



Memorandum

Date: October 1, 2010

To: John Kovash, Mayor
Members, West Linn City Council

From: Chris Jordan, City Manager

Subject: Voters Pamphlet

There are two items in the November voters pamphlet the Council should be aware of:

- 1) Attached is an Argument in Opposition to the City's water rate proposal. I will refrain from commenting on the contents of the argument.
- 2) We have been informed that there was an error in the original version of the voters pamphlet. Apparently, the map that corresponds to the City's measure regarding Willamette Park was erroneously placed with an Oregon City measure. I believe the County Clerk intends to include a substitute page with all pamphlets distributed to Oregon City and West Linn voters correcting the error.

Attachment

City of West Linn Measure 3-364

Argument in Opposition

PLEASE VOTE NO ON MEASURE 3-364

Don't be fooled. This measure is not just about maintenance or conservation. It's about bringing our water to the Stafford Area for development of thousands of new homes that will flood our market and further deflate our home values. According to a city poll, 74% of West Linn's citizens don't want Stafford to be developed.

The 2008 Water Master Plan, upon which these increased costs are based, was unnecessary because the 2004 Master Plan Update was more than adequately designed to serve for complete build out of West Linn. With only 18% of land within the city limits remaining undeveloped, the 2008 Plan capacity is oversized and too expensive.

We have already had our rates raised 7 times since 2005. That is a cumulative total of 41% in increases we have been forced to pay. Yet only two short lengths of deteriorating pipe were replaced in those same six years. Why have the pipes not been properly maintained with this increase in revenues? The Bolton emergency would not have happened if our increased water rates had been used proactively to replace pipes as they aged.

City Engineers weren't made available for any of the five meetings leading up to the decision on rate hikes. Why did the City Manager not have them attend any of these meetings even after a City Councilor repeatedly requested that they answer questions in public? **We deserve to know what we are being asked to pay for and that transparency has been sorely lacking.**

The City Charter of West Linn caps increases on water rates to 5% a year. This Charter protection works in the best interests of the people who pay the rates. Proactively monitoring the pipes and repairing or replacing them when there is a need is what is required.

Don't get fooled. This huge increase in water rates is not needed.

PLEASE VOTE NO ON MEASURE 3-364.

Edward Schwarz, Engineer

(This information furnished by Edward Schwarz.)

**NO ARGUMENTS IN FAVOR
OF THIS MEASURE WERE FILED.**

The printing of this argument does not constitute an endorsement by the County of Clackamas, nor does the county warrant the accuracy or truth of any statement made in the argument.

Official Clackamas County 2010 General Election Voters' Pamphlet

3-56 | **Arguments**

City of West Linn Measure 3-368

Ballot Title

SHALL PART OF WILLAMETTE PARK BE USED FOR STREET WIDENING?

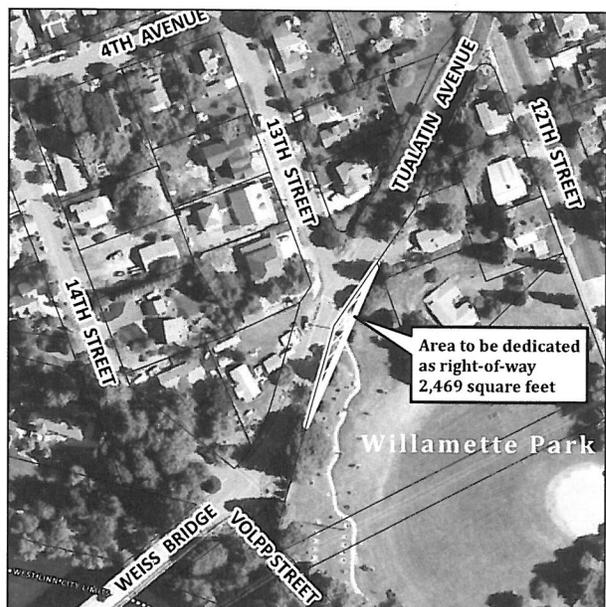
QUESTION: Shall the City allow 2,469 square feet of Willamette Park for widening the road and constructing a pedestrian median?

SUMMARY: This measure, if approved, would allow the use of a portion of Willamette Park along the east side of Tualatin Avenue immediately to the south of 13th Street to widen the right of way and construct a median for pedestrian use to and from the park and connectivity with existing sidewalks. The portion of the park to be used is shown on Exhibit A and consists of 2,469 square feet in the shape of a triangle. The maximum intrusion into the Park would be approximately 17 feet.

Explanatory Statement

This measure, if approved, would allow the use of a portion of Willamette Park along the east side of Tualatin Avenue immediately to the south of 13th Street to widen the right of way and construct a median for pedestrian use to and from park and connectivity with existing sidewalks. The portion of the park to be used is shown on Exhibit A and consists of 2,469 square feet in the shape of a triangle. The maximum intrusion into the park would be approximately 17 feet. The City of West Linn is required by its Charter to ask for voter approval for modifications to park property.

(This information furnished by Chris Jordan, City of West Linn.)



**NO ARGUMENTS
IN FAVOR OR IN OPPOSITION
TO THIS MEASURE WERE FILED.**

Memorandum

Date: October 1, 2010

To: John Kovash, Mayor
Members, West Linn City Council

From: Chris Jordan, City Manager *uj*

Subject: Work Session of October 4, 2010

The Council is scheduled to meet in a work session on October 4, 2010. The agenda includes the following items:

1. Executive Session. This session is discussed in a confidential memorandum.
2. Stormwater Detention Facilities. The Council has requested that staff review the City's standards for the development of stormwater detention facilities. Attached is a package of materials on this subject. Staff will lead a discussion on this subject at the work session.

Please let us know if you have any questions.

Attachment



CITY OF
West Linn

22500 Salamo Road
West Linn, Oregon 97068
<http://westlinnoregon.gov>

CITY COUNCIL WORK SESSION

Monday, October 4, 2010

6:00pm – Work Session – Council Chambers

1. Call to Order
2. Executive Session Pursuant to ORS 192.660(2)(a) – labor negotiations and ORS 192.660(2)(h) – potential litigation
3. Stafford Discussion
4. Stormwater Detention Pond Standards
5. Review of October 11, 2010 Agenda Items
6. Adjourn

The Council Chambers is equipped with an induction loop and a limited number of neck loops for the hearing impaired. Please let the City know if you require any special assistance under the Americans with Disabilities Act, please call City Hall 48 hours prior to the meeting date, 503-657-0331.

Memorandum

Date: October 4, 2010
To: Chris Jordan, City Manager
From: Zach Pelz, Special Projects Planner
Subject: Stormwater Detention Pond Design and Aesthetics

Purpose

Continued residential development paired with stormwater detention practices that favor localized treatment has led to a proliferation of small and often deep stormwater detention facilities which are routinely fenced to ensure public safety. Concern has arisen that this practice is negatively affecting the character of many of West Linn's neighborhoods.

Background

For more than a decade, the City of West Linn has relied upon storm detention ponds to settle out pollutants, control stormwater runoff, and maintain the quality of downstream water bodies. Fencing stormwater detention ponds has historically been supported by City staff for its ability to promote water quality, improve safety and reduce maintenance costs. However, as local development creates demand for new stormwater detention ponds, the public has raised concern regarding the potential impacts to the appearance of West Linn's neighborhoods.

Local Planning, Engineering and Operations staff have met to discuss strategies for improving the appearance of local stormwater facilities while responding to the need to provide public safety, improved water quality and reduced maintenance costs. The attached document, "*Stormwater Detention Pond Design and Aesthetics: Exploring strategies to improve neighborhood appearance while promoting safety, water quality and maintenance*" is the synthesis of these discussions.

Recommendation

In response to the array of concerns under consideration (safety, cost, aesthetics) staff would like to propose, for Council's consideration, a two-step solution which includes the following:

1. A stormwater detention demonstration project at Rosemont Crossing. This demonstration project would be used to evaluate the cost, performance and public response to a number of strategies designed to improve the appearance of stormwater detention ponds while ensuring public safety, minimizing local maintenance expenditures, and improving water quality.
2. Amendments to local Public Works Design Standards and Community Development Code regulations. Amendments to local regulations would be informed by data collected during the demonstration project and should provide more meaningful, long-term solutions which appropriately mitigate; the cost to local developers, local maintenance expenditures, safety impacts, and public opinion.



Issue Paper – Stormwater Detention Pond Design & Aesthetics

By Zach Pelz, Special Projects Planner

October 4, 2010

Stormwater Detention Pond Design and Aesthetics: Exploring strategies to improve neighborhood appearance while promoting safety, water quality and maintenance.

This paper aims to provide a basic understanding of the issues shaping stormwater detention policy in West Linn. The discussion is intended to facilitate the development of a comprehensive policy which is able to resolve concerns regarding aesthetics, safety, performance and maintenance.

Problem

Continued residential development paired with stormwater detention practices that favor localized treatment has led to a proliferation of small and often deep stormwater detention facilities which are routinely fenced to ensure public safety. Concern has arisen that this practice is negatively affecting the character of many of West Linn's neighborhoods.

Introduction

Stormwater is produced as result of rain or snowmelt being transported quickly over land into nearby waterways, instead of infiltrating into the soil below (EPA-F-05-003). Traditionally, municipal stormwater systems were designed to quickly collect, store and then transport runoff from developed sites into streams to prevent flooding. More recently, cities and stormwater managers have learned that the rapid transport of runoff into nearby waterways increases the volume and velocity of water and subsequently, the amount of sediment and pollution entering these waterways. For more than a decade, West Linn has depended on storm water detention ponds to settle out pollutants, control stormwater runoff, and maintain the quality of downstream water bodies. Contemporary approaches to stormwater management, collectively known as Low Impact Development, have transitioned toward practices which help to infiltrate runoff closer to its point of origin.

Discussion

The West Linn Operations Division is responsible for the performance and maintenance of the City's stormwater detention facilities and has historically favored fencing for its ability to maintain water quality, reduce maintenance costs, and improve safety. Others argue that these concerns can be addressed through thoughtful facility design and site planning. West Linn's current policy of fencing stormwater ponds is adapted from the City of Portland's Stormwater Management Manual, which requires fencing of;

...all City-maintained ponds with permanent or temporary pools that are greater than 19 inches deep, have interior side slopes that are steeper than 3:1, or contain any wall/bulkheads greater than 24 inches high (City of Portland Stormwater Management Manual 2008, 2-76).

Discussions with local agency staff indicate that the following are the major issues for consideration regarding amendments to local stormwater detention policy:

Water quality. According to Operations Staff, water quality in fenced stormwater facilities is better than in non-fenced facilities because of the ability to restrict entry from domestic pets and the e-coli contained in their feces. According to a 2005 report issued by Clean Water Services, which evaluated the source of contaminants entering the Tualatin River sub-basin, domestic pets (dogs and cats) are responsible for 14 percent of the e-coli entering the Tualatin River.

Improved water quality is a central feature of Oregon's State-mandated Planning Goals; Goal 5 establishes a process for the inventory and evaluation of important natural resources and Goal 6 requires local comprehensive plans and implementing measures to be consistent with State and Federal regulations on surface and groundwater protection.

Maintenance. Fenced stormwater facilities also contribute to reduced maintenance costs for the City. The presence of a barrier to separate stormwater ponds from surrounding private property helps to demarcate an edge of City-maintained land. According to Operations Staff, where there is no defined edge, surrounding property owners routinely pursue one of two courses of action: 1) they request excessive maintenance of the facility to better match their residential landscape; or, 2) they extend the bounds of their property to virtually include the facility as part of their yard; increased requests for maintenance and compromised water quality are the result of these actions.

Public safety. Operations Staff also favors fencing for its ability to promote public safety. Stormwater detention ponds contain a number of potentially hazardous features, such as; rocks, vertical walls, open grates, inlet and outlet structures, and sometimes relatively deep (6 feet or more) standing water. Although there are differing opinions with regard to the ability of fencing to keep people out of stormwater ponds, there is no doubt that they will preclude a wandering toddler from falling into and drowning in them.

Many public agencies and stormwater experts agree that a slope of 3:1 or less (more shallow) on the interior bank of a stormwater pond provides adequate safety for people walking near these facilities. Design features such as safety benches (3-6 foot wide horizontal bench placed 18-24 inches below the water surface) at the interior edge of the permanent pool may also alleviate the need for fencing.

Aesthetics. The City has received complaints that its 5-foot tall black chain-link fences at the perimeter of stormwater ponds detract from the neighborhood appearance and diminish the character of the community, especially where they exist near prominent locations. Operations staff argues that lower fence height, vegetation around the perimeter of the pond's bank, and a greater variety of color in the facility's landscape plan would help to shift the focus from the fencing to the natural features surrounding and within the facility. Additionally, Operations concedes that facilities could be designed as rain gardens or another type of shallow water facility which does not require fencing, however, they report the financial and personnel resources required to maintain them would be increased.

Local Developers. When designing their subdivision, developers consider a number of market-based and regulatory factors; housing supply vs. demand, location in the regional market, project turnaround time and salability. All of these issues shape the developer's perspective as it relates to the design of mandatory site utilities such as stormwater detention ponds.

A study conducted by the National Association of Home builders finds that, "whether a beach, pond, or stream, the proximity to water raises the value of a home by up to 20 percent." Additionally, the 1991

American Housing Survey concludes that “when all else is equal, the price of a home located within 300 feet of a body of water increases by up to 27.8 percent.”

Although research is beginning to suggest otherwise, generally speaking, it is likely that developers will be more willing to work with the City to create stormwater detention facilities that are safe, attractive, and that provide improved livability and recreational opportunities where the market for them exists. Where these markets do not exist, the City can expect considerable pushback.

Table 1 Fencing Alternatives Summary

Public safety	Current approach	Alternatives
Issue: Stormwater ponds pose a drowning hazard	Fence the perimeter of the facility with a 5-foot black chain link fence	<ul style="list-style-type: none"> • Require fencing at the top of necessary walls over 2 feet high (current standard) • Require that pond slopes not be steeper than 3H:1V unless the applicant demonstrates that steeper slopes are necessary • Where side slopes are steeper than 3H:1V, require a vegetative barrier (e.g., a 10-foot wide barrier of dense and perhaps thorny vegetation). Allow fences if the applicant demonstrates that installation and maintenance of the vegetation is not feasible or sufficient to maintain public safety. Consider requiring ornamental fences at lower height • Require 3-foot safety benches for all ponds deeper than 4 feet
	Pros/cons + Effectively keeps young children out of the ponds (older people would not be stopped) - Negatively impacts aesthetics	Pros/cons + Enhances aesthetics of stormwater ponds and community - May add to construction and maintenance costs. - Would keep people out with the possible exception of the maintenance entrance
Water quality	Current approach	Alternatives
Issue: Dog and cat feces pose a threat to water quality	Fence the perimeter of the pond with a 5-foot black chain link fence	Require a vegetative barrier or ornamental fence only where animal waste poses a significant risk to water quality (e.g., direct outfall to stream)
	Pros/cons + Probably helps maintain water quality where the pond outfall flows directly to a stream - Unfenced ponds are not likely a significant source of stream contamination	Pros/cons + Fencing is only required where it would have a meaningful affect on water quality

Maintenance	Current approach	Alternatives
Issue: Property owners encroach into the site and request higher level of maintenance	Sometimes fences demark a tract boundary, other times fences lie within the landscaping	Plant shrubs, erect a split-rail fence, or install attractive signage along the site frontage abutting residences Choose grass that requires infrequent mowing and low maintenance landscaping
	Pros/cons + A fence helps avoid encroachments - A black chain link fence at the boundary makes it obtrusive; on some sites the fencing lies well within the landscaping	Pros/cons + Ability to define edge and remain attractive + Maintenance costs are reduced