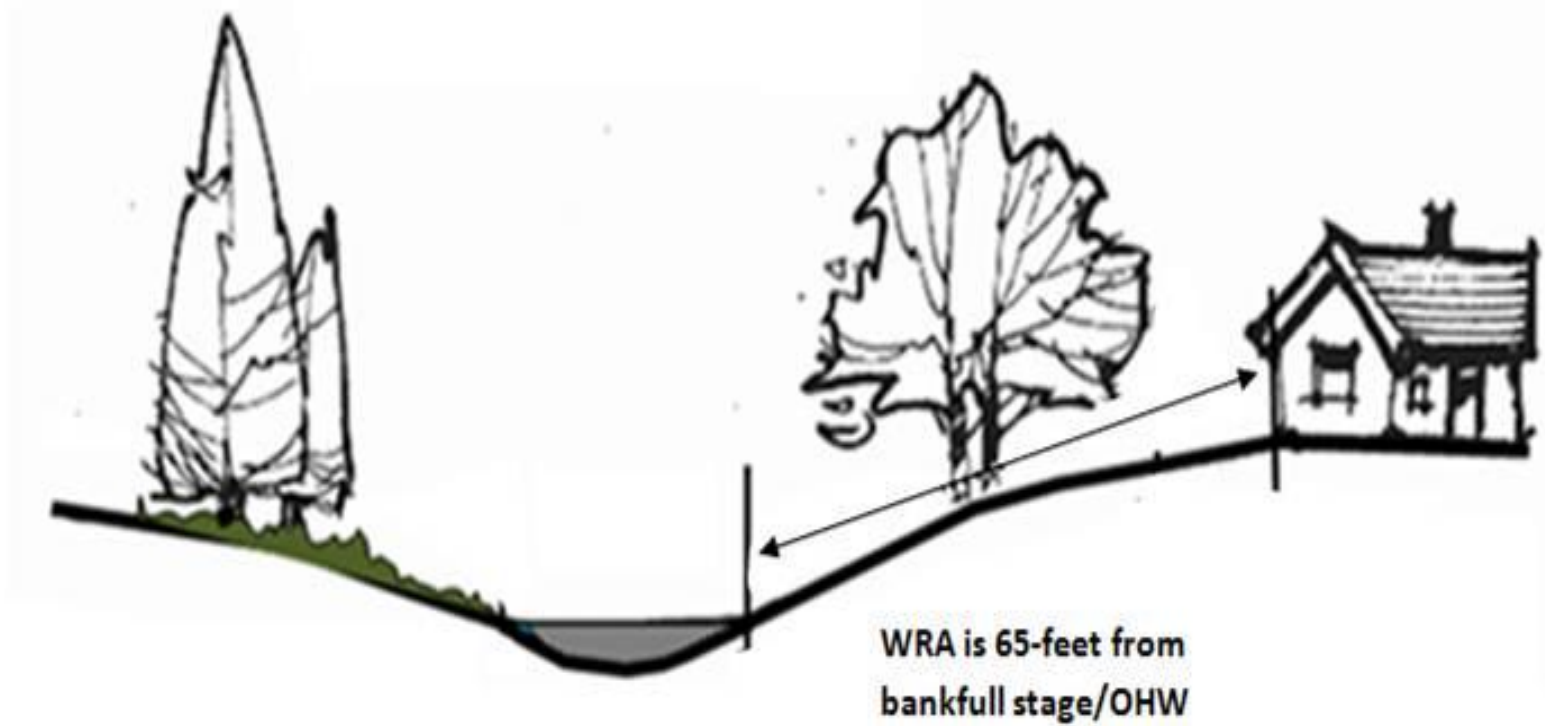
**WELL DEFINED RAVINE. SLOPES OVER 25%.  
DISTINCT OR IDENTIFIABLE TOP OF SLOPE.**



# Setbacks for 0-25% slope...



## SLOPES 0-25%





## Exempt Previously and Temporarily Disturbed areas

- The proposed development of the former “Coston” property on Hood Street had to count temporarily disturbed areas like utility trenches that are subsequently backfilled and vegetatively restored. The proposed language would exempt these areas.
- The proposed language would exempt previously disturbed areas too.

# The Process: How we got here



- ◆ In 2011, the Planning Commission asked three members; Laura Horsey, Bob Martin, and Michael Babbitt to form a committee to consider possible changes to Chapter 32: WRA with planning staff.
- ◆ Over the next two years, the committee held 24 meetings resulting in a complete re-write of the chapter.
- ◆ Committee membership changed with the addition of former Planning Commissioner Mike Bonoff, current Planning Commissioner Russ Axelrod along with Indranil Basak, Glenn Puro and Brad Rawls. All have a professional background or interest in water resource areas.
- ◆ Public participation was encouraged and attracted Alma Coston, Ann Miller, Sheila Bietschek, Ole Olson, Troy Bundy and Matthew Miller. The City website posted information on the proposed changes on a regular basis.



## Hardship Cases

- ◆ The existing code allows property owners whose land is either partially or completely impacted by a WRA to develop up to 5,000 square feet of the WRA.
- ◆ The existing code counts EVERYTHING: all development, driveways landscaping, temporarily disturbed areas (even though you restore them after construction), previously disturbed areas that are not near where you plan to build, etc.
- ◆ The existing code limits all properties to 5,000 square feet of development; regardless of whether you own an 8,000 square foot lot or a two acre lot.

# Comparison of existing and proposed exemptions from WRA permit



Activity	Existing	Proposed
Invasive vegetation removal	Yes	Yes
Maintenance of existing landscaping	Yes	Yes
Routine maintenance of utilities, roads and structures	Yes	Yes
Trail construction	No	Yes
Lateral addition to non-conforming structures:	10 foot lateral addition with no limit on square footage	25 foot lateral addition with 500 square foot limit
Vertical addition to non-conforming structures	Yes	Yes
Expansion of non-conforming structures on opposite side of the structure to the WRA.	No limit to square footage	500 square foot limit
New house on existing lots of record	No (except by hardship provisions)	No (except by hardship provisions)
Interior remodeling	Yes	Yes
Accessory structures up to 10 feet tall and 120 square feet in size.	No	Yes
Isolated areas (e.g. by roads etc.)	No	Yes
Emergency activities	Yes	Yes

# Comparison of existing and proposed submittal requirements



Submittal	Existing	Proposed
Site Plan showing WRA and Water Feature	Yes	Yes
Topographic Map	Yes	Yes
Inventory of WRA	Yes	Yes
Mitigation Plan	Yes	Yes
Re-Vegetation Plan	Yes	Yes
Construction Management Plan (erosion control, material storage, etc.)	No	Yes
Alternative Review Process submittal by qualified professional	No	Yes





# Comparison of existing and proposed approval criteria

Criteria	Existing	Proposed
Minimize adverse impacts upon WRA	Yes	Yes
Pursue easements or dedications to protect WRA	Yes	Yes
Utility corridors, roads and driveway designs	Max. disturbance: 25 feet wide, 200 lineal feet of the WRA or 20% of total linear feet of WRA, whichever is greater	Avoid, minimize or consolidate impacts. No specific dimensional limits.
Pre-construction fencing	Yes	Yes
Trail design	Paved trails minimum 15 feet from water resource	Paved trails a maximum 20 feet inside WRA boundary. Unpaved trails minimum 15 feet from water resource except at crossing points.
Daylight piped streams	Required for all development with normal transition and setbacks	Optional. Daylighted streams shall have a 15 foot WRA boundary.
Habitat friendly building/development techniques	No	Yes
Alternative Review Process provides site specific standards as proposed by qualified professional. Especially useful with degraded or previously disturbed areas. Based on Metro model ordinance.	No	Yes



# Comparison of existing and proposed hardship provisions

Criteria	Existing	Proposed
Show hardship	Must deprive owner of <b>all economically viable</b> use of their land.	Must deprive owner of <b>reasonable use</b> of their land.
Maximum disturbance area (MDA)	<b>No more than 5,000 square feet</b> of the WRA including access roads and driveways and temporarily disturbed areas.	<b>5,000 square feet or 30% of the total area of the WRA; whichever is greater.</b> Includes access roads, driveways and all graded areas that are not restored to pre-disturbance condition. Does not include temporarily disturbed areas. Existing or previously disturbed areas shall not count against the MDA.
Reduced landscaping and parking requirements to minimize impact on WRA	No	Yes
Land division may be allowed if enough square footage is available	No	No, but more density transfer opportunities

# Protect significantly modified WRAs



Both the current and proposed chapter protect severely modified stream channels like these found in the Bolton and Robinwood neighborhoods. The setbacks will be the same as before.



## Focus on legitimate WRAs



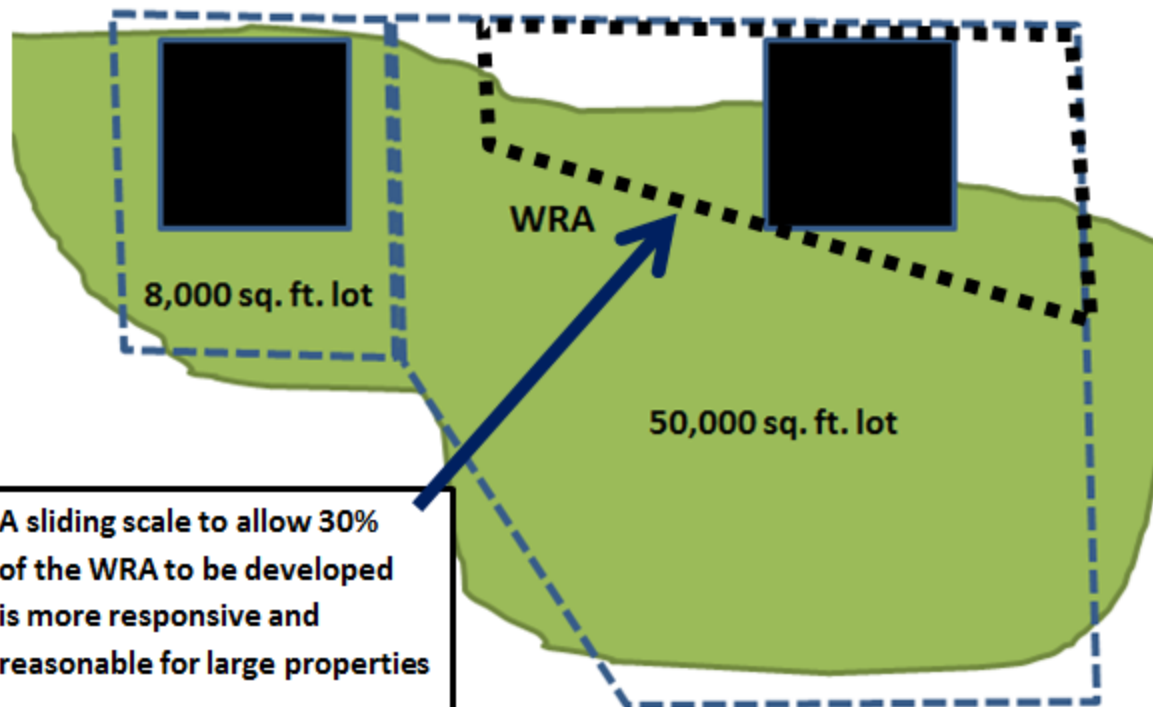
The Surface Water Management Plan Inventoried every storm water facility including all drain pipes and ditches. Swales like this one do not deserve a 65 foot setback and should not trigger a \$2,600 WRA permit for the adjacent homeowner. The proposed code excludes them.

# HARDSHIP CASES AND THE 5,000 SQUARE FOOT ALLOWANCE



## HARDSHIP CASES:

Regardless of lot size property owners of hardship properties all get 5,000 square feet of “disturbed area” shown in black. This is not reasonable or equitable to larger properties. Troutdale, for example, uses a percentage approach





 **END**

# WHAT'S NEXT? OPPORTUNITIES TO PARTICIPATE



	December	January	February
Hearings and meetings	Planning Commission work session	Planning Commission public hearing (January 15, 2014)	City Council work session and public hearing (date undetermined)
Notice	Measure 56 notice to all property owners along WRAs a minimum 30 and maximum 40 days before Planning Commission hearing		Notice to Metro and DLCD after adoption
Media	Newspaper City Newsletter, Utility Bill and social media	Newspaper City Newsletter, Utility Bill and social media	
Your Comments	Submit comments via e-mails, letters, etc. to City staff. This becomes part of the record for PC and CC hearings.	Submit comments via e-mails, letters, etc. to City staff. Participate at hearings.	Submit comments via e-mails, letters, etc. to City staff. Participate at hearings.

# WHAT'S NEXT?



- ◆ **Measure 56 Notice** (20-40 days prior to hearing)
- ◆ **Planning Commission Hearing** (late November)
- ◆ **City Council work session** (early December)
- ◆ **City Council Hearing** (January 2014)
- ◆ **Submit to DLCD, if adopted**





# Why we need to protect WRAs

- ◆ **Maintaining water quality.** Wetlands and vegetated areas along streams trap and filter pollutants and excess nutrients that would otherwise reach the stream. This helps to maintain water quality at levels that will sustain fish and wildlife.
- ◆ **Flood mitigation.** Wetlands and the vegetated areas around streams absorb and store storm water that might otherwise result in flooding and erosion.
- ◆ **Wildlife habitat.** Wetlands and riparian areas provide a variety of habitats that support birds, mammals, amphibians and fish. Riparian areas along streams produce trees that eventually fall into the stream where they form pools and provide shelter for rearing fish. The vegetation also shades the water body which helps to maintain water temperatures needed to sustain fish and other aquatic life.
- ◆ **Recreation/Aesthetic Value.** Wetlands and stream corridors provide open space, scenic areas and, in some instances, recreational opportunities such as hiking and wildlife viewing.

# Legal reasons to protect WRAs



- West Linn is required by law to be in compliance with Oregon Statewide Planning Goal 5 which relates to natural resources. To achieve that, cities in the Metro area are required to adopt land use regulations that address water quality and flood management (Metro Title 3) and protect fish and wildlife habitat (Metro Title 13).

