



PLANNING COMMISSION

Meeting Notes of October 3, 2018

Members present: Lamont King, Charles Mathews, Joel Metlen, Carrie Pellett, Bill Relyea and Gary Walvatne.
Members absent: Jim Farrell
Staff present: John Boyd, Planning Manager; Lance Calvert, Public Works Director; Amy Pepper, Senior Project Engineer
Guests: Krista Reininga, Brown and Caldwell; Councilor Bob Martin

(00:01:32)

WORK SESSION - CALL TO ORDER

Chair Walvatne called the meeting to order in the Council Chambers at City Hall.

(00:02:29)

APPROVAL OF MEETING NOTES: SEPTEMBER 5, 2018

Commissioner Joel Metlen **moved** to approve the meeting notes of September 5, 2018.

Commissioner Bill Relyea **seconded** the motion.

Ayes: Commissioner Joel Metlen, Commissioner Carrie Pellett, Vice Chair Charles Mathews, Commissioner Lamont King, Commissioner Bill Relyea and Chair Gary Walvatne

Nays: None

Abstentions: None

The motion passed 6-0-0

(00:03:35)

PUBLIC COMMENT RELATED TO LAND USE ITEMS NOT ON THE AGENDA

Ed Schwarz, President of the Savanna Oaks NA introduced the concerns of neighbors regarding Satter Street and the code related to the width of city streets. He stated that although Satter Street meets code, it is too narrow. If anyone parks on the street, it is difficult for others to drive through. Mr. Schwarz believes the code needs to be looked at for future development.

Nicole Budden is also concerned about the additional traffic that will come with new development. She believes there should be more ways out to Weatherhill and not bottleneck in one area. No Parking signs are not the answer.

Christy Blount was affected by the fire truck not being able to get down the road to her home when it was needed. She believes when the new developments come in that there should be access to Weatherhill from those developments, not all connecting through Satter Street, and that Weatherhill should be widened.

Roberta Schwarz noted she walks in the area and is well aware of the issues others are speaking about. She stated the developer did not disclose there was no on street parking, it isn't posted and there are no red curbs. Many neighbors shared that they wouldn't have bought there if they had known. Looking ahead, there are several projects in that area in various stages of development.

Michel Romanino is a new resident on Satter Street. He is concerned about the traffic and suggested a one-way system.

Bill Lorenz lives on Satter Street and questions why R-7 is being pushed in the new neighborhoods. He stated, as a custom home builder, R-7 and smaller homes are not what the demand is for. With the smaller homes comes smaller garages which don't provide enough room. Mr. Lorenz also asked why West Linn doesn't have design standards to ensure individual style homes rather than mass-produced developments.

Reid Dolly agrees with the previous speakers. He was not made aware of no on street parking and there isn't a common parking area available.

Joe Lockridge has lived on Satter Street for about a year. He is also concerned about the new developments coming up and the limited access to Weatherhill Road from those developments. It appears access will be from Satter Street which will create even more safety issues on Satter.

Mr. Boyd, out of an abundance of caution, reminded the Commissioners about ex parte contact with the upcoming projects, and also suggested bringing this issue to the joint work session with City Council on October 15. The Traffic Safety Committee is another avenue.

Vice Chair Mathews encouraged people providing public comments to come back when actual projects come before the Planning Commission. That is the time to bring up specific issues with specific projects.

Commissioner Metlen didn't want to restrict public comments, but rather put the responsibility on the commissioners to be aware of information that could be construed as ex parte contact. He also explained that the PC isn't the decision maker on legislative actions, but they can assist City Council with those decisions.

Chair Walvatne explained the best course of action is to bring the issues to City Council. They are the ultimate decision makers. He also noted there have been changes to the code regarding traffic studies which, in the past, was not as strong as it could be. The Committee for Citizen Involvement is expressly to address and encourage involvement by citizens in the land use process. With vacancies, he encouraged those in attendance and listening at home to consider applying.

Commissioner Pellett noted that developer presentations at Neighborhood Association meetings are a time to express concerns about what is being proposed; that is the time when changes can be implemented.

Commissioner Relyea thanked the speakers for sharing their concerns and encouraged them to explore all suggested avenues. He reiterated the conversation has been started with City Council, and the Public Works Director.

Margot Kelly shared that when she moved to Oregon, West Linn was the community she wanted to live in. She was not provided information about surrounding developments, CC&R's and other relevant information that would have been beneficial. While living in Pleasanton, CA, Ms. Kelly was appointed to a PC subcommittee charged with completing the General Plan in the development of all roads in the city. Part of that was to ensure new development didn't impact anyone else in the city. Previously people were leaving because of development's impact on infrastructure. In the end, development was slowed down, the plan was completed, the downtown area was revitalized and new schools were built. But the traffic issue remained.

David Phillips agrees with the speakers before him.

Councilor Martin invited those in attendance to come to the October 15 joint City Council/Planning Commission work session. He also shared the process for code changes and encouraged citizens to become involved.

(00:59:18)

WORK SESSION: STORMWATER DISCUSSION

Lance Calvert, Public Works Director reminded the commissioners that the Public Works department is always available for individual conversations to answer questions. He shared that they are more than halfway finished with the Stormwater Master Plan Update and are also working on the Sanitary Sewer Master Plan Update.

Mr. Calvert then introduced Amy Pepper, West Linn Senior Project Engineer and Krista Reininga of Brown and Caldwell. Ms. Reininga is presenting an overview of stormwater as it relates to West Linn and walked the commissioners through the stormwater PowerPoint presentation (attached).

Mr. Calvert pointed out West Linn does a lot to meet state and federal permitting requirements. He recognizes the challenges the Planning Commission faces when it comes to land use cases and hopes that providing this background information helps show how they do what they do.

Chair Walvatne brought up a project before the PC that was providing stormwater for future development in the area. He is not opposed to that idea but needs all the necessary calculations. Another issue was the period of time when the stormwater chapter was removed from the CDC. Although this has been resolved, at the time the PC was able to ask questions but not provide any input. Chair Walvatne asked if West Linn has adopted the Portland Stormwater Manual and if so, what year and are there any portions not used. Ms. Pepper confirmed that West Linn has adopted the Portland Stormwater Manual but only portions of it, making it specific to West Linn. Chair Walvatne believes other stormwater options should be considered if what is allowed doesn't meet the needs of the applicant, and that the facilities can be private and maintained by the owner rather than the city. Mr. Calvert explained the scale of staffing and cost as part of the reasons for the city to maintain public stormwater facilities rather than private. It would be up to Council to make any changes. He also shared how different soils would create different issues for different agencies. West Linn is mostly basalt. Commissioner Relyea noted that although West Linn is sitting on basalt, there is enough percolation to create year-round streams at higher elevations.

On previous land use cases, Commissioner Relyea stated that without background information he questioned developer's stormwater plans, why those facilities should become the responsibility of the city and how they can be located on residential zoned properties. Mr. Calvert noted stormwater facilities are not zoned and that the lot being used was an existing stormwater facility.

Mr. Calvert explained it is the developer's job to provide adequate stormwater information for the commissioners to make an informed decision. As a regulator, it is his job to make sure the codes, regulations and design guidance the city has adopted is followed.

Vice Chair Mathews asked for clarification of major and minor utilities and if a detention facility within a proposal is major or minor. He believes if a detention facility is the size of another lot in the development that it is a major utility and subject to a conditional use permit.

Mr. Calvert suggested the City Attorney should address the definitions. However, in his experience with the city, a major utility serves the city as a whole or as a major function of the region. He noted as the Stormwater Master Plan is updated, the regional facilities should be identified especially for future development and colocation. He compared major and minor utility in electrical terms with a neighborhood transformer being minor and the substation being major.

Mr. Boyd pointed out that major and minor utilities have been in the code since the 1980's with one minor amendment stemming from the LOT water treatment plant.

Vice Chair Mathews explained that as commissioners, they are charged with interpreting the code. He believes it is the public works and planning department's obligation to tell the developers that they will need to address stormwater as a major utility.

Chair Walvatne noted there is not a clear and objective standard. Mr. Calvert explained the City Attorney needs to be involved to craft clarity. Mr. Boyd added that for the commissioners to apply the code as written, there needs to be definitions of: what is a regional system, a sub-regional system and what is a system specific to the site.

With regards to the Cornwall project, Mr. Calvert explained that the stormwater facility had already been approved through earlier development, and that it evolves as development around it occurs. With each added use, the developer pays for the changes.

Councilor Martin suggested bringing this to the joint work session with city council on October 15. Mr. Calvert explained the Utility Advisory Board has been involved with the stormwater and sanitary sewer master plan updates. He encouraged input from the commissioners, and hopes when the plans come back to the PC they will have addressed their issues.

Mr. Calvert noted he is aware of transportation issues the PC has encountered and offered to come back for a work session to discuss transportation, the transportation system plan and why they do what they do.

Commissioner Pellett questioned "capture and treat 80% of average annual runoff" in regards to new development and redevelopment. Ms. Reininga confirmed that is a DEQ rule. But by following the Portland Stormwater Manual, West Linn is at 90%. She also explained how different communities treat runoff and that they all struggle with the policy decisions.

Ms. Pepper expects the PC will see the Stormwater Master Plan Update in spring 2019.

(03:01:31)

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

LEGISLATIVE SCRIPTS-REDLINE VERSIONS

Mr. Boyd addressed the redline legislative scripts. Changing "...the Chair *must* require the applicant to provide a redline version..." to *may* was discussed. It was decided because it is a script, it can be changed as needed so it will be left as is.

Chair Walvatne asked if West Linn is notified when Lake Oswego works on large projects like the Mary's Woods expansion. Mr. Boyd explained that cities notify the county but not necessarily other cities. He suggested since traffic and Highway 43 is a concern that Mr. Calvert be contacted.

Chair Walvatne's other concern is about the Shady Hollow homes near Burgerville and why it hasn't opened. At this point the owner met all the requirements of the city, so it is the owner's prerogative what to do next.

(03:12:19)

ITEMS OF INTEREST FROM STAFF

Mr. Boyd noted there will only be one subdivision hearing at the next meeting and another subdivision hearing at the November 7 meeting. The new "Public Hearing Procedure" brochure was introduced.

(03:14:05)

ADJOURNMENT

There being no further business, Chair Walvatne adjourned the meeting.

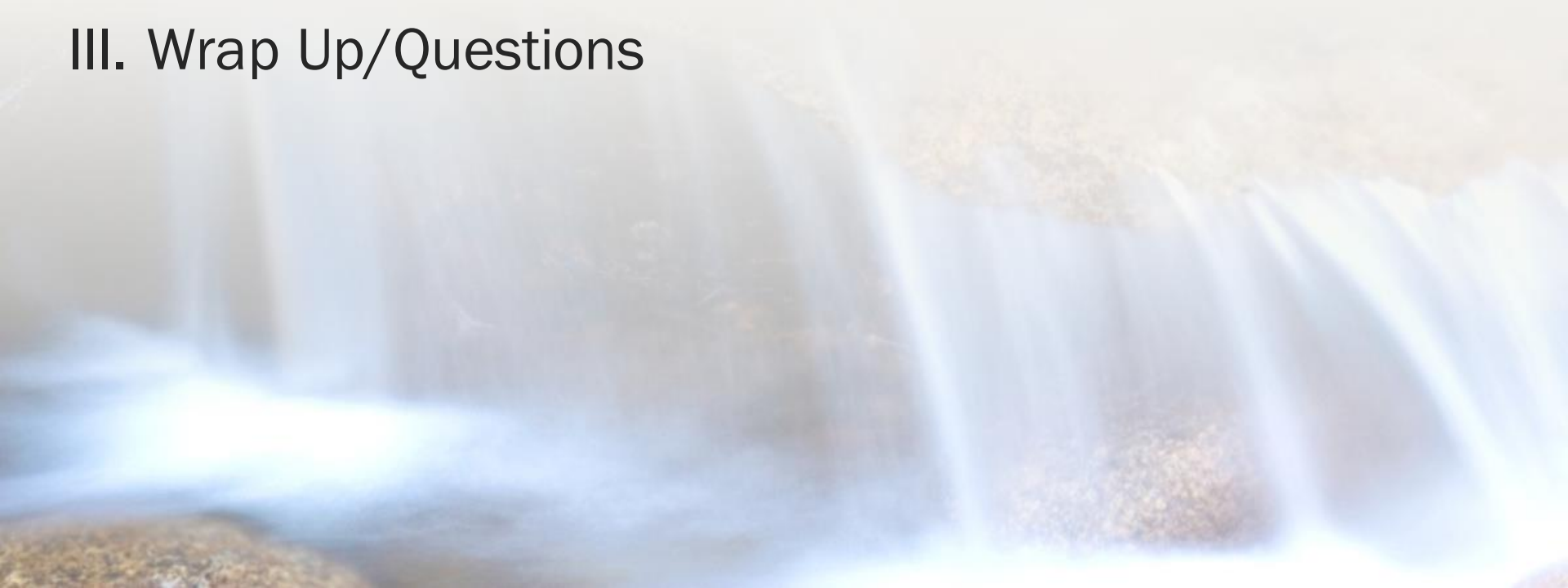
Stormwater 101

Krista Reininga, PE



Agenda

- I. Stormwater Runoff
- II. Clean Water Act (CWA)
 - TMDL program
 - NPDES MS4 permits
- III. Wrap Up/Questions



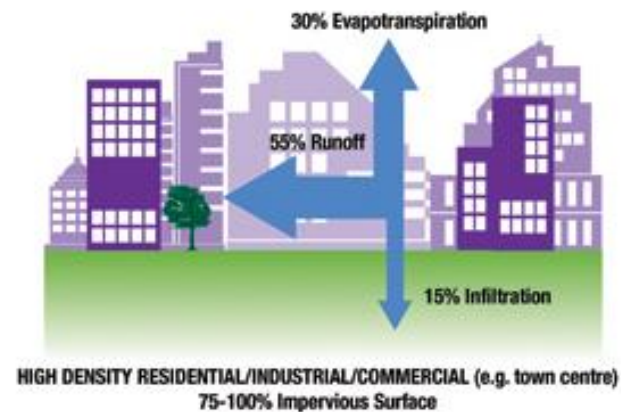
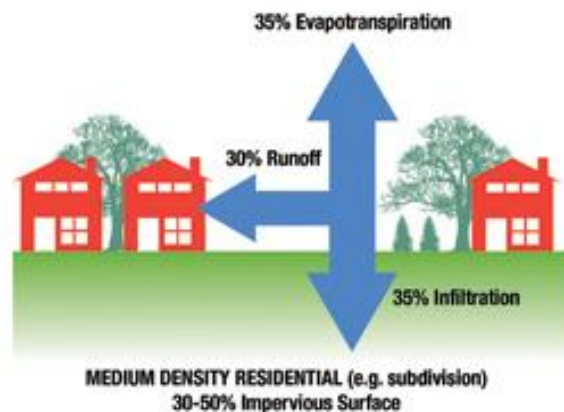
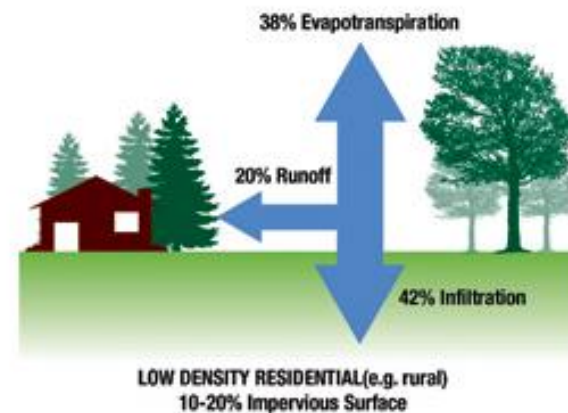
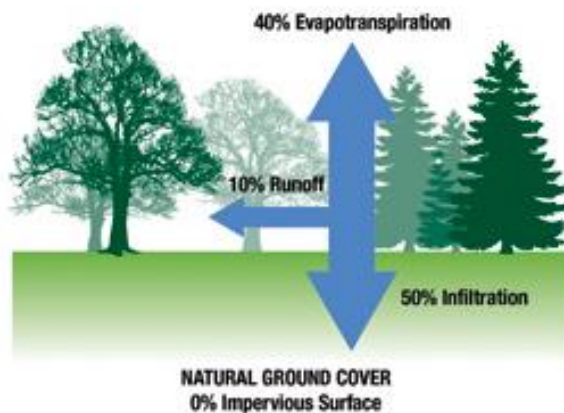
Section I

Stormwater Runoff

What is stormwater runoff?

Impervious surfaces such as roofs, roads, parking lots, and sidewalks prevent rainfall from soaking into the ground or being taken up by vegetation.

EFFECTS OF IMPERVIOUSNESS ON RUNOFF AND INFILTRATION



Where does stormwater go?



- Surface water or underground.
 - Gutters, catchbasins, pipes, outfalls
 - Ditches, open channels
 - Streams and rivers
- Pollutants on ground surfaces are conveyed via stormwater and enter streams.
- No end of pipe treatment system (treatment plant).

Water quality problems with stormwater

- Pollutants captured and carried by runoff include:
 - Sediment
 - Nutrients
 - Pesticides
 - Oil & grease
 - Metals
 - Bacteria
 - Toxins
 - Litter



Example Graphic Presentation of Water Quality Data Results

Comparison of Pollutant Concentrations between Balch and Fanno Creek

Range of Concentrations Observed



" - - - - " Water Quality Standard

*Dissolved copper and zinc criteria based on a hardness of 50 mg/l.

Increased runoff volumes and rates are a problem too

- Higher flows and volumes can lead to flooding (due to pipe capacity issues).
- Accelerated erosion of streambanks impacts property, habitat, and water quality.
- Increased frequency of small storms is also an issue (hydromodification).



Section II

Clean Water Act

I. Clean Water Act

- CWA was an amendment to the 1948 Federal Water Pollution Control Act (Truman).
- CWA included expansion and reorganization of the Pollution Control Act in 1972.
- Designed to achieve the goal of restoring and maintaining the “chemical, physical and biological integrity of the nations waters”.



Ohio River on fire, 1969



Fish kill resulting from municipal sewage and industrial discharges into the Cuyahoga River, 1969

I. Clean Water Act (Amendments)

- 1972: EPA was directed to administer programs:
 - Implement water quality standards
 - Regulate the discharge of pollutants (issue point source permits)
 - Fund construction of treatment plants
- 1987: Included nonpoint source permitting (industries, municipalities, and construction sites).



Water quality standards

- Implemented by the EPA and/or individual states.
- In Oregon, state standards exist for instream water quality.
- Standards include the following elements:
 - Designated beneficial uses
 - Water quality criteria
 - Anti-degradation policy

Oregon Department of Environmental Quality Table 30 Aquatic Life Water Quality Criteria for Toxic Pollutants 340-041-8033							
Pollutant	CAS Number	Human Health Criterion	Freshwater (µg/L)		Saltwater (µg/L)		
			Acute Criterion (CMC)	Chronic Criterion (CCC)	Acute Criterion (CMC)	Chronic Criterion (CCC)	
^C Criterion is expressed in terms of "dissolved" concentrations in the water column.							
^F The freshwater criterion for this metal is expressed as a function of hardness (mg/L) in the water column. To calculate the criterion, use formula under expanded endnote F at bottom of Table 30.							
12	Chromium VI	18540299	n	16 ^C	11 ^C	1100 ^C	50 ^C
^C Criterion is expressed in terms of "dissolved" concentrations in the water column.							
13	Copper	7440508	y	See E	See E	4.8 ^C	3.1 ^C
^C Criterion is expressed in terms of "dissolved" concentrations in the water column.							
^E The freshwater criterion for this metal is expressed as "total recoverable" and is a function of hardness (mg/L) in the water column. To calculate the criterion, use formula under expanded endnote E at bottom of Table 30.							
14	Cyanide	57125			2 ^J	1 ^J	1 ^J

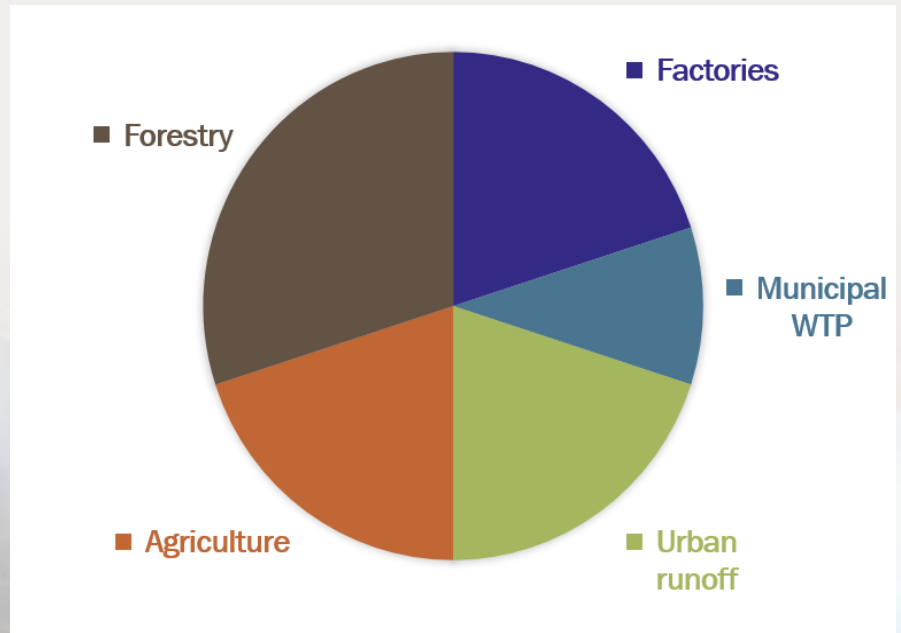
Water quality standards

- DEQ requires that Integrated Reports (305(b)) be prepared every 2 years to summarize data.
- If instream data indicate standards are exceeded, the water body is placed on the 303(d) list.
- A Total Maximum Daily Loads (TMDL) program must be developed for water bodies on the 303(d) list.

Basin Name Subbasin 4th Field HUC Record ID	Water Body LLID River Miles Segment Miles Beach Name Beach ID	Pollutant	Season	Criteria	Beneficial Uses	Status	2010 Assessment Action	[Data Source] Supporting Data
Lower Columbia; Willamette Lower Columbia- Clatskanie; Lower Willamette 17080003; 17090012 78	Columbia River 1240483462464 35.2 to 98 62.8	Arsenic	Year Around	Table 20 Toxic Substances	Resident fish and aquatic life; Anadromous fish passage; Drinking water	303(d)	No 2010 action	Previous Data: USGS data from 4 sites (Warrendale, Hayden Island, Columbia and Beaver): 14 of 16 samples exceeded Water Quality Standard for Arsenic, Table 20. Values where 1ug/l. Previous Status: 303(d) Previous Action: Added to database Previous Assessment Year: 1998
Lower Columbia; Willamette Lower Columbia- Clatskanie; Lower Willamette 17080003; 17090012 20001	Columbia River 1240483462464 35.2 to 98 62.8	Arsenic	Year Around	Table 20 Toxic Substances	Aquatic life; Human health	Cat 5: Water quality limited, 303(d) list, TMDL needed	No 2010 action	Previous Data: [DEQ] LASAR 12981 River Mile 64.8: From 8/25/1997 to 8/25/1997, 0 out of 1 samples > applicable Table 20 criterion. [DEQ] LASAR 12979 River Mile 64.7: From 8/25/1997 to 8/25/1997, 0 out of 1 samples > applicable Table 20 criterion. [DEQ] LASAR 12980 River Mile 64.6: From 8/25/1997 to 8/25/1997, 0 out of 1 samples > applicable Table 20 criterion. Previous Status: Cat 5: Water quality limited, 303(d) list, TMDL needed Previous Action: Added to database Previous Assessment Year: 2004

TMDL programs

- TMDL programs establish the allowable pollutant load a water body can receive without exceeding standards.
- The allowable load is distributed/allocated among the various dischargers/jurisdictions.

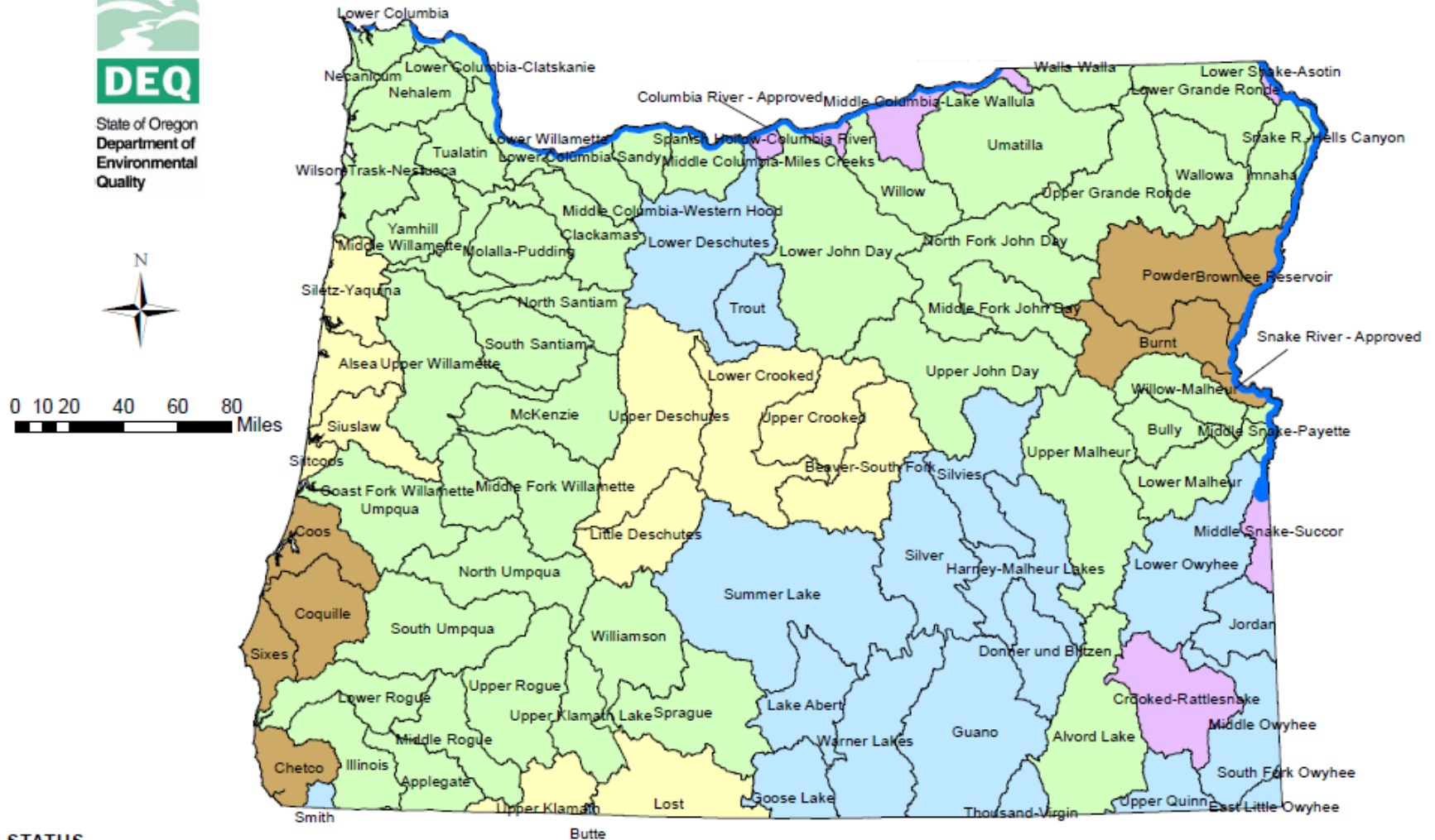


A TMDL is the pie, load allocations are a piece of the pie.



State of Oregon
Department of
Environmental
Quality

TMDL Development Status for 303(d) Listed Waters



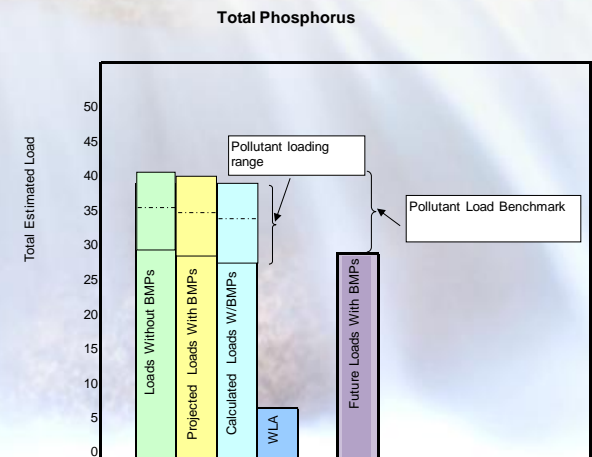
STATUS

- EPA Approved*
- TMDL Report In-Progress (Data analysis & report writing phase)
- TMDL Initiated (Initial scoping & data collection phase)
- TMDL Not Started (Minimal or no activity)
- No TMDL Necessary (No 303(d) listings)

*See TMDL supporting documentation for parameters addressed at <http://www.deq.state.or.us/wq/tmdls/tmdls.htm>. Additional 303(d) listings may exist for parameters not addressed in approved TMDLs.

TMDL programs

- 31 basins have TMDLs covering 1,206 stream segments.
- The Willamette Basin TMDL addresses:
 - temperature
 - bacteria
 - mercury
 - dissolved oxygen
 - dieldrin/ DDT
 - turbidity
- The Tualatin Basin TMDL addresses:
 - temperature
 - bacteria
 - chloropyll a
 - pH
 - dissolved oxygen



NPDES permitting program

- 1987 Water Quality Act:
 - Added selected nonpoint sources to the NPDES permitting program
 - Municipal separate storm sewer systems (MS4s)
 - Industrial runoff
 - Construction site runoff (focused on erosion control)



MS4 NPDES permitting program

Phase I permits

- Early 1990s–Municipalities with >100,000 in population were required to get Phase I NPDES permits for runoff from their MS4s.
- Applied to six permit areas representing approximately 33 jurisdictions in Oregon.
 - Gresham
 - Eugene
 - Salem
 - Portland
 - Clackamas County
 - Clean Water Services



Clackamas County Co-permittees

- Clackamas County Service District #1 (CCSD #1)
- Surface Water Management Agency of Clackamas County (SWMACC)
- Clackamas County DTD
- Gladstone
- Happy Valley
- Johnson City
- Lake Oswego
- Milwaukie
- Oak Lodge Water Services District
- Oregon City
- River Grove
- West Linn
- Wilsonville

Expiration Date: March 1, 2017
Permit Number: 101348
File Number: 108016

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) DISCHARGE PERMIT

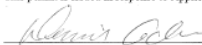
Oregon Department of Environmental Quality
811 SW Sixth Ave., Portland OR 97204-1390
Telephone: 503-229-5650

Issued pursuant to Oregon Revised Statute 468B.050 and the Federal Clean Water Act

ISSUED TO: Clackamas County City of Gladstone City of Happy Valley City of Johnson City City of Lake Oswego City of Milwaukie City of Oregon City City of Rivergrove City of West Linn City of Wilsonville Oak Lodge Sanitary District Clackamas County Service District No. 1 Surface Water Management Agency of Clackamas County	SOURCES COVERED BY THIS PERMIT: This permit covers all existing and new discharges of stormwater from the Municipal Separate Storm Sewer System (MS4) within the service boundaries of the incorporated cities and within the service areas of Clackamas County Service District No. 1, Oak Lodge Sanitary District, and the portion of Surface Water Management Agency of Clackamas County in the UGB. COUNTY: Clackamas RECEIVING WATERBODIES: Basin(s): Willamette River Sub-basin(s): Lower Willamette River, Clackamas River, Tualatin River Waterbody(s): Carl Creek, Clackamas River, Cow Creek, Deer Creek, Johnson Creek, Kellogg Creek, Mt. Scott Creek, Phillips Creek, Richardson Creek, Rock Creek, Sieben Creek, Springbrook Creek, Willamette River, Tryon Creek, Fanno Creek, Tualatin River, and Oswego Lake WASTE LOAD ALLOCATIONS: A Total Maximum Daily Load (TMDL) that includes wasteload allocations for urban stormwater has been established for the Willamette River Basin, including the Lower Willamette River, Clackamas River and Tualatin River subbasins, Springbrook Creek, and Oswego Lake. Waste load allocations are addressed in Schedule D of this permit.
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EPA REFERENCE NO.: ORS108016

This permit is issued in response to Application Number 972510 received on August 29, 2008.


Dennis Ades, Surface Water Management Section Manager

Date: 3/16/2012

MS4 NPDES permitting program

Phase I permit

- A two-part permit application:
 - 1991 Part 1: Storm system information gathering
 - 1993 Part 2: Stormwater Management Plan (SWMP) development
- The central element of the applications was the development of a SWMP.
- Permits subject to MEP std.



MS4 NPDES permitting program

Phase I permit

- 1995 – 2000: 1st permit term
- 2004 - 2009: 2nd permit term
- 2012 - 2017: 3rd permit term
- Next permit?

Note: Phase II permits for smaller communities were first issued in 2007.



Current NPDES MS4 Permit Requirements

- Implement a SWMP that addresses the following program areas:
 - Illicit Discharge Detection & Elimination
 - Industrial and Commercial Facility Inspections
 - Construction Site Runoff Control
 - Education and Outreach
 - Public Involvement and Participation
 - Pollution Prevention for Municipal Operations
 - Water Quality Facility Maintenance
 - Post-Construction Site Runoff
- Annual reporting.
- Monitoring (analyzing stormwater samples).



Illicit Discharge Detection & Elimination

- Develop, implement, and enforce an IDDE program.
 - System maps
 - Ordinance
 - Dry weather screening program
 - Inform the public
 - Respond to complaints
 - Identify sources
 - Eliminate discharges, as discovered
 - Respond to spills



Industrial and Commercial Facility Inspections

- Screen existing and new facilities.
- Track industries required to obtain 1200Z permits.
- Consider whether commercial facilities should be added to the program.
- Establish priorities and procedures for inspection.



Construction Site Runoff Control

- Develop, implement, and enforce a program to reduce pollutants from construction activities.
 - Applies to sites that are 1,000 square feet or larger
- Provide education to construction site operators.
- Provide an erosion control manual.
- Conduct site plan reviews.
- Conduct inspections.



Public Involvement and Participation

- Implement a public education program and distribute public education materials.
 - Staff training on pest management and spill response
 - Brochures
 - Events
 - Catch basin stenciling
 - Watershed groups
 - Website
 - Pet waste pick up
- Implement a public participation process.



Pollution Prevention for Municipal Operations

- Develop and implement an O&M program to reduce pollutants from municipal operations.
- Employee training.
- Erosion control for street repairs.
- Street sweeping.
- Pest management program.
- Manage runoff from municipal facilities.
- Eliminate cross connections.
- Consider water quality in CIP projects.



Water Quality Facility Maintenance

- Inventory and map water quality facilities.
- Develop inspection and maintenance schedule.
- Develop criteria and priorities for inspections and maintenance.
- Develop tracking mechanisms.
- Ensure inspectors are trained.



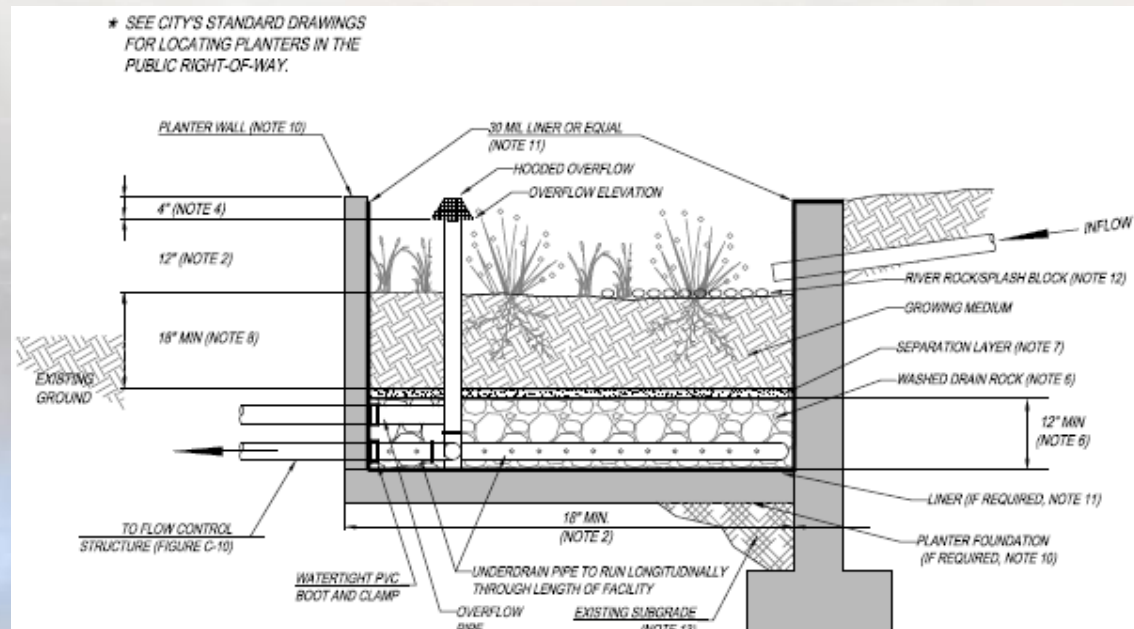
New Development and Redevelopment

- Develop, implement, and enforce a program to address pollutants from new and re-development with impervious surface areas of 1,000 SF or greater.
- Target natural surface or pre-development hydrologic functions.
- Optimize on-site retention.
- Reduce runoff volume, duration, and rates.
- Prioritize and include implementation of LID, green infrastructure or equivalent approaches.
- Capture and treat 80% of average annual runoff.



New Development and Redevelopment

- Eliminate barriers to Low Impact Development (LID).
- Develop or reference an enforceable manual.
- Require equivalent measures when the project site is characterized by factors limiting use of on-site methods.
- Develop inspection and enforcement response procedures.



Additional Phase I permit requirements

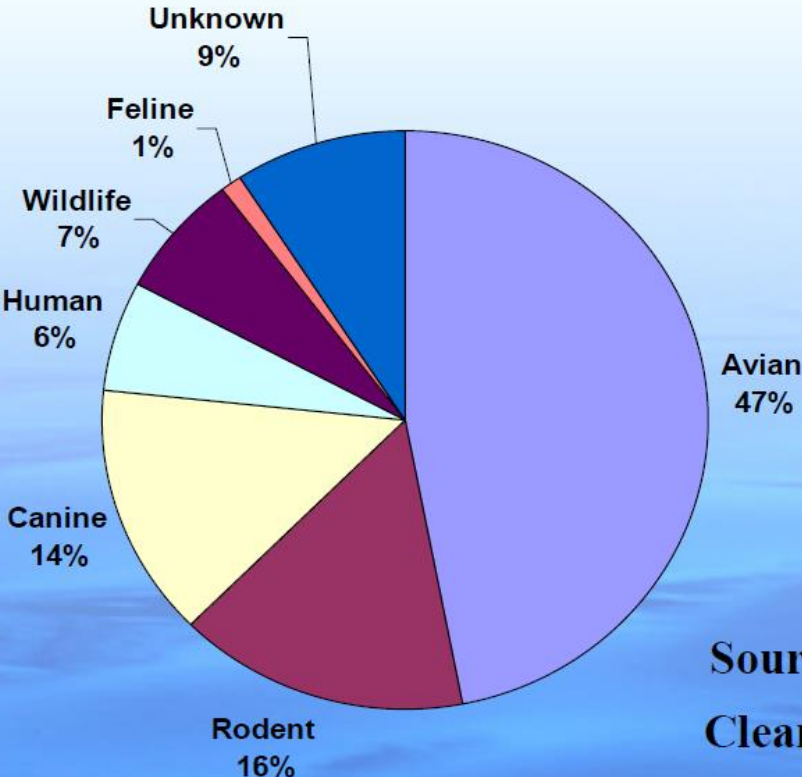
- TMDL benchmarks (completed 2017).
- Hydromodification assessment (completed 2015).
- Retrofit strategy (completed 2015).
- Construction of a retrofit (completed 2016/17).
- Waste Load Allocation (WLA) attainment assessment (completed 2015).



Bacteria Sources - Instream

DNA Source Tracking Study - Stream Bacteria Sources – All Sites

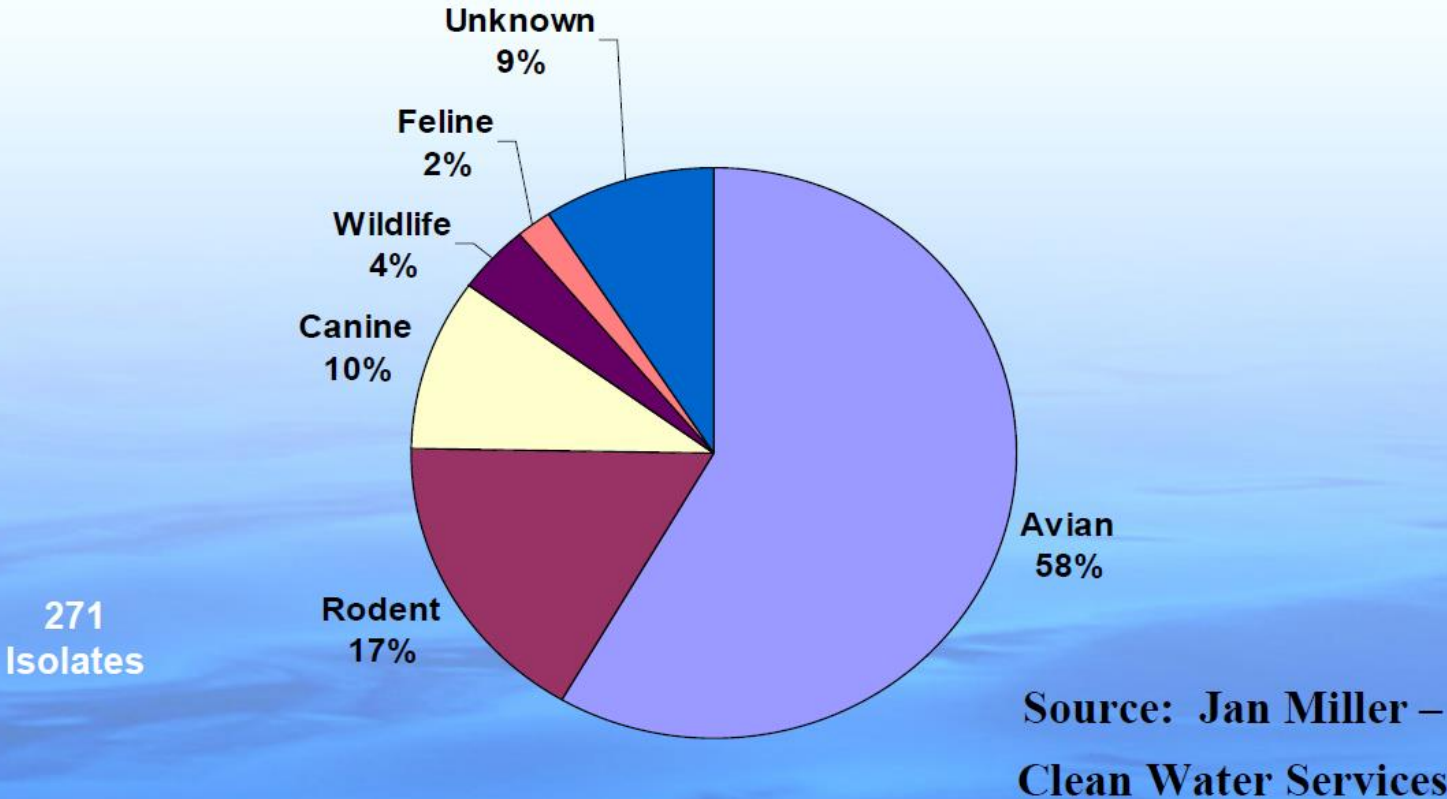
653
Isolates



Source: Jan Miller –
Clean Water Services

Bacteria Sources - Stormwater

DNA Source Tracking Study - Stormwater Bacteria Sources – All Sites



Section III

Wrap Up/Questions