CITY OF West Linn

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

PLANNING COMMISSION WORKSESSION

Wednesday, June 5, 2013

6:30 p.m. - Council Chambers

1. Call to Order
2. Public Comment
3. Approval of minutes: minutes of April 17, 2013
4. Briefing on a parking study for the Willamette commercial area and the associated public outreach strategy (*Staff: Zach Pelz)*
5. Briefing on the proposed amendments to the Water Resource Area regulations and the associated public outreach strategy (*Staff: Peter Spir)*
6. Items of interest from the Planning Commission
7. Items of interest pertaining to the Commission for Citizen Involvement
8. Items of interest from staff
9. Adjourn

Attachments
Memo regarding the parking study
Proposed WRA amendments and associated memo
Draft minutes (members only)

Tentative agenda for upcoming Planning Commission meetings:
June 19: Nothing scheduled

Meeting Notes:

Please help us to accommodate citizens who are chemically sensitive to fragrances and other scented products. Thank you for not wearing perfume, aftershave, scented hand lotion, fragranced hair products, and/or similar products.

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.

City of West Linn

Memorandum

Date: June 5, 2013

To: West Linn Planning Commission /Commission for Citizen Involvement (CCI)

From: Zach Pelz, Associate Planner

Subject: 10th Street Area Parking Management Plan – draft project approach

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Purpose

The purpose of this memo is to present staff's draft approach for developing a parking management plan for the 10th Street (Willamette Falls Historic Commercial Area) commercial area and to receive feedback regarding public outreach from the CCI prior to commencing work.

Background

In August 2011, the Oregon Department of Transportation (ODOT) completed a feasibility analysis for a potential roundabout at the intersection of 10th Street and Willamette Falls Drive. In exchange for preparing this study, the City of West Linn agreed to complete a parking management plan to present to ODOT within two years of completion of this study (see Exhibit C – Agenda Bill 2010-08-09-09).

Approach

ODOT did not outline specific requirements for the City to follow in the preparation of this plan other than to request that, "the Plan include policy direction for future action." Staff's approach therefore, includes the typical elements of a parking management plan (e.g., existing conditions, future conditions, alternatives analysis, selection of a preferred alternative(s), and implementation measures) while respecting the City's limited staffing and fiscal resources available for this work. The project scope is also designed to ensure the work can be completed by the August 2013 deadline for delivery to ODOT. The proposed project scope includes:

- A study area radius approximately 0.15 miles (2 minute walk) from 10th Street, south of I-205, and Willamette Falls Drive, between 10th Street and 14th Street;
- An analysis of current and future parking needs (see Exhibit B) in the study area;
- A parking management plan submitted to ODOT in August that identifies the implementation steps necessary to meet current and future parking demand.

Public outreach will consist of:

- Two workgroup (see Exhibit A) meetings;
    1. Introduce project; and,
    2. Identify and discuss management alternatives and select a preferred alternative;
- A presentation of the draft parking management plan to the City Council in July;

- Adoption of the final parking management plan by the City Council in August.

Implementation of the Plan's recommendations will be considered during the Planning Department's next round of project scheduling and budgeting.

Exhibit A: Proposed Parking Management Plan Workgroup June 5, 2013

Agency	Representative
West Linn Main Street	Ruth Offer
West Linn Chamber of Commerce/West Linn Economic Development Committee (EDC)	Linda Neece
West Linn Historic Review Board (HRB)	Adam Petersen
West Linn Transportation Advisory Board (TAB)	Jay McCoy
Willamette Primary School	David Pryor, Principal
BJ Willy's	Owner/Manager
A Sight for Sport Eyes	Shannen Knight
Private Business/Property Owner	Tim Tofte
Lil' Cooperstown	Ken Arrigotti
Tualatin Valley Fire and Rescue	Karen Mohling
Oregon Department of Transportation (ODOT)	Gail Curtis

1. Inventory existing parking available in the study area, including information regarding:
    a. Date
    b. Time
    c. Weekend or Weekday
    d. Location
    e. Number of parking spaces per parking lot
    f. Number of parking spaces occupied per parking lot
    g. Percent of parking lot occupied
    h. Parking facility owner
    i. On-street parking spaces

2. Calculate the number of spaces required for planned land uses in the Study area:

    a. Future parking demand = area (sq. ft.) of commercially zoned land/277 sq. ft. (average floor area per parking space currently required by the CDC);
    *assumes that new residential development supplies required parking off-street
    b. Subtract future parking demand from existing parking in Study area;
    c. Required additional future parking equals the difference between existing parking supply and future parking demand.

3. Calculate number of spaces created through the implementation of various parking management strategies:

    a. Identify priorities (evaluation criteria);
    b. Identify strategies that can meet future demands;
    c. Identify pros/cons of each management strategy.

4. Select the preferred management strategy based on above factors in 3a-3c.

Exhibit C: Agenda Bill 2010-08-09-09

AGENDA BILL 2010-08-09-09

Subject: Authorizing the mayor to sign a letter to the Oregon Department of Transportation offering support for a roundabout feasibility study for the 10th Street and Willamette Falls Drive intersection and committing the City to prepare a parking management program.

For Council: August 9, 2010 **Land Use Case Number:** N/A

Public Hearing: No

City Manager's Initials: ____

Attachment: Draft letter to Rian Windsheimer, Policy and Development Manager, Region 1, ODOT

Initiated by: ODOT

Budget Impact: The state will fund the roundabout feasibility study. The subject letter commits the City to undertake a parking management study within two years of the completion of the roundabout feasibility study. Staff estimates that this will consume roughly .3 to .5 FTE, depending on the project scope. Alternatively, a consultant could be hired to perform the study for roughly $20,000-$60,000.

Sustainability Considerations: In the event that the feasibility study results in construction of a roundabout, it would likely yield fuel savings from reduced delays and shorter vehicle queues compared to the current three-way stop.

Policy Questions for Council Consideration: Should West Linn support a state funded roundabout feasibility study in exchange for a City funded parking management program?

Summary: The City's Transportation System Plan identifies a roundabout at 10th Street and Willamette Falls Drive as a possible method to improve traffic flow in that area. The alternative is a traffic signal. The ODOT requires feasibility studies as a pre-requisite for constructing roundabouts. As condition of state funding, ODOT has requested that City provide a letter of support, provide a staff member to serve on the Project Management Team, and prepare a parking management program within two years of the completion of the roundabout feasibility study. ODOT expects, at a minimum, that the parking management program would include policy direction for future actions. The project scope, objectives and study area would be determined by City staff.

Recommended Motion:

- *Move to authorize the Mayor to sign a letter to the Oregon Department of Transportation offering support for a roundabout feasibility study for 10th Street and Willamette Falls Drive intersection and committing the City to prepare a parking management program.*

City of West Linn

Memorandum

Date: June 5, 2013

To: Planning Commission/CCI

From: Peter Spir, Associate Planner

Subject: Brief Overview of Water Resource Area (WRA) Code Amendments

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Proposed Water Resource Area code changes

West Linn's wetlands, streams and the vegetated areas beside them are protected as Water Resource Areas (WRA) by Chapter 32 of the Community Development Code (CDC).

Why protect Water Resource Areas?

1. The State of Oregon's Land Use Planning Goal 5 and Metro Titles 3 and 13 explicitly require all cities and counties to adopt land use regulations that protect water resources and habitat areas. Metro has established a model ordinance that cities can use to meet this requirement.

2. Streams and wetlands and the associated vegetated areas (riparian areas) provide numerous benefits:

- **Maintaining water quality**. Wetlands cleanse water by filtering or settling sediment and absorbing and breaking down excess nutrients and toxic substances. This helps to maintain water quality at levels that will sustain fish and wildlife and that are safe for people to play in.

- **Flood and Storm mitigation.** The vegetated areas around wetlands and streams accommodate and slow down rainfall that might otherwise result in flooding and erosion.

- **Wildlife habitat**. Wetlands and the surrounding vegetated areas provide a variety of habitats that support birds, mammals, amphibians and fish. Vegetated areas along the edge of wetlands and 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.** Wetlands and stream corridors provide open space, scenic areas and, in some instances, recreational opportunities such as hiking and wildlife viewing.

Proposed WRA code changes include:

- **Focus on legitimate WRAs.** Currently, the City uses the Public Works Department's *Surface Water Management Plan* to identify WRAs. Consequently, many road side ditches and tiny swales, that are dry for most of the year, have the same level of protection as year-round streams and wetlands. The proposed language would use the City's wetland, riparian corridor and stream inventories instead (see maps below). This will reduce the number of WRA permits that are required.

- **Daylight Streams.** Some stream sections are piped underground. An incentive to open them up is a reduction in transition areas down to 15 feet.

- **Habitat Friendly Development Practices**. The proposed language includes Metro's "Habitat Friendly Development Practices". Property owners can make simple modifications to their development proposals to improve water quality and habitat protection.

Current Map: Surface Water Management Plan (at left). Over half of the map is cluttered with piped drainage, swales and roadside ditches.

Proposed Map: All Inventoried Streams, Wetland and Riparian Corridors (at right)

- **Easier to Understand.** The use of tables, illustrations and definitions to better communicate the code is proposed.

- **Create options.** Currently, all WRA transitions and setbacks are the same. An "Alternate Discretionary Review" process will allow property owners to have transitions and setbacks that are appropriate to the specific conditions on their property based on a consultant's findings.

- **One size does not fit all.** Small ephemeral streams only carry water after downpours and often do not have a defined channel. Consequently they do not need the larger transitions and setbacks of larger, year round streams.

- **Increase Exemptions.** "Exemptions" from WRA permits will be increased. For example, a homeowner with a house in the WRA can build certain additions without having to go

through the WRA permit process. Accessory structures under 120 square feet are permitted in the setback area without a WRA permit.

- **Demystify Mitigation.** Mitigation is required for disturbed areas or development in the WRA. We will now allow off-site mitigation and spell out exactly what is required in terms of mitigation.

- **Streams may be Re-Aligned.** This is especially appropriate for ephemeral streams, but even intermittent streams, if the functions and values of the WRA can be retained or enhanced by mitigation.

- **Allow "Reasonable Use" of Land.** Currently, owners of vacant property within a WRA can only build something that is the "minimum economically viable use" of the land (such as an espresso cart or a 900 square foot house). The proposed term: "reasonable use" would allow uses consistent with other uses and buildings on nearby properties or in that same zone.

- **"Disturbed Area" Guarantee.** Currently, the owners of vacant property within a WRA can only develop up to a maximum of 5,000 square feet of "disturbed area" within the WRA. The proposed language will guarantee 5,000 square feet.

- **Larger "Disturbed Area" for Larger Lots.** Owners of lots over an acre will have an allowable "disturbed area" of 30%. For a two acre parcel that works out to 26,138 square feet.

- **Exclude "Temporarily Disturbed Areas".** Currently, the 5,000 square foot "disturbed area" includes "temporarily disturbed areas" such as trenched utilities that are later filled in and re-vegetated. In the proposed language, "temporarily disturbed areas" would not count against the 5,000 square feet.

- **Reduced Design Standards in Hardship Areas.** To reduce encroachment upon the water resource, reduced building setbacks, parking and landscaping would be allowed outright.

City of West Linn

Memorandum

Date: June 5, 2013

To: Planning Commission/CCI

From: Peter Spir, Associate Planner

Subject: Review of Proposed Citizen Involvement in Water Resource Area (WRA) Code Amendments

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The purpose of the June 5, 2013 Planning Commission meeting is to review the citizen involvement already undertaken regarding Water Resource Area amendments and then to consider the proposed citizen involvement leading up to, and including, Planning Commission and City Council hearings.

Background

The West Linn Planning Commission created the WRA Advisory Committee in early 2011 to write amendments to Community Development Code Chapter 32: *Water Resource Areas* (File CDC-10-04). The committee was comprised of Planning Commission members Bob Martin, Michael Babbitt and former commissioner Laura Horsey. Additional members, Indranil Basak, former Planning Commissioner Michael Bonoff, Glenn Puro, Brad Rawls, and soon to be Planning Commissioner Russell Axelrod, were later added based on their professional background or interest in water resource areas.

The committee held a total of 24 meetings through May 2, 2013, including two meetings in the field to determine how the standards would work in actual WRAs. Initially it was expected that the amendments would be limited to the "low hanging fruit" but that soon expanded to address the Land Use Board of Appeals decision (Horsey v. West Linn), provide better definitions, and balance the interests of resource protection and private property rights. To make these changes, the entire chapter had to be changed both substantively and in terms of format.

Through the course of these meetings, the public was welcome to participate. Attendees included Alma Coston, Troy Bundy, Ann Miller, Sheila Bietschek, and Ole Olson with regular input from Matthew Miller. Public comment was wide ranging and very constructive with particular emphasis on the hardship provisions including the inequity of a 5,000 square foot development limitation for larger lots.

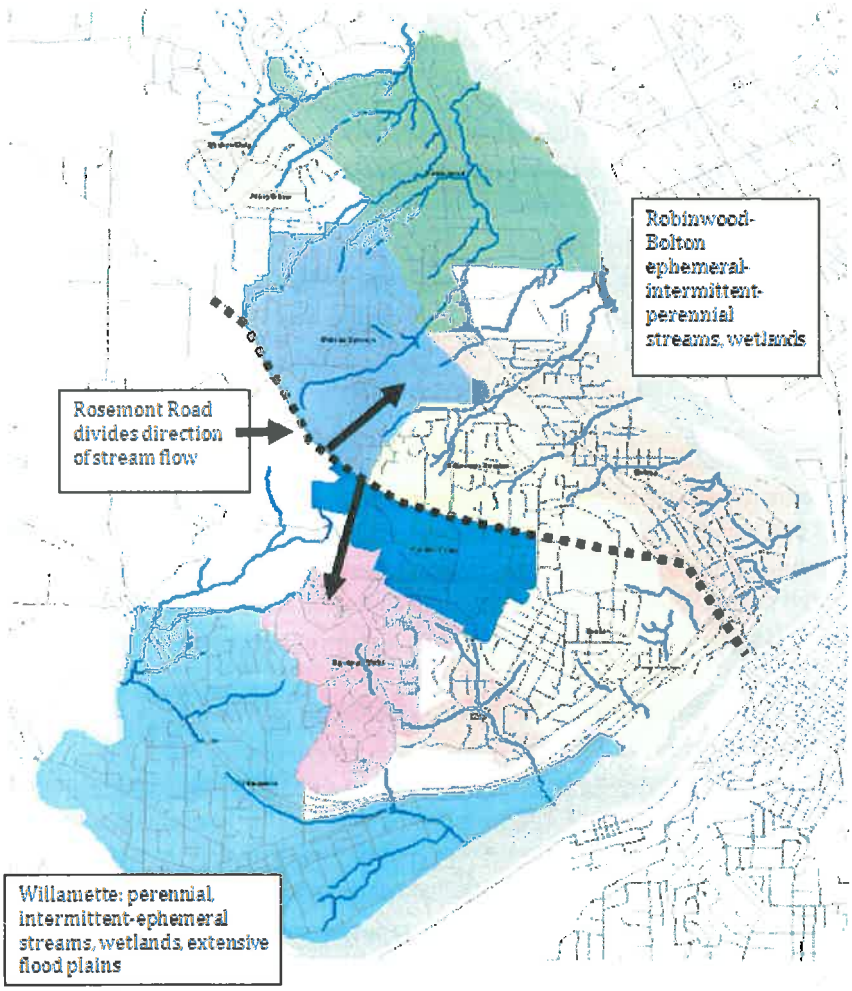
The initial phase also included a City "West Linn Update" newsletter explaining the work to be done (attached Exhibit A) and a City web site page with numerous links to access more information (attached Exhibit B).

Proposed Public Input

With the draft WRA regulations complete, the ambition is to have at least two public informational meetings in August preceded by, and concurrent with, informational articles in the July and August City

newsletters (Exhibit C: proposed version) as well as making use of the City's website and the social media.

For the public meetings, one option would be to divide the city in half with the dividing line being Rosemont Road (see mapped option). The meetings could be held in concert with regularly scheduled Robinwood and Willamette Neighborhood Association (NA) meetings.



These meetings would address the following points:

a) Discuss WRAs and their function.
b) Explain the amendments and the associated benefits.
c) Solicit comments/feedback from attendees on WRAs, the proposed amendments and discuss to the degree possible.
d) Explain the public hearing schedule and opportunities for further input.

At the same time, staff would submit the proposed amendments to Metro staff for preliminary review. Changes to the chapter are expected to come out of the public meetings and Metro review.

Planning staff would then submit notice of the first evidentiary hearing (Planning Commission) to the Department of Land Conservation and Development (DLCD) and mail a Measure 56 notice to all property owners along WRAs at least 30 days before the Planning Commission hearing.

The generalized timeline is shown below:

TIMELINE FOR WATER RESOURCE AREA CODE CHANGES

	June 2013	July	August	September	October	November
MEETINGS & TASKS	PC meeting on June 5 to discuss WRA changes and program for citizen involvement	Staff gone (July 10-August 6) Submit for review by Metro Draft available for review and comment on web	Conduct at least two community meetings to discuss changes Adjust code language based on public and Metro input as needed	PC work session to finalize draft for public hearing (to be scheduled) PC work session Sept 4 (tentative)	PC public Hearing , work session and action PC hearing Oct 16 (tentative)	CC briefing, hearing and work session (to be scheduled) Anticipated adoption by CC
NOTICES		Notice of proposed changes to DLCD 35 days in advance of first evidentiary hearing		Measure 56 (ORS 227.186(6)) notice of the PC and CC hearings to all properties adjacent to WRAs min. 30 (and max. 40) days prior to first evidentiary hearing		Notice of Adoption to DLCD within 5 days of adoption
MEDIA & OUTREACH		City website update article Social Media + Other	West Linn Tidings article City website update article City Utility Bill article Social Media + Other	West Linn Tidings article City website update article City Utility Bill article Social Media + Other		

Exhibit A (Update Newsletter 2011)

Potential Water Resource Area code changes

In West Linn, wetlands, streams, drainage ways and the vegetated areas beside them are protected as Water Resource Areas (WRA) by the Community Development Code (CDC).

Why protect streams and wetlands?

Streams and wetlands and the associated vegetated areas (riparian areas) provide numerous benefits for people and wildlife:

- **Maintaining water quality**. Wetlands are nature's water filters and sponges. They cleanse water by filtering or settling sediment and absorbing and breaking down excess nutrients and toxic substances. The vegetated areas along streams also filter pollutants that would otherwise reach the stream. This helps to maintain water quality at levels that will sustain fish and wildlife and that are safe for people to play in.

- **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.** Wetlands and stream corridors provide open space, scenic areas and, in some instances, recreational opportunities such as hiking and wildlife viewing.

State, Metro and City regulations.

The State of Oregon Land Use Planning Goal 5 and Metro codes require all cities to adopt land use regulations that protect water resources (Metro Title 3) and protect wildlife habitat (Metro Title 13). In 2007, West Linn came into compliance with these regulations with the adoption of Chapter 32 of the CDC. Since then, some community members have expressed concern with the regulations. Although the City is still required to meet Titles 3 and 13, a review and code refinement process is being initiated with the expectation that we can develop new code language which fully protects the resources but without unduly burdening property owners. Simplifying the code would help too.

We need your help.

The City of West Linn's Planning Commission has appointed three members to form the WRA Committee to evaluate and, if warranted, propose refinements to the regulations. In the coming weeks, the WRA committee will be compiling lists of issues and concerns community member have regarding WRA's. They will study those issues in light of recent scientific findings regarding streams and wetlands and land use cases and identify possible regulatory fixes to address the issues. Then they will seek your advice regarding possible regulatory fixes in an effort to identify the best ways to address the identified issues. The draft code amendments that emerge from this process will be presented at public hearing before the Planning Commission and City Council. If City Council supports the final product, it is expected to be adopted in late 2011 or early 2012.

To raise issues you think should be addressed, share any comments you may have or for more information, please e-mail or phone Peter Spir, Associate Planner, at pspir@westlinnoregon.gov or at 503-723-2539 or visit the website above.

How can I learn more?

There is a WRA site on the City's web site. It provides more information about this program and has useful links to Metro's requirements and the City's mapping system so you can see if your home or property is near a protected WRA. If you would like to be notified via email of any updates made to this page and follow the project as it evolves, please follow this link to "Planning What's New" and sign up for the RSS feed.

For city newsletter may 2011-js

Exhibit B (2011WRA website)

Water Resource Area (WRA) Code Review

ISSUE

One quality that makes West Linn such a special place is its unique setting within its natural landscape. The City of West Linn and residents together share a commitment to protect the natural beauty and environment of our area. For many years, the City has led efforts to protect streams, wetlands, and wildlife.

The State of Oregon and Metro, under Titles 3 and 13, have adopted regulations intended to preserve the functions that streams and wetlands provide. In 2007, West Linn came into compliance with these regulations with the adoption of Chapter 32 of the West Linn Community Development Code. Since then, some community members have expressed concern with the regulations. Consequently, the City is initiating a process to evaluate the regulations to make sure that they protect the resources without unduly burdening property owners.

PURPOSE

The purpose of the project is to review the current Chapter 32 to determine if changes are needed to:

- Respond to community member's concerns and issues;
- Provide effective resource and habitat protection;
- Comply with statutory requirements;
- Reflect evolving science and best management practices recommended by agencies such as Metro and the Department of State Lands;

- Reflect the lessons learned from a review of recent cases and trends ;
- Simplify the process;
- Avoid unnecessary restrictions; or
- Tailor standards to specific properties.

The City of West Linn's Planning Commission has appointed three members to form the WRA Committee. Their task is to work with the community to formulate code amendments for the public, Planning Commission and City Council to consider and refine. If City Council supports the final product it is expected to be adopted in late 2011 or early 2012.

Generally, the WRA committee will be meeting at 6:45 PM on the second and fourth Tuesday of each month at City Hall. You will find the agenda with all background material under the meeting date. All meetings are open to the public. Opportunities to help shape these draft regulations will be identified in the near future on this site. Please see top of page right for meeting date with agenda and background information.

IS MY PROPERTY AFFECTED?

Use the following link (click here) to navigate the City's mapping system which shows wetlands and riparian areas. Another method is to assume that any property within 100-150 feet of a stream, creek or wetland is likely to be in a WRA. To determine exactly how much of your property is potentially affected or how the current code may impact the use of your property, you are encouraged to contact Associate Planner Peter Spir at West Linn City Hall. He is available at pspir@westlinnoregon.gov. A site visit by staff may be required to make the determination.

HOW CAN I LEARN MORE?

If you would like to be notified via email of any updates made to this page, please follow this link to "Planning What's New" and sign up for the RSS feed.

EXHIBIT C: PROPOSED FOR AUGUST 2013 NEWSLETTER:

Proposed Water Resource Area code changes

West Linn's wetlands, streams and the vegetated areas beside them are protected as Water Resource Areas (WRA) by Chapter 32 of the Community Development Code (CDC).

Over the past few years, Planning Staff and a Citizens Advisory Group have prepared proposed changes to the CDC that should make protection of WRAs less complicated. The proposed major changes include:

1. Currently, owners of vacant property within a WRA can only build something that is the "minimum economically viable use" of the land (such as an espresso cart or a 900 square foot house). The proposed term: "reasonable use" would allow uses consistent with other uses and buildings on nearby properties or in that same zone.
2. Currently, the owners of vacant property within a WRA can only develop up to a maximum of 5,000 square feet of "disturbed area" within the WRA. The proposed language will guarantee 5,000 square feet. Also, owners of lots over an acre will have an allowable "disturbed area" of 30%. For a two acre parcel that works out to 26,138 square feet.
3. Currently, the 5,000 square foot "disturbed area" includes "temporarily disturbed areas" such as trenched utilities that are later filled in and re-vegetated. In the proposed language, "temporarily disturbed areas" would not count against the 5,000 square feet.
4. Currently, all WRA transitions and setbacks are the same. An "Alternate Discretionary Review" process will allow property owners to have transitions and setbacks that are appropriate to the specific conditions on their property.
5. Reduced setbacks are proposed for ephemeral streams that only carry water after downpours. These streams are so small that they often do not have a defined channel.
6. Currently, the City uses the Public Works Departments Surface Water Management Plan to identify WRAs. Consequently, many road side ditches and tiny swales, that are dry for most of the year, have the same level of protection as year-round streams and wetlands. The proposed language would use the City's wetland, riparian corridor and stream inventories instead. This will reduce the number of WRA permits that are required.

7. Some stream sections are piped underground. Incentives to open up these streams are offered.
8. The proposed language includes Metro's "Habitat Friendly Development Practices". Property owners can make simple modifications to their development proposals to improve water quality and habitat protection. Incentives to encourage their use will be offered.
9. The use of tables, illustrations and definitions to better communicate the code is proposed.
10. "Exemptions" from WRA permits will be increased. For example, a homeowner with a house in the WRA can build certain additions without having to go through the WRA permit process. Accessory structures under 120 square feet are permitted in the setback area without a WRA permit.

Why protect streams and wetlands?

Streams and wetlands and the associated vegetated areas (riparian areas) provide numerous benefits for people and wildlife:

- **Maintaining water quality.** Wetlands cleanse water by filtering or settling sediment and absorbing and breaking down excess nutrients and toxic substances. This helps to maintain water quality at levels that will sustain fish and wildlife and that are safe for people to play in. The State of Oregon Land Use Planning Goal 5 and Metro Title 3 also require all cities to adopt land use regulations that protect water resources.

- **Flood and Storm mitigation.** The vegetated areas around wetlands and streams accommodate and slow down rainfall that might otherwise result in flooding and erosion.

- **Wildlife habitat**. Wetlands and the surrounding vegetated areas provide a variety of habitats that support birds, mammals, amphibians and fish. Vegetated areas along the edge of wetlands and 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. The State of Oregon Land Use Planning Goal 5 and Metro Title 13 also require all cities to adopt land use regulations that protect wildlife habitat.

- **Recreation.** Wetlands and stream corridors provide open space, scenic areas and, in some instances, recreational opportunities such as hiking and wildlife viewing.

Learn more and Comment

A draft version of the code amendments is available at ##############. Planning staff will be holding two informational meetings in the Robinwood and Willamette areas for interested residents to learn more about the proposed changes and how they could specifically affect or benefit them.

1. Robinwood meeting on Wednesday, June 19, 2013 at 7pm at ######################
2. Willamette meeting on Tuesday, June 25, 2013 at 7pm at ######################

After this phase of public comment, the Planning Commission is expected to hold public hearings in September followed by City Council in October. Notice of the hearings will be mailed to all property owners adjacent to streams and wetlands.

To share any comments you may have or for more information, please e-mail or phone Peter Spir, Associate Planner, at pspir@westlinnoregon.gov or at 503-723-2539.

Chapter 32

Water Resource Areas (CLEAN: NO STRIKEOUTS/ADDITIONS SHOWN) May 31, 2013

Sections

32.010	PURPOSE AND INTENT
32.020	APPLICABILITY
32.030	EXEMPTIONS
32.035	PROHIBITED USES
32.040	THE APPLICATION (STANDARD PROCESS)
32.050	APPROVAL CRITERIA (STANDARD PROCESS)
32.055	ALTERNATE DISCRETIONARY REVIEW PROCESS
32.065	APPROVAL CRITERIA (ALTERNATE DISCRETIONARY REVIEW PROCESS)
32.070	SUBMITTAL REQUIREMENTS (STANDARD PROCESS)
32.073	SUBMITTAL REQUIREMENTS (ALTERNATE DISCRETIONARY REVIEW PROCESS)
32.075	MITIGATION PLAN
32.080	RE-VEGETATION PLAN REQUIREMENTS
32.090	HARDSHIP PROVISIONS

Staff Comments:

These amendments began as an attempt to simplify Chapter 32, which suggests that it would have been edited down from its current 15 pages. Instead, the reverse happened and it is about 35 pages long. The reasons are many:

1. A recent case (Horsey vs. City of West Linn) at the Oregon Land Use Board of Appeals (LUBA) sensitized us the need to improve and make clear the hardship (32.090) provisions. In large part, the city lost the case based on the fact that the code did not properly define the terms and words used in the chapter. For example, the proposed code now defines and distinguishes between temporary and permanent disturbance of WRAs. The proposed code also makes greater accommodations for a range of "reasonable uses" that can locate on hardship properties within the WRA. It also acknowledges the burden faced by large lot property owners in developing their land inside the WRA. Consequently, it

increases the 5,000 square foot hardship area.

2. Recognizing the fact that the quality and function of WRAs varies greatly throughout the city and that a standardized transition and setback is not always appropriate, an "Alternate Discretionary Review" process was added. This allows property owners to hire a wetland consultant who will recommend transitions and setbacks that are appropriate and specific to the property. This method has the potential to reduce the burden on property owners while preserving the functions and values of the WRA.

3. The current chapter relies on the Surface Water Management Plan (SWMP) to map all WRAs. The SWMP is first and foremost a utility plan and inventories every storm water pipe, ditch, swale, creek and stream in the city. It is not an exclusive inventory of wetlands, riparian corridors and streams. Consequently, many man-made ditches, roadside trenches and tiny swales, that are dry for most of the year, have the same level of protection as year-round streams and wetlands. The proposed revision would eliminate use of the SWMP as the basis for the WRA delineation and relies instead on the adopted mapped wetland, riparian corridor and stream inventories. This will allow the city to focus on the important WRAs and hopefully eliminate costly and unnecessary WRA applications by property owners.

4. A new set of standards for ephemeral streams that carry water only briefly after downpours has been created. Ephemeral streams so small that they often do not have a defined channel. A significantly reduced protection area is appropriate.

5. There are also noteworthy revisions relating to daylighting (opening up) streams that are piped. The current code actually discourages daylighting by imposing the standard transitions and setbacks once the stream is daylighted. Consequently, and to staff's knowledge, no piped stream has been daylighted in the past 20 years. The new language will offer incentives such as reduced transitions and allowing stream realignment.

6. The chapter includes Metro's "Habitat Friendly Development Practices" which spell out the means by which property owners/developers may make simple modifications to their development proposals to improve water quality and habitat protection.

7. Very noticeable is the increased use of tables and illustrations to better communicate how the code

works or what the code means. For example, Table 32-1 was added to provide a quick way of determining if a development proposal is permitted or where it is permitted.

8. "Exemptions" from WRA permits are clarified and increased. For example, a homeowner with a house in the WRA can build certain additions and other changes without having to go through the WRA permit process. Accessory structures under 120 square feet are permitted in the setback area without a WRA permit.

32.000 WATER RESOURCE AREA (WRA) PROTECTION

32.010 PURPOSES

The purposes of this chapter are to:

A. Comply with Title 13 and Title 3 of Metro's Urban Growth Management Functional Plan while balancing resource protection with property rights and development needs.

B. Protect or improve water quality by filtering sediment and pollutants and absorbing excess nutrients for the protection of public health, safety and the environment and to comply with both state and federal laws and regulations, including the Federal Clean Water Act.

C. Moderate storm water impacts by slowing, storing, filtering and absorbing storm water and to maintain storm water storage and conveyance to prevent or minimize flooding and erosion for the protection of public health and safety.

D. Prevent erosion and minimize sedimentation of water bodies by protecting root masses along streams that resist erosion and stabilize the stream bank and by protecting vegetation on steep slopes to maintain their stability.

E. Protect and improve the following functions and values of WRAs that - enhance the value of - fish and wildlife habitat:

1. Natural stream corridors that provide habitat and habitat connectivity for terrestrial wildlife,
2. Microclimate habitats that support species adapted to those conditions,.
3. Shade to maintain healthy stream temperatures,
4. Vegetation to absorb and filter pollution and sediment that would otherwise contaminate the water body,
5. Sources of organic material that support the food chain,
6. Recruitment of large wood that enhances the habitat of fish bearing streams,
7. Moderation of stream flow by storing and delaying storm water runoff, and vegetated areas surrounding wetlands that, together with the wetland, provide vital habitat for birds, amphibians, and other species.

F. Provide mitigation standards - and guidance to address water quality values and ecological functions and values lost through development - within WRAs.

G. Encourage the use of habitat friendly development practices.

H. Minimize construction of structures and improvements where they are at risk of flooding, to enable natural stream migration and channel dynamics, and protect water resources from the potential harmful impacts of development.

I. Provide for uses and activities in WRA that have negligible impact on such areas. And to provide for other uses that must be located in such areas in a way that will avoid or, when avoidance is not possible, minimize potential impacts.

32.020 APPLICABILITY

A. This chapter applies to all WRAs identified on the WRA Map. It also applies to all verified, unmapped WRAs. The WRA Map shall be amended to include the previously unmapped WRAS.

B. The burden is on the property owner to demonstrate that the requirements of this chapter are met, or are not applicable to the land, development activity, or other proposed use or alteration of land. The Planning Director may make a determination of applicability based on the WRA Map, field visits, and any other relevant maps, site plans and information, as to:

a. the existence of a WRA,
b. the exact location of the WRA, and/or
c. whether the proposed development, activity or use is within the WRA boundary.

In cases where the location of the WRA is unclear or disputed, the Planning Director may require a survey or delineation prepared by a natural resource professional/wetland biologist or specialist, or a sworn statement from a natural resource professional/wetland biologist or specialist that no WRA exist on the site. Any required survey, delineation, or statement shall be prepared at the applicant's sole expense.

32.025 PROHIBITED USES

A. Alteration, development, or use of real property designated as, and within, a WRA is strictly prohibited except as specifically allowed or exempted in this chapter.

Table 32-1: Summary of where development and activities may occur in areas subject to this chapter

Type of Development or Activity	In stream or wetland	In Transition Area	In Setback Area
New House, Principal Structure(s)	No	No (except by hardship sec. 32.090)	No (except by hardship sec. 32.090 or geotechnical study may reduce setback per table 32-2(B)).
Additions to Existing House, Principal Structure(s) and replacement in kind. (Replacement in kind does not count against the 500 sq. ft. limit so long as it remains within the existing footprint.)	No	Yes, so long as it gets no closer to WRA than building footprint that existed Jan. 1, 2006. Max. 500 sq. ft. of addition(s) to side or 500 sq. ft. to rear of building footprint. No limit on vertical additions within existing footprint. (See 32.030 (B)(2-5))	Yes, so long as it gets no closer to WRA than building footprint that existed Jan. 1, 2006. Max. 500 sq ft of addition(s) to side or 500 sq. ft. to rear of building footprint. No limit on vertical additions within existing footprint. (See 32.030 (B)(2-5))
New cantilevered decks (over 30-inches), balconies, roof overhangs and pop outs towards WRA from Existing House or Principal Structure(s)	No	No	Yes, but only 5 ft. into setback. Foundation of structure cannot be in the setback area.
Decks within 30-inches of grade, at grade patios	No	No.	Yes, but geotechnical study may be required.
New Accessory Structure(s) under 120 sq. ft. and 10 ft tall	No	No	Yes
Repair and maintenance to existing accessory structures	No	Yes, but no increase in footprint or height.	Yes, but no increase in footprint or height.
Storm water treatment and detention (e.g. rain gardens, storm outfall/energy dissipaters)	No	Yes. Private and Public facilities incl. outfall and energy dissipaters are permitted if no reasonable alternatives exist.	Yes. Private and public facilities, outfall and energy dissipaters are permitted.
Driveways/ streets/ bridges and parking lots	No, unless a WRA crossing is the only available route. No parking lots.	No, unless a WRA crossing is the only available route or it is part of a hardship application. Driveways and parking lots only allowed in hardship cases.	No, unless a WRA crossing is the only available route or it is part of a hardship application. Driveways and parking lots only allowed in hardship cases.
New Fence(s)	No	No, only City approved property markers or posts every 25 ft. to delineate property. No markers or posts in a water resource.	Yes, recommend four foot maximum height and a one foot wide gap every 100 ft. to accommodate wildlife but it is not required.
Demolition of structure and/or removal of impervious surfaces in the WRA	Yes, so long as site is re-vegetated	Yes, Restoration and re-vegetation required.	Yes, Restoration and re-vegetation required.
Exterior Lighting	No	No, except on existing buildings, additions or hardship cases but light must be directed away from WRA and a maximum 12 ft. high.	Yes, but must be directed away from WRA and a maximum 12 ft. high.
Public passive recreation facilities	No, except for bridges and utility crossings	Yes, but only soft or permeable surface trails, bridges and elevated paths, interpretive facilities and signage.	Yes, but only soft or permeable surface trails, bridges and elevated paths, interpretive facilities and signage. Hard surface ADA trails are allowed.
Public active recreation facilities	No, except for bridges and utility crossings	Yes, but only soft surface trails, bridges and elevated paths, interpretive facilities and signage	Yes, but only soft surface trails, bridges and elevated paths, interpretive facilities, signage, natural surface playing fields and playground areas. Hard surface ADA trails are allowed.
Grading, fill (see also TDAs)	No, except for bridges and utility crossings.	Yes, after WRA permit obtained. Restoration and re-vegetation required.	Yes, after WRA permit obtained. Restoration and re-vegetation required.
Temporarily Disturbed Areas (TDA) (e.g. buried utilities)	No, except as allowed by WRA permit.	Yes. Restoration and re-vegetation required.	Yes. Restoration and re-vegetation required.

Removal of existing vegetation or planting new vegetation	No, except invasive plants and hazard trees per 32.030(A) (3) (b) or per 32.080.	Yes, if it is replaced by native vegetation. Exemption 32.030(A)(7) applies,	Yes, if it is replaced by native vegetation. Exemption 32.030(A)(7) applies,
Realigning water resources	Yes after "Alternate Review" Process	Not applicable	Not applicable

32.030 EXEMPTIONS

A. Vegetation Maintenance, Planting and Removal

1. The routine maintenance of any existing WRA, consistent with the provisions of this chapter such as, but not limited to, removing pollutants, trash, unauthorized fill, and dead or dying vegetation that constitutes a hazard to life or property.

2. Removal of plants identified as nuisance, invasive or prohibited plants, provided that after plant removal, re-vegetation of disturbed areas is performed pursuant to Section 32.080.

3. The planting or propagation of plants identified as native plants on the Portland Plant list.

4. Maintenance of existing gardens, pastures, lawns, and landscape perimeters, including the installation of new irrigation systems within existing gardens, lawns, and landscape perimeters.

5. The use of pesticides and herbicides with applicable state (e.g. Oregon DEQ) permits.

B. Building, Paving, Grading, and Testing

1. Maintenance. Routine repair, maintenance and replacement of legally established above and below ground utilities and related components (including storm water catch basins, intakes, etc.), roads, driveways, paths, trails, fences and manmade water control facilities such as constructed ponds, wastewater facilities, and storm water treatment facilities that do not expand the disturbed area at grade or footprint, provided re-vegetation of disturbed areas or corridors is performed pursuant to Section 32.080.

2. Trails. The establishment of unpaved trails constructed of non-hazardous, pervious materials with a maximum width of four feet in generalized corridors

approved in a Parks or Trails Master Plan, provided that they are sited and built consistent with Section 32.050 (F), Passive Recreation.

3. Site investigations. Temporary and minor clearing outside of wetlands not to exceed 200 square feet per acre or site, whichever is more, provided that no individual area is greater than 200 feet in size, for the purpose of site investigations and pits for preparing soil profiles, provided that such areas are restored to their original condition when the investigation is complete. While such temporary and minor clearing is exempt from the provisions of this chapter, it is subject to all other City codes, including provisions for erosion control and tree removal.

4. Support structures for overhead power or communication lines where the support structures are outside of the WRA.

5. The installation, within the developed portions of street right-of-ways, of new utilities, the maintenance or replacement of existing utilities and street repaving projects.

C. Nonconforming Structures.

1. Expansion of Non-Conforming Structures. Additions to the existing building footprint of non-conforming structure within, or partially within, the WRA are exempt, and additionally exempt from Chapter 66, Non-Conforming Structures, as long as the addition(s) meets the following restrictions:

    a. Re-vegetation of temporarily disturbed areas will be performed per Section 32.080 after the addition is completed;
    b. There is no net increase in storm water runoff flowing toward the water resource as a result of the addition(s);
    c. The addition (including, decks and other cantilevered designs, etc.) is not closer to the water resource than the existing structure,
    d. If it is a lateral addition, it does not extend more than 25 feet laterally from the side of the existing structure,
    e. The addition does not increase the footprint of the existing principal structure by more than 500 square feet, at any one time or incrementally.
    f. Vertical additions to existing principal structures that comply with the maximum height requirements of the underlying zone are exempt.

2. Repair, Replacement and Removal of Non-conforming structures:

    a. Interior remodeling of a non-conforming structure.
    b. Routine repair, maintenance, rehabilitation and replacement of non-conforming structures, accessory structures, utilities and related components, roads, driveways, paths, trails, fences, and manmade water and storm water control facilities that do not expand the disturbed area or footprint. Re-vegetation of temporarily disturbed areas or corridors pursuant to 32.080 is required.
    c. Demolition and removal of non-conforming structure's impervious surfaces are exempt as long as the site is restored with native vegetation pursuant to Section 32.080.

D. New Construction Activities allowed in the Setback.

1. Structures shall be located out of the setback, except that eaves, balconies, decks, "pop outs," and similar additions, may cantilever over the setback area a maximum of five feet.
2. Construction of an accessory structure under 120 square feet in size and under 10 feet tall.
3. Construction or repair of a water permeable patio or deck within 30 inches of the original grade.
4. Fences may be built in the setback.

E. Geotechnical Review of Construction in the WRA.

For any proposed development under 32.030(B-D), where review of soil maps, Department of Geology and Mineral Industries (DOGAMI) maps, or on-site inspection by the City Engineer reveals evidence of slope failures or that WRA slopes are potentially unstable or prone to failure, geotechnical studies may be required to demonstrate that the proposed development will not cause, or contribute to, slope failure or increased erosion or sedimentation in the WRA or adversely impact surface or modify groundwater flow or hydrologic conditions. These geotechnical studies, including all necessary measures to avoid or correct the potential hazard, must be approved by the City Engineer prior to issuance of the associated building permit.

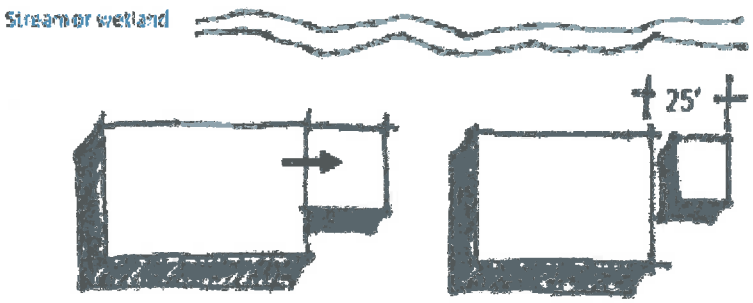


Figure 32-3: Lateral addition (attached or detached) may extend a maximum 25 feet from the side of the building and may not exceed 500 square feet (footprint).

WRA boundary

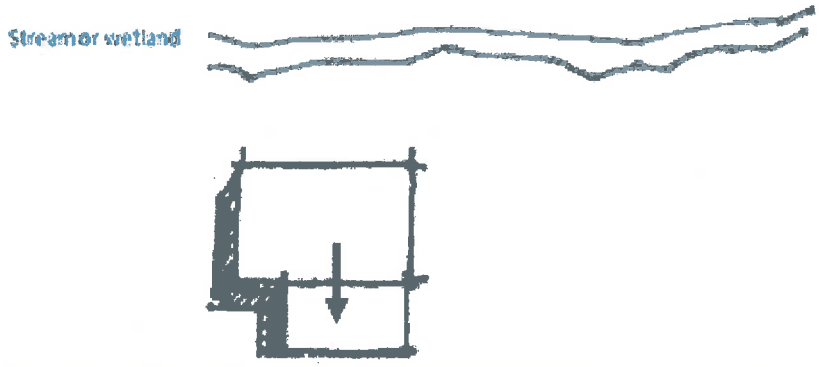
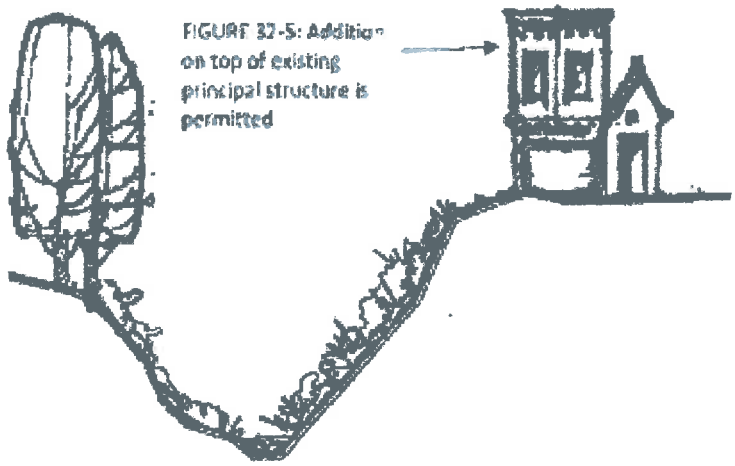


Figure 32-4: Addition at the rear of building may not exceed 500 square feet (footprint)

WRA boundary



F. Emergency Activities. Actions authorized by the City Manager that must be taken immediately or within a period of time too short to fully comply with this Chapter, to:

1. prevent immediate danger to life or property,
2. prevent immediate threat of serious environmental degradation,
3. restore existing utility service, or
4. reopen a public thoroughfare to traffic.

However, after the emergency has passed any disturbed area shall be restored, pursuant to Section 32.080.

G. Exempt Areas

1. The Tualatin or Willamette rivers are regulated by Chapter 28 and are not subject to this chapter. However, wetlands and buffers, regardless of their proximity to these rivers, are subject to this chapter. In areas where there is overlap with Chapter 28, this chapter shall prevail.

2. Development of areas outside the WRA, even though there may be a WRA on the property.

3. Existing enclosed or piped sections of streams, including any development at right angles to the enclosed or piped sections.

4. Isolated areas. If a topographic feature or legally established road, other linear facility, or barrier physically separates and functionally isolates a portion of the WRA from the main portion of the WRA, including the associated water feature, the approval authority may exclude the isolated area from the WRA and the permitting procedure.

32.040 APPLICATION

A. An application requesting approval for a use or activity regulated by this chapter -c- shall be initiated by the property owner, or the owner's authorized agent, and shall - include an application form and the appropriate deposit/or fee as indicated on the master fee schedule.

B. A pre-application conference shall be a prerequisite to the filing of the application.

C. The applicant shall submit:

1. Two copies of all maps and diagrams at 11 X 17 inches and a written narrative addressing the approval criteria and Construction Management Plan (Section 32.040 (G)), Mitigation Plan (Section 32.075) and Re-Vegetation Plan (Section 32.080) requirements;

2. One - electronic copy of all maps, narrative and supporting documents on a compact disc or other electronic medium acceptable to the City.

D. Where review of soil maps, Department of Geology and Mineral Industries (DOGAMI) maps, or on-site inspection by the City Engineer reveals evidence of slope failures or that WRA slopes are potentially unstable or prone to failure, geotechnical studies may be required to demonstrate that the proposed development will not cause, or contribute to, slope failure or increased erosion or sedimentation in the WRA or adversely impact surface or modify groundwater flow or hydrologic conditions. These geotechnical studies shall include all necessary measures to avoid or correct the potential hazard.

E. Applications proposing stream or wetland crossing with streets or utilities and any other development that modifies the water feature - shall present evidence in the form of adopted utility master plans or transportation master plans, or findings from a registered Oregon civil - engineer, certified engineering geologist or similarly qualified professional to demonstrate that the development or improvements are consistent with accepted engineering practices.

F. Site Plan. The applicant shall submit a site plan which contains the following information, as applicable:

1. The name, address, and telephone number of the applicant, the scale (lineal) of the plan, and a north arrow.

2. Property lines, rights-of-way, easements, etc.

3. Topographic information at two foot contour increments identifying both existing grades and proposed grade changes.

4. A slope map delineating slopes 0-25% and over 25%.

5. Boundaries of the WRA, specifically delineating the water resource, the transition and setback boundaries and any riparian corridor boundary. If the proposal includes development of a wetland, a wetlands delineation prepared by a professional wetland specialist will be required. The wetland delineation may be required to be accepted or waived through the Department of State Lands (DSL)

delineation review process.

6. Location of existing and proposed development, including all existing and proposed structures, accessory structures, any areas of fill or excavation, water resource crossings, alterations to vegetation, or other alterations to the site' s natural state.

7. Identify the location and square footage of previously disturbed areas, areas that are to be temporarily disturbed, and area to be permanently disturbed or developed.

8. When an application proposes development within the WRA, an inventory of vegetation within the WRA, sufficient to categorize the existing condition of the WRA, including:
   a. the type and general quality of groundcover, including the identification of dominant species and any occurrence of non-native, invasive species;
   b. square footage of ground cover; and,
   c. square footage of tree canopy as measured either through aerial photographs or by determining the tree drip lines. Where only a portion of a WRA is to be disturbed, the tree inventory need only apply to the impacted area. The remaining treed area shall be depicted by outlining the canopy cover.

9. Locations of all significant trees as defined by the City Arborist.

10. Identify adopted transportation, utility and other plan documents applicable to this proposal.

G. Construction Management Plan. The applicant shall submit a Construction Management Plan which includes the following:

1. The location of proposed TDAs (site ingress/egress for construction equipment, areas for storage of material, construction activity areas, grading and trenching, etc.) that will subsequently be restored to original grade and replanted with native vegetation, shall be identified, mapped and enclosed with fencing per (3) below.

2. Appropriate erosion control measures consistent with CDC Chapter 31 and a tentative schedule of work.

3. The WRA shall be protected, prior to construction, with an anchored chain link fence (or equivalent approved by the City) at its perimeter that shall remain undisturbed, except as specifically authorized by the approval authority. Additional fencing to delineate approved

TDAs may be required. Fencing shall be mapped and identified in the Construction Management Plan and maintained until construction is complete.

H. Mitigation Plan prepared in accordance with the requirements in 32.075.

I. Re-vegetation Plan prepared in accordance with the requirements in 32.080.

J. The Planning Director may modify the submittal requirements per CDC Section 99.035.

K. The following additional requirements apply to applications being submitted under the Alternative Review Process pursuant to CDC 32.055 through 32.065.

1. Identify the affected WRA and describe the functions it performs (see Table 32-6).
2. Provide a scaled map that delineates the proposed transition and setback areas determined to be sufficient to sustain the functions occurring at the site and a narrative that justifies the proposal, consistent with Section 32.065.
3. Identify the recommended transition boundary at the site with colored tape, survey markers or other easily identified means for field inspection by staff.
4. Consultant Required for Alternate Review Process.

    a. The narrative and analysis required by sections 32.055 and 32.065 shall be prepared and signed by a qualified natural resource professional, such as a wildlife biologist, botanist, or hydrologist. The Planning Director shall determine the scope of work and specific products required from the consultant. The Planning Director may require a mitigation plan pursuant to Section 32.075 and/or a re-vegetation plan pursuant to Section 32.080.

    b. The Planning Director may waive the consultant requirement for simple or minor projects if he or she determines that it is not necessary in order to satisfy the requirements of this chapter.

32.050 APPROVAL CRITERIA (STANDARD PROCESS)

No application for development on property containing a - WRA shall be approved unless the - approval authority finds that the proposed development is consistent with the following approval criteria -, or can satisfy the criteria -by conditions of approval:

A. WRA Protection/Minimizing Impacts. Development shall be conducted in a manner that will avoid or, if avoidance is not possible, minimize adverse impact on WRAs.

B. Storm water and Storm water Facilities.

1. Proposed developments shall be designed to maintain the existing - WRAs and utilize them as the primary method of storm water conveyance through the project site unless the - Surface Water Management Plan calls for alternate configurations (culverts, piping, etc.)- ; or under Section 32.055, the applicant demonstrates that the relocation of the water resource will not adversely impact the function of the WRA including, but not limited to, circumstances where the WRA is poorly defined or not clearly channelized. Re-vegetation, enhancement and/or mitigation of the re-aligned water resource shall be required as applicable.

2. Public and private storm water detention, storm water treatment facilities and storm water outfall or energy dissipaters (e.g. rip rap) may encroach into the WRA if accepted engineering practice requires it and there are no reasonable alternatives available. Significant trees, including roots, shall be avoided to the degree possible. The encroachment and any tree loss shall be consistent with the City's Tree Technical Manual and mitigated per Section 32.075. The outfall shall not have an erosive effect on the WRA or diminish the stability of slopes. A geotechnical report may be required to make the determination regarding slope stability. There shall be no direct outfall into the water resource.

3. Roadside storm water conveyance swales and ditches may be extended through WRA (and associated setbacks) within rights-of-way. When possible, they shall be located along the side of the road furthest from the stream or wetland. If the conveyance facility must be located along the side of the road closest to the stream or wetland, it shall be located as close to the road/sidewalk as possible and include habitat friendly design features (treatment train, rain gardens, etc.)

4. Storm water detention and/or treatment facilities in the WRA shall be designed without permanent perimeter fencing and shall be landscaped with native vegetation.

5. Access to public storm water detention and/or treatment facilities shall be provided for maintenance purposes. Maintenance driveways shall be constructed to minimum width and use water permeable paving materials. Significant trees, including roots, shall not be disturbed to the degree possible. The encroachment and any tree loss shall be mitigated per Section 32.075. There shall also be no adverse impacts upon the hydrologic conditions of the site.

C. Dedications and Easements Water

1. To protect WRAs from potential disturbance, damage and encroachment caused by human activity, at such time that property is subdivided or developed, the City shall:

a. Encourage dedication of the land title deed for the WRA to the City, private trust or conservation group for open space and resource protection purposes, with the exception of known or suspected contaminated sites, or

b. Encourage conveyance of a conservation easement for the WRA and the associated transition area to the City.

c. The dedication or conservation easement, under subsections (C) (1) (a) or (b) above, shall be contingent on the City demonstrating that an essential nexus and rough proportionality exists. Alternately, the applicant may choose to waive the nexus and proportionality requirement. Where appropriate, the City may require that the "right to exclude" be legally relinquished by the property owner.

d. The City shall not pursue dedications or easements from individual property owners in residential zones applying for WRA permits that do not involve the creation of additional housing or lots.

2. The area appropriate for dedication or subject to a conservation easement under Subsection (C) (1)(a) (b) above should include, at a minimum, the water resource and extend to:

a. the outer or uphill edge of the transition area when the WRA type, shown on Table 32-2, is type (A) (C) (E) (F) or (H); or,
b. to the distinct top of bank or ravine when protected WRA type (B) on Table 32-2 applies; or,
c. a smaller area, if any, based on the nexus and proportionality analysis under Subsection(C) (1) (c).

3. Conservation easements should include language to allow the City to undertake stream and habitat restoration, enhancement projects or passive recreation activities (e.g. trails) consistent with the provisions of this chapter.

4. Where WRAs are dedicated to the City or a Conservation/Open Space Easement is established, these areas shall be identified with City-approved permanent markers at all boundary direction changes and at 30-foot to 50-foot intervals that (1) clearly delineate the extent of the protected area and (2) that the property is either owned by the City or that it is an Open Space easement that has been conveyed to the City.

D. Transition and Setbacks. Except for the exemptions in Section 32.030, applications that are using the alternate review process of 32.065, or as authorized by the Approval Authority consistent with the provision of this chapter, all development shall meet the transition area and

setbacks established in Table 32-2 below:

Table 32-2. Required Widths of Transition Area and Setback -.

Protected WRA Feature (see CDC Chapter 2 Definitions)	Slope Adjacent to Protected Water Feature[1, 4]	Starting Point for Measurements from Water Feature[3]	Width of Transition Area and Setback - on each side of the water feature[4]
A. Wetland or -Stream	0% - 25%	• Edge of bankfull stage • or OHW-Delineated edge of wetland	50 feet-wide transition area plus a 15 -foot setback
B. Wetland or-Stream	- over 25% to a distinct top of ravine-[2]	• Edge of bankfull stage • or OHW Delineated edge of wetland	Transition is - from starting point of measurement to top of ravine [2] (30 foot minimum), plus an additional 50 foot setback[5]
C. Wetland or -Stream	-over 25% for more than 30 feet, and no distinct top of ravine for at least 150 feet	• Edge of bankfull stage • - or OHW -Delineated edge of wetland	200-foot transition,- with no setback.
D. Riparian Corridor	any	• Edge of bankfull stage or OHW	100 feet transition-, plus -no setback
E. Formerly Closed Drainage Channel Reopened	Variable: see Section 32.050(P)	Edge of bankfull stage - or OHW	15 foot transition. No setback.
F. Ephemeral Stream	Any	Stream thread or centerline	15-foot transition with treatment or vegetation (see 32.050(G) (1)). No setback
G. Fish bearing streams per Oregon Department of Fish and Wildlife (ODFW) or 2003-2004 survey	Applies to all that stream section where fish were inventoried and upstream to the first known barrier to fish passage.	• Edge of bankfull stage or OHW; • Delineated edge of wetland	100 -foot transition when no greater than 25% slope. See B or C above for steeper slopes.
H. Re-aligned streams and wetlands	See A. B. C. D. F. or G. above	• Edge of bankfull stage or OHW; • Delineated edge of wetland	See A. B. C. D. F. or G. above

Footnote to Table 32-2:

[1] The slope is the average slope in the first 50 feet as measured from bankfull stage or OHW.

[2] Where the protected water feature is confined by a ravine or gully, the top of ravine is the location where the slope breaks to less than - 15% -for at least 50 feet.

[3] At least three slope measurements along the water feature, at no more than 100-foot increments, shall be made for each property for which development is proposed. Depending upon topography, -, the width of the protected corridor - may vary.

[4] Isolated transition or setback areas. If a topographic feature or legally established road, other linear facility, or barrier physically separates and functionally isolates a WRA from a portion of an associated transition or setback area, the Planning Director or approval authority may allow the transition or setback area's width to be reduced to the minimum extent needed to exclude the isolated area. The applicant shall provide sufficient information to enable the approval authority to determine whether or not the subject area qualifies under Subsection 32.030(11) (a) above. If the applicant fails to provide credible information, the planning director or approval authority may require technical review by a qualified professional, at the applicant's expense, to verify and evaluate the information submitted by the applicant.

[5] The 50 foot setback may be reduced to a 25 foot setback if a geotechnical study by a licensed engineer or similar accredited professional demonstrates that the slope is stable and not prone to erosion.

Table 32-5.5: Determining the starting point for the measurement of the transition area

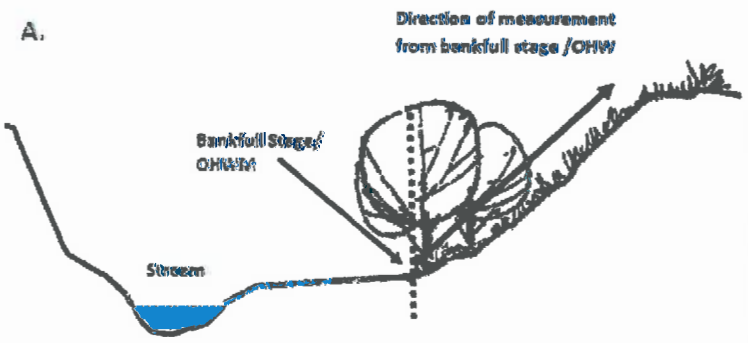
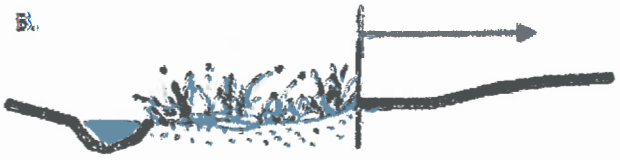
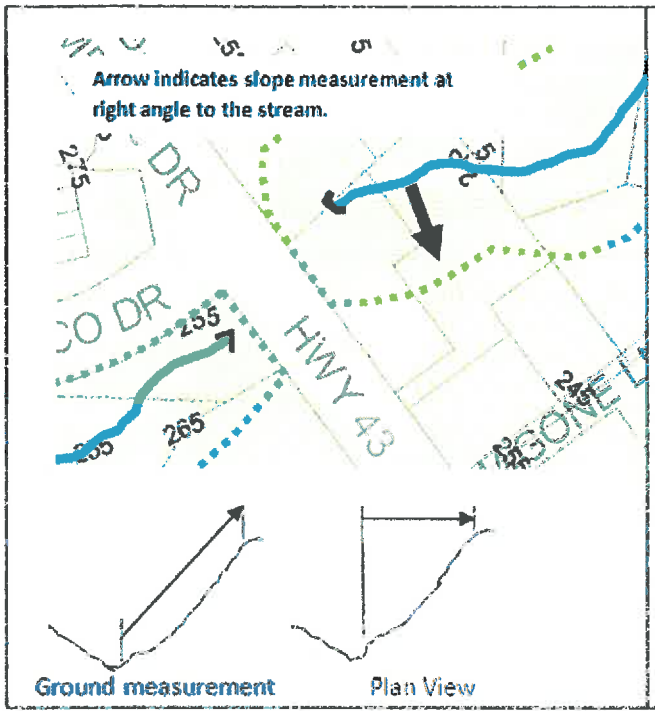
A.  	The bankfull stage or OHW level of stream systems is typically delineated in the field by: • the outer extent of facultative or obligate plants; • the litter of branches, twigs and organic debris below and the presence of woody vegetation (e.g., willow and alder species) above; • textural change of depositional sediment or changes in the character of the soil (e.g. from silts, sand, cobble and gravel to upland soils); • top of the zone of washed or exposed roots; • a clear natural line impressed on the bank; • a break or change in slope angle.
B. 	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.

Figure 32-6



Determining the appropriate slope and measuring transition distance:

The slope from OHW or edge of wetland, that will be used to determine the appropriate transition, shall be based on the average slope (rise over run) in the first 50 feet and measured at right angle to the dominant stream channel. Where streams terminate, such as to go through a culvert, the transition shall also extend upstream and downstream, as shown in this example, and not just at right angles to flow of stream. Measurements shall be "Ground Measurement" and not "Plan View" measurement.

The transition area shall not extend across, or include, any improved street or contiguous sidewalk. Activity in those street sections such as overlays or trenching would not require a WRA permit. Transition areas shall not extend over enclosed or piped streams.

Figure 32-7:

SLOPES 0-25%

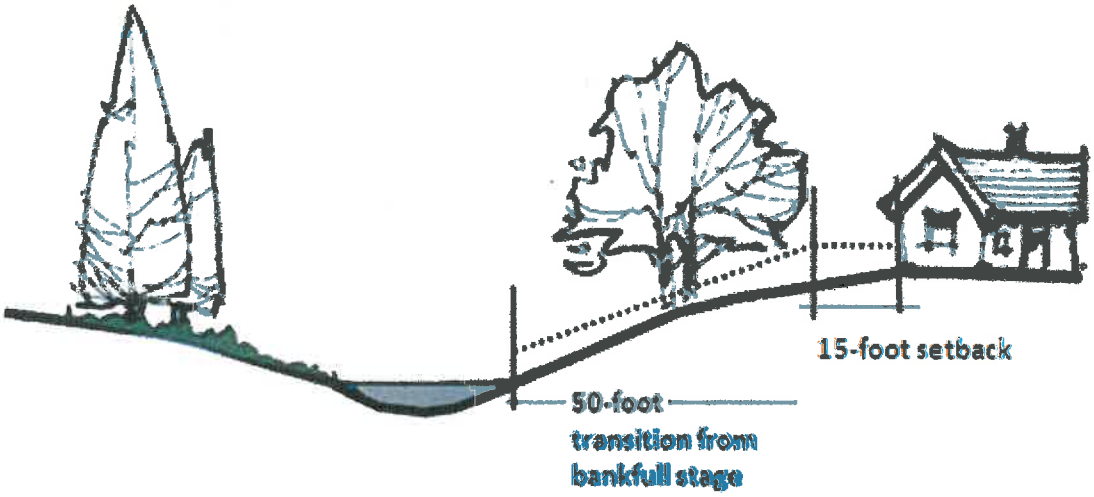


Figure 32-8:

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

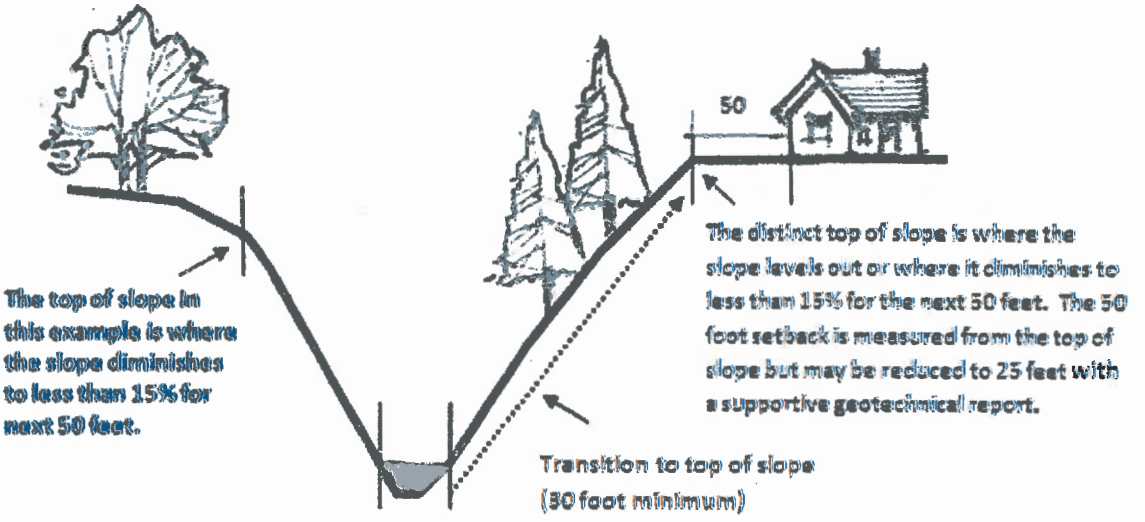


Figure 32-9:

STEEP DRAINAGEWAY OVER 25% SLOPE BUT WITH NO DISTINCT TOP OF SLOPE IN FIRST 150 FEET FROM CREEK

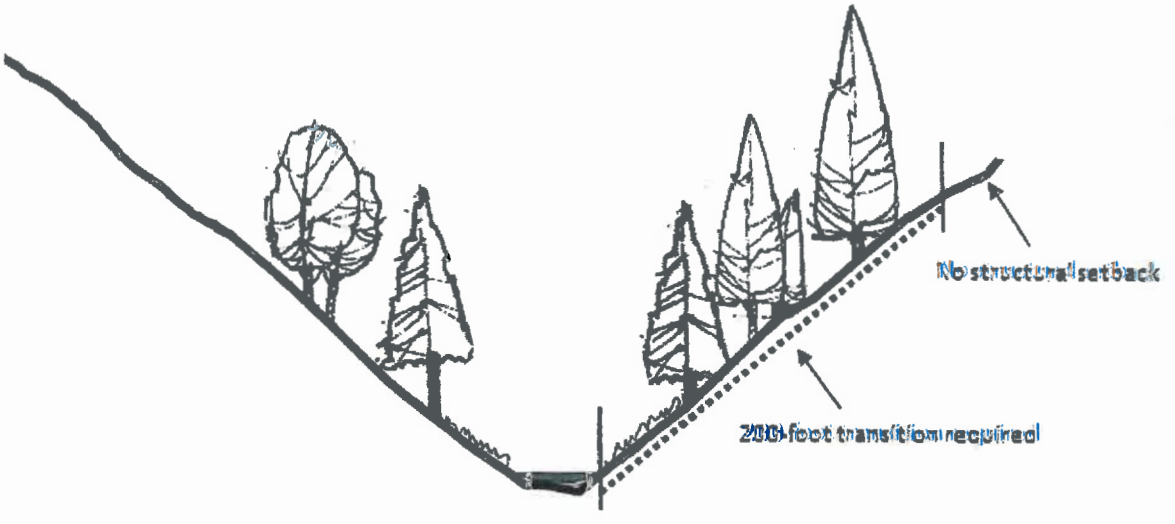
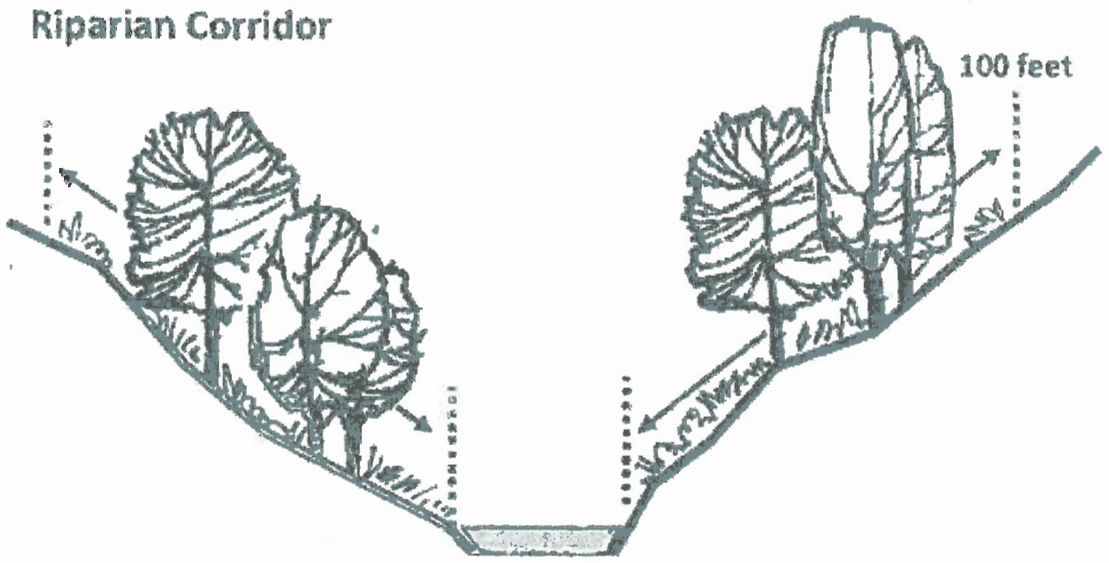


Figure 32-10



The riparian corridor transition is 100 feet from the edge of the bankfull stage/OHW or wetland. There are no additional setbacks. Riparian corridors overlay other protected WRA's and the more stringent transition and setback prevails.

E. Roads, Driveways and Utilities

1. New roads, driveways, or utilities shall avoid WRAs unless the applicant demonstrates that no other practical alternative exists. In that case, road design and construction techniques shall minimize impacts and disturbance to the WRA by the following methods:

   a. New roads and utilities crossing riparian habitat areas or streams shall be aligned as close to perpendicular to the channel as possible.

   b. Roads and driveways traversing WRAs shall be of the minimum width possible consistent with applicable road standards and protection of public safety. The footprint of grading and site clearing to accommodate the road shall be minimized.

   c. Road and utility crossings shall avoid, where possible:
      i. salmonid spawning or rearing areas,
      ii. stands of mature conifer trees in riparian areas,

iii. highly erodible soils,
iv. landslide prone areas,
v. damage to, and fragmentation of, habitat, and
vi . wetlands identified on the WRA Map

2. Crossing of fishing bearing streams and riparian corridors shall use bridges or arch-bottomless culverts or the equivalent that provides comparable fish protection, to allow passage of wildlife and fish and to retain the natural stream bed.

3. New utilities spanning fish bearing stream sections, riparian corridors, and wetlands shall be located on existing roads/bridges, elevated walkways, conduit, or other existing structures or installed underground via tunneling or boring at a depth that avoids tree roots and does not alter the hydrology sustaining the water resource, unless the applicant demonstrates that it is not physically possible or it is cost prohibitive. Bore pits associated with the crossings shall be restored upon project completion. Dry, intermittent streams may be crossed with open cuts during a time period approved by the City and any agency with jurisdiction.

4. No fill or excavation is allowed within the ordinary high water mark of a water resource, unless all necessary permits are obtained from the City, US Army Corps of Engineers and Oregon Department of State Lands (DSL).

5. Crossings of fish bearing streams shall be aligned, whenever possible, to serve multiple properties and be designed to accommodate conduit for utility lines. The applicant shall, to the extent legally permissible, work with the City to provide for a street layout and crossing location that will minimize the need for additional stream crossings in the future to serve surrounding properties.

F. Passive Recreation.

Low impact or passive outdoor recreation facilities for public use including, but not limited to, the use of multi-use paths, trails, viewing platforms, historical or natural interpretive markers, and benches in the WRA, are subject to the following standards:

1. Trails that do not qualify for an exemption under Subsection 32.030(A) (2) (b) shall be constructed using non-hazardous, water permeable materials with a maximum width of four feet.

2. Paved trails are limited to the setback area.

3. All trails in the transition area shall be set back from streams at least 30 feet except at stream crossing points or at points were the topography forces the

trail closer to the water resource. Trails shall be designed to work with natural contours and avoid the fall line on slopes where possible. Trails shall be designed and built to avoid areas with evidence of slope failure and ensure that trail runoff does not create channels in the WRA.

4. Foot bridge crossings shall be kept to a minimum. When the stream bank adjacent to the foot bridge is accessible (e.g. due to limited vegetation or topography), where possible fences or railings shall be installed from the foot bridge and extend 15 feet beyond the terminus of the foot bridge to discourage trail users and pets from accessing the stream bank, disturbing wildlife and habitat areas, and causing vegetation loss, stream bank erosion and stream turbidity. Bridges shall not be made of continuous impervious materials or be treated with toxic substances that could leach into the WRA.

5. Interpretive facilities (including viewpoints) shall be at least 10 feet from the top of the stream's bankfull flow or delineated wetland edge and constructed with a fence between users and the resource. Interpretive signs may be installed on footbridges.

G. Daylighting Piped Streams

1. As part of any application, covered or piped stream sections shown on the WRA Map are encouraged to be "daylighted" or opened, limiting the WRA transition to 15 feet once it is daylighted. Within that transition area, water quality measures are required which may include a storm water treatment system (e.g. vegetated bioswales), continuous vegetative ground cover (e.g. native grasses) at least 15 feet in width that provides year round efficacy, or a combination thereof.

2. The re-opened stream does not have to align with the original piped route but may take a different route on the subject property so long as it makes the appropriate upstream and downstream connections and meet the standards of subsections (G) (3) and (4) below.

3. A re-aligned stream must not create transition areas on adjacent properties not owned by the applicant unless the applicant provides a notarized letter signed by the adjacent property owner(s) stating that the encroachment of the transition is permitted.

4. The evaluation of proposed alignment and design of the reopened stream- shall consider the following factors:

   a. The ability of the reopened stream to safely carry storm drainage through the area without causing significant erosion.

   b. Continuity with natural contours on adjacent properties, slope on site and drainage patterns.

c. Continuity of adjacent vegetation and habitat values.

d. The ability of the existing and proposed vegetation to filter sediment and pollutants and - enhance water quality.

e. Provision of water temperature conducive to fish habitat.

5. Any upstream or downstream transitions, setbacks or riparian corridors shall not apply to, or overlay, the daylighted stream channel.

6. When a stream is daylighted the applicant shall prepare and record a legal document describing the reduced setback provisions of subsections (G) (1) and (5). The document will be signed by a representative of the City and recorded at the applicant's expense to better ensure long term recognition of the reduced transition and reduced restrictions for the daylighted stream section.

H. Table 32-5: Habitat-friendly Development Practices to Minimize Hydrologic Impacts shall be incorporated into the design of any improvements or projects in the WRA to the degree possible:

1. Restore disturbed soils to original or higher level of porosity to regain infiltration and storm water storage capacity.
2. Apply a treatment train or series of storm water treatment measures to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.
3. Incorporate storm water management in road right-of-ways.
4. Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and groundwater recharge.
5. Use multi-functional open drainage systems in lieu of conventional curb-and-gutter systems.
6. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.
7. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.
8. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.
9. Use pervious paving materials for driveways, parking lots, sidewalks, patios, and walkways.
10. Reduce sidewalk width to a minimum four feet. Grade the sidewalk so it drains to the front yard of a residential lot or retention area instead of towards the street.
11. Use shared driveways.
12. Reduce width of residential streets and driveways, especially at WRA crossings.
13. Reduce street length, primarily in residential areas, by encouraging clustering.
14. Reduce cul-de-sac radii and use pervious and/or vegetated islands in center to minimize impervious surfaces.
15. Use previously developed areas (PDAs) when given an option of developing PDA vs. non-PDA land.
16. Minimize the building, hardscape and disturbance footprint.

17. Consider multi-story construction over a bigger footprint.

32.055 ALTERNATE REVIEW PROCESS.

This section establishes a review and approval process that applicants can use when there is reason to believe that transition and setback widths of the standard process (32.050 (D)) are not appropriate to the functions of the resource at that particular site. It allows a qualified professional to determine what resources and associated functions (see Table 32-6 below) exist at a site and the transition area and setbacks that are needed to maintain those functions.

(Staff comment: This process has the potential to allow the property owner greater use of their property while still maintaining a level of protection appropriate to the functions of the affected WRA.)

32.065 APPROVAL CRITERIA (ALTERNATE REVIEW PROCESS)

Applications reviewed under the alternate review process shall meet the following approval criteria:

A. The proposed transition area and setbacks shall be, at minimum, qualitatively equal, in terms of maintaining the current level of WRA functions, to the transition areas, setbacks and standards of Section 32.050(D).

B. If a WRA is already significantly degraded (e.g., native forest and ground cover have been removed or the site dominated by invasive plants, debris, or development), the approval authority may allow reduced transition areas and setbacks in exchange for mitigation, if:

1. The proposed reduction in transition area width, coupled with the proposed mitigation, would result in better performance of functions than the standard transition area without such mitigation. The approval authority shall make this determination based on the applicant's proposed mitigation plan and a comparative analysis of ecological functions under existing and enhanced conditions (see Table 32-6).

2. The mitigation project shall include all of the following components as applicable. It may also include other forms of enhancement (mitigation) deemed appropriate by the approval authority.

a. Removal of invasive vegetation

b. Planting native, noninvasive plants (at minimum, consistent with 32.080) that provide improved filtration of sediment, excess nutrients, and pollutants. The amount of enhancement (mitigation) shall meet or exceed the standards of 32.075(C).

c. Providing permanent improvements to the site hydrology that would improve wetland or steam functions.

d. Substantial improvements to the aquatic and/or terrestrial habitat of WRA.

C. Identify and discuss site design and methods of development as they relate to WRA functions.

D. Address the approval criteria of 32.050, with the exception of the transitions and setbacks of 32.050(D).

Table 32-6 Ecological functions of WRA.

Ecological function	Landscape features potentially providing the function
Stream flow moderation and/or water storage	A wetland or other water body with a hydrologic connection to a stream or flood area, the presence of fallen trees and density of vegetation in the transition area that slows the flow of storm water and increases its ability to retain sediment and infiltrate storm water, and the porosity of the transition area's surface to enable it to infiltrate storm water.
Sediment or pollution control	Vegetation within 100 feet of a WRA on gentle slopes and up to 200 feet of a WRA if the slope is greater than 25%. The presence of fallen trees and other material that slows the flow of water and increase the ability to retain sediment absorb pollutants and infiltrate storm water; the composition and density of vegetation; slope; and soils.
Bank stabilization	Root masses, existing large rocks or anchored large wood along the stream bank
Large wood recruitment for a fish bearing section of stream	Forest canopy within 50-150 feet of a fish bearing stream
Organic material sources	Forest canopy or woody vegetation within 100 feet of a water resource; or within a flood area.
Shade (water temperature moderation) and microclimate	Forest canopy or woody vegetation within 100 feet of the water resource. Roughly 300 feet of continuous canopy for microclimate.
Stream flow that sustains in-stream and adjacent habitats	Seasonal or perennial flow
Other terrestrial habitat	Forest canopy natural vegetation contiguous to and within 100 -300 feet of the water resource.

32.075 MITIGATION PLAN

A. A mitigation plan shall be required if development is proposed within a WRA (including development of a PDA). (Exempted activities of 32.030 do not require mitigation unless specifically stated. Temporarily Disturbed Areas, including TDAs associated with exempted activities; do not require mitigation, just grade and soil restoration and re-vegetation.) The mitigation plan shall satisfy all applicable provisions of 32.080 "Re-Vegetation Plan".

B. Mitigation shall take place in the following locations, according to the following priorities (1-4):

1. On-site mitigation by restoring, creating or enhancing WRAs.
2. Off-site mitigation in the same sub-watershed, but only if the applicant has demonstrated that it is not practicable, or there is not enough area, to complete the mitigation on-site and if the applicant can ensure the mitigation will provide equal or superior ecological function and value.
3. Off-site mitigation would be outside the sub-watershed but only if the applicant has demonstrated that it is not practicable, or there is not enough area, to complete the mitigation within the same sub-watershed and that the mitigation will provide equal or superior ecological function and value.
4. Purchasing mitigation credits though DSL or other acceptable mitigation bank.

C. Amount of Mitigation

1. The amount of mitigation shall be based on the square footage of the disturbance area by the application. For every one square foot of non-PDA disturbed area, on-site mitigation shall require one square foot of WRA to be created, enhanced or restored.
2. For every one square foot of PDA that is disturbed, on-site mitigation shall require one half a square foot of WRA vegetation to be created, enhanced or restored.
3. For any off-site mitigation, including the use of DSL mitigation credits, the requirement shall be for every one square foot of WRA that is disturbed, 1.5 square feet of WRA shall be created, enhanced or restored. The DSL mitigation credits program or mitigation bank shall require a legitimate bid on the cost of on-site mitigation multiplied by 1.5 to arrive at the appropriate dollar amount.)

D. The Planning Director may limit or define the scope of the mitigation plan and submittal requirements commensurate with the scale of the disturbance relative to the

resource and pursuant to the authority of CDC Chapter 99. The Planning Director may determine that a consultant is required to complete all or a part of the mitigation plan requirements.

E. A mitigation plan shall contain the following information:

1. A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site.
2. A map showing where the specific adverse impacts will occur and where the mitigation activities will occur.
3. A re-vegetation plan for the area(s) to be mitigated that meets the standards of section 32.080.
4. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting-. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife.
5. Assurances shall be established to rectify any mitigation actions that are not successful. This may include bonding or other surety.

32.080 RE-VEGETATION PLAN REQUIREMENTS

A. In order to achieve the goal of reestablishing forested canopy, native shrub and groundcover and to meet the mitigation requirements of Section 32.075 and vegetative enhancement of 32.065, tree and vegetation plantings are required according to the following standards:

1. All trees, shrubs and ground cover to be planted must be native plants selected from the Portland Plant List.

2. Plant size. Replacement trees must be at least one-half inch in caliper, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round), unless they are oak or madrone which may be one gallon size. Shrubs must be in at least a one-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.

3. Plant coverage.

   a. Native trees and shrubs are required to be planted at a rate of five trees and 25 shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all

fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals .66, and .66 times five equals 3.3, so three trees must be planted, and .66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.

b. Trees shall be planted between eight and 12 feet on-center and shrubs shall be planted between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted between eight and 10 feet on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing measurements.

4. Plant diversity. Shrubs must consist of at least two different species. If 10 trees or more are planted, then no more than 50% of the trees may be of the same genus.

5. Invasive vegetation. Invasive non-native or noxious vegetation must be removed within the mitigation area prior to planting.

6. Tree and shrub survival. A minimum survival rate of 80% of the trees and shrubs planted is expected by the third anniversary of the date that the mitigation planting is completed.

7. Monitoring and reporting. Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die must be replaced in kind.

8. To enhance survival of tree replacement and plantings, the following practices are required:

a. Mulching. Mulch new plantings a minimum of three inches in depth and 18 inches in diameter to retain moisture and discourage weed growth.

b. Irrigation. Water new plantings one inch per week between June 15th to October 15th, for the three years following planting.

c. Weed control. Remove, or control, non-native or noxious vegetation throughout maintenance period.

d. Planting season. Plant bare root trees between December 1st and

February 28th, and potted plants between October 15th and April 30th.

e. Wildlife protection. Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and resulting damage to plants.

B. When weather or other conditions prohibit planting according to schedule, the applicant shall ensure that disturbed areas are correctly protected with erosion control measures and shall provide the City with funds in the amount of 125% of a bid from a recognized landscaper or nursery which will cover the cost of the plant materials, installation and any follow up maintenance. Once the planting conditions are favorable the applicant shall proceed with the plantings and receive the funds back from the City upon completion, or the City will complete the plantings using those funds.

Staff note: Metro established hardship provisions in their model ordinance that sound generous, except when the house, temporary construction (disturbed) areas and access driveways are added up, the 5,000 square foot area is quickly consumed. To correct that, the language below does not count temporarily disturbed areas or, in certain cases, previously disturbed areas. It also makes accommodation for those property owners who own larger tracts (e.g. over an acre) and for whom a maximum 5,000 square foot disturbed area is inadequate and inequitable. (Staff met a number of owners of 1-5 acre properties who make the point that it is unfair that they only get the same 5,000 square feet of developable land as someone who owns a 7,000 square foot lot. Owners of larger commercial and industrial properties are similarly affected.)

In past LUBA cases, LUBA noted that the City defined "development" in very broad terms. Consequently, LUBA found that even temporary disturbances such as utility trenches, that were subsequently backfilled and revegetated, should be counted in the 5,000 square foot hardship area. By redefining "development" and introducing terms of "Maximum Disturbance Areas, Temporarily Disturbed Areas and Previously Disturbed Areas", staff expects more predictable outcomes that allow reasonable development and protect the WRA.

Another change in this section is how we determine what uses should be allowed in hardship cases. Currently, the property owner is required to demonstrate that denial of the proposed use would "deprive an owner of all economically viable use of land". Being deprived of "all economically viable use of land" sets an extremely difficult and unfair standard. People can argue that so long as a commercial property owner, for example, has enough developable space to install a tiny espresso stand then the test is met.

Staff proposes using a more reasonable test, similar to what is used throughout Washington State. The property owner would only have to demonstrate that denial of the proposed use would "deprive an owner of reasonable use of land". The proposed "reasonable use" language would, for example, allow the development of a commercial use comparable with other uses in that zone or on nearby properties. (The use of a "reasonable" test is also consistent with Metro's Title 13 model ordinance language which seeks to avoid "unreasonable hardship".)

32.090 HARDSHIP PROVISIONS

The purpose of this section is to ensure that compliance with this chapter does not cause unreasonable hardship. To avoid such instances, the requirements of this chapter may be reduced. Reductions are also allowed when the application of this chapter would deprive an owner of reasonable use of land. The decision-making authority may impose such conditions as are deemed necessary to limit any adverse impacts that may result from granting relief.

A. For lots recorded with the County Assessor's Office on, or before, January 1, 2006 that are located completely or over 50 percent inside the WRA, development is permitted, consistent with this section. The Maximum Disturbed Area (MDA) of the WRA shall be determined on a per lot basis as follows:

1. 5,000 square feet; or,
2. 30% of the total lot size; whichever is greater.

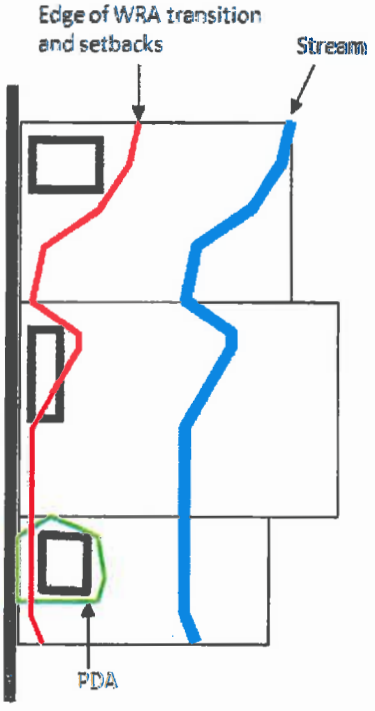
B. The MDA shall be located according to the following priorities (development per Subsection 32.090(A) (1) being the most preferred, while development per Subsection 32.090 (A) (3) is the least preferred):

1 Areas outside of the WRA.

2. Areas where the development will result in the least square footage encroachment into the WRA and demonstrate that, through site and building design, the development is the maximum practical distance from a water resource based on the functional needs of the proposed use.

3. Areas encroaching into the WRA which will result in fewer impacts to the function of the WRA when compared to alternate locations. All things being equal, Previously Disturbed Areas (PDA's) shall be developed first and non-PDA's second.

Figure 32-09: MDA location by descending preference



Per 32.090(A) (1) this example meets the criterion by using areas outside of the WRA.

Per 32.090(A) (2) this example minimizes encroachment upon the WRA by careful selection of a building design that is not too deep

Per 32.090(A) (3) this example has no option but to encroach into the WRA but reduces the impact of the building by selecting a PDA as the building footprint.

C. The MDA shall include the footprints of all structures, paved surfaces (including sidewalks, driveways, etc.), at grade decks and patios. It shall also include graded areas that are not restored to their original grade or replanted with native groundcover.

D. The MDA shall not include:

1. Temporarily Disturbed Areas (TDAs) adjacent to an approved structure or development area for the purpose of grading, material storage, construction activity, trenched or buried utilities and other temporary activities so long as these areas are subsequently restored to the original grades and soil permeability, and re-vegetated with native plants per Section 32.080, such that they are at least equal in functional value to the area prior to the initiation of the permitted activity;

2. bay windows and similar cantilevered elements (including decks, etc.) of the principal or secondary structure so long as they do not extend more than ten feet towards the WRA, and have no vertical supports from grade;

3. PDAs on the property that are not built upon or used;

4. the installation of public streets and public utilities that are specifically required to meet either the Transportation System Plan or a Utility Master Plan so long as all trenched public utilities are subsequently restored to the original grades and soil permeability, and revegetated with native plants per Section 32.080, such that they are at least equal in functional value to the area prior to the initiation of the permitted activity.

Table 32-7 MDA Calculation Summary:

Type of development	Square footage included in MDA calculation	Square footage excluded from MDA calculation
All structures	YES	NO
Paved surfaces incl. patios and driveways (water permeable or non-water permeable)	YES	NO
TDAs/Graded areas that are restored or re-vegetated with native vegetation	NO	YES
PDA's that are built upon or used as part of the application.	YES	NO
PDA's that are not built upon or used as part of the application.	NO	YES
TDAs/All utility trenches and buried utilities restored or re-vegetated with native vegetation	NO	YES
Storm water detention or treatment pond	YES	NO
Rain garden or bioswale with the native plantings as part of re-vegetation plan	NO	YES
Storm water outfall, energy dissipaters (at, or above, grade)	YES	NO
Non-native landscaping	YES	NO

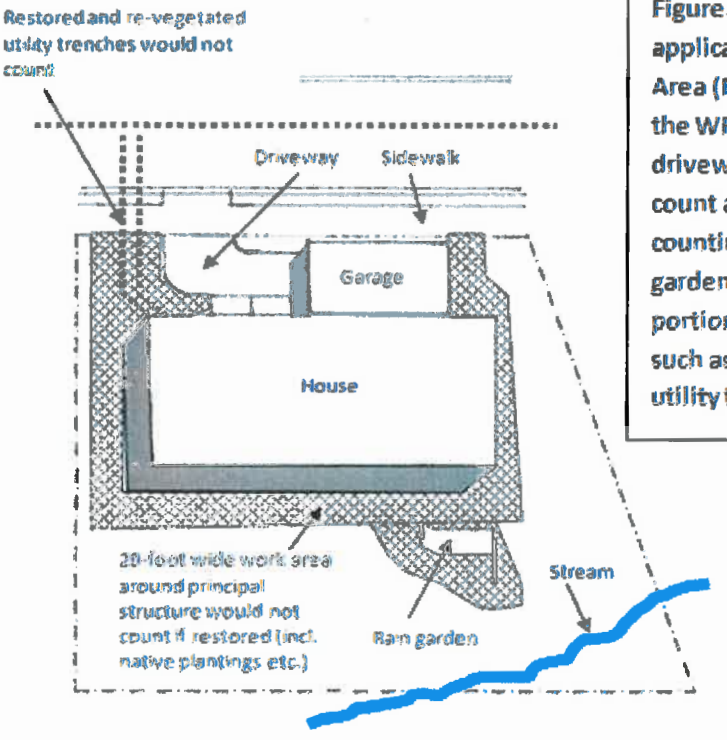


Figure 32-12: Example of the applicability of the Maximum Disturbed Area (MDA) on a lot completely within the WRA. The garage, house, sidewalk, driveway and stormwater outfall would count against the MDA. Examples not counting against MDA: a vegetated rain garden, sidewalks and driveway portions in the public ROW and TDAs such as backfilled and revegetated utility trenches.

E. Development allowed under Section 32.090(A) - shall be subject to the following conditions:

1. The minimum width of the WRA's transition and setback area shall be 15 feet on each side of a wetland or as measured from bankfull stage or the edge of a delineated wetland, whichever is greater.

2. Setbacks required by the underlying zoning district may be reduced up to 50% where necessary to avoid construction within the WRA, as long as the development would otherwise meet the standards of this chapter. However, front loading garages shall be setback a minimum 18 feet, while side loading garages may be setback three feet.

3. Landscaping and parking requirements may be reduced for hardship properties but only if all or part of the WRA and transition area is conveyed to the City or a conservation easement is established. These reductions shall be permitted outright and, to the extent that the practices are inconsistent with other provisions or standards of the West Linn CDC, this section is given precedence so that no variance is required. The allowable reductions include:

    a. Elimination of landscaping for the parking lot interior,[1]
    b. Elimination of the overall landscape requirement (e.g. 20% for commercial uses).[1]

c. Elimination of landscaping between parking lots and perimeter non-residential properties.[1]

d. Landscaping between parking lots and the adjacent right-of-way may be reduced to 8 feet. This 8-foot wide landscaped strip may be used for vegetated storm water detention or treatment.

e. A 25% reduction in total required parking is permitted to minimize or avoid intrusion into the setback or transition areas.

f. Adjacent improved street frontage with curb and sidewalk may be counted towards the parking requirement at a rate of one parking space per 20 lineal feet of street frontage adjacent to the property.

g. The current compact and full sized parking mix may be modified to allow up to 100% compact spaces and no full sized spaces. (Any required ADA compliant spaces shall be provided.)

[1] Bioswales and rain gardens shall be installed and sized as needed to address treatment and detention requirements.

4. The applicant must demonstrate that the developed area minimizes impacts to the WRA when compared to developing other areas of the lot or lots, consistent with 32.090(B) (1-3)

E. Large lot exceptions (residential and non-residential) are allowed when the lot is at least one acre in size and at least 50% of the lot is within the WRA (including transitions and setbacks). In these cases, the MDA is 30% of the total lot size.

1. The right to obtain a hardship allowance is based on the existence of a lot of record prior to January 1, 2006. The lot of record may have been modified from its original platted configuration but must meet the minimum lot size and dimensional standards of the base zone or qualify as a non-conforming lot of record prior to January 1, 2006.

2. a. Where a property owner owns multiple platted lots of record where each lot could be built upon under the hardship provisions, the property owner may either use the MDA for each lot on an individual lot by lot basis or may transfer 100% of the cumulative MDA of all the lots to those lots that are further away from, or less impactful upon, the WRA. (For example, three residentially zoned lots in a WRA would allow 30% of the square footage of the combined lots to be transferred to the preferred location.)

b. To transfer the MDA density for residential and non-residential projects, the provisions of Chapter 24: a Planned Unit Development shall not apply.

c. Lots can be reconfigured by lot line adjustment, subdivision or partition per Chapter 85: Land Division.

d. Design review would apply in the case of multi-family housing (excluding single family and single family attached housing) and non-residential development.

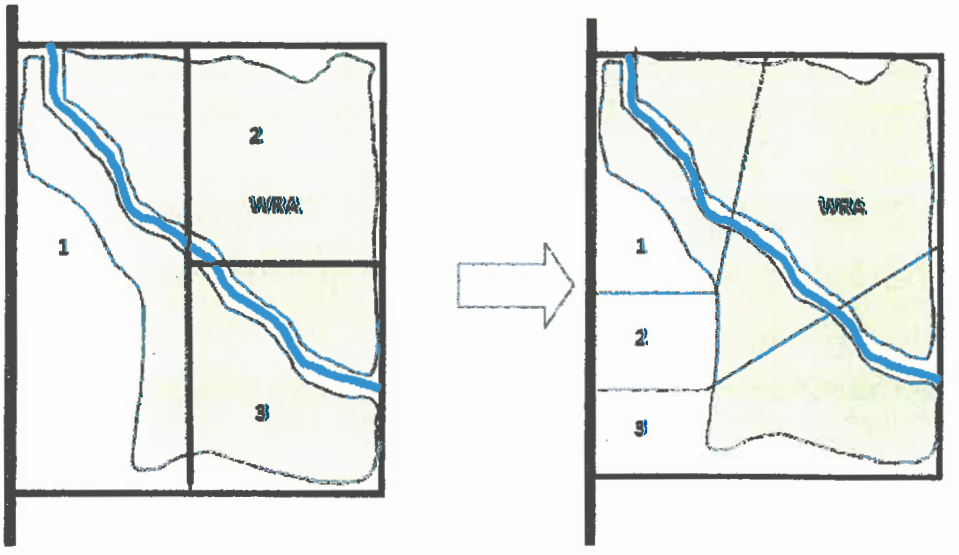


Figure 32-13: Transferring MDA from constrained lots 2 and 3 to the west edge of lot 1 which is out of the WRA. In this case, the transfer is accomplished by a lot line adjustment.

e. The base zone's dimensional requirements of minimum lot size, lot width, depth and lot coverage shall not apply. All lots shall be functional and proportionately dimensioned. The setbacks of 32.090(E) (2) or the base zone shall apply, whichever is less.

f. Portions of the lot(s) outside the MDA and inside the WRA shall have a recorded conservation easement acknowledging the presence of the WRA, that the allowable development density of the lot has been used and that no further development shall occur on this property unless approved through this chapter. The easement shall not be modified or removed unless both the City and property owner agree to it.

3. PDAs that are not built upon as part of the development proposal will not count in the MDA (e.g. existing access driveways). Conversely, PDAs that are built upon as part of the development proposal will count in the MDA.

4. The square footage of access driveways or streets on public ROWs or other lots that are not on the lot being developed do not count against the MDA on the lot being developed.

D.- Any further modification - of the standards of this chapter or the underlying zone shall require approval of a Variance pursuant to CDC Chapter 75.

Related Proposed Amendments to CDC Chapter 02, DEFINITIONS

Section 02.030 SPECIFIC WORDS AND TERMS

Active-oriented recreation and parks: The focus is upon team sports and individual sports and activities. Typical facilities include playing fields, playing courts (tennis, basketball, etc.), swimming pools, playgrounds and playground structures, boat launches, etc. Support facilities such as restrooms, shelters and parking are appropriate.

Bankfull Stage: The level of stream flow where water reaches or exceeds the top of channel or otherwise inundates the adjacent floodplain on a frequency of approximately every 1.5 to 2 years. This is sometimes known as Ordinary High Water (OHW). In some high gradient or incised streams, the 1.5 to 2 year floods may be restricted to the deepened channel. Conversely, in low gradient streams, where the grades adjacent to the streams are in the 0-15% range, the bankfull stage/OHW is likely to be at the outer edge of adjacent floodplain areas. The bankfull stage or OHW level of stream systems is typically delineated in the field by:

- the outer extent of facultative or obligate plants;
- the upper elevation of float debris (litter of branches, twigs and organic material);
- the lower elevation of woody vegetation (e.g., willow and alder species);
- textural change of depositional sediment or changes in the character of the soil (e.g. from silts, sand, cobble and gravel to upland soils);
- top of the zone of washed or exposed roots;
- a clear natural line impressed on the bank;
- or a break or change in slope angle.

For the purpose of this code, the terms "bankfull stage" and "OHW" may be used interchangeably and are illustrated and further defined in Table 32-3.

Channel: The channel is the physical confine of a stream

Development: Any manmade change defined as the construction of buildings or other structures, mining, dredging, paving, filling, grading or site clearing, and grubbing in amounts

greater than 10 cubic yards on any lot or excavation. Within the flood management area, this term shall also include storage of equipment or materials. Within the Willamette and Tualatin River Protection Areas, this term shall also include any change of use or intensification of the use of land or water, including construction of structures (such as houses, structures, docks and associated pilings or piers), significant grading, or removal or addition of vegetation and groundcover unless specifically exempted per CDC 28.040. Development shall not include grading, site clearing, grubbing or filling where it is part of a submitted land use application that includes the restoration of grades and replanting the affected area with native vegetation per a re-vegetation plan. This definition is distinct and separate from Previously Disturbed Areas (PDAs) and Temporarily Disturbed Areas (TDAs).

Disturbance: For the purpose of this code, the terms "disturbance" and "development" may be used interchangeably.

Disturbed Areas: For the purpose of this code, the terms "disturbance" and "development" may be used interchangeably.

Enhancement: See "Mitigation".

Ephemeral Streams: : A stream or reach of a stream which flows only in direct response to precipitation and whose channel is always above groundwater or water table levels. Ephemeral streams typically drain sub basins of under 20 acres, have slopes of less than 10 percent as measured laterally from the stream thread and often traverse surficially with no recognizable drainage channel. Ephemeral streams or reaches are most commonly found in upper watershed areas and they can be important to various hydrologic functions, including sustaining stream flow and other ecosystem functions at lower elevations in the watershed.

Facultative (vegetation): Facultative wetland plant species occur in wetlands 67-99% of the time. The fact that facultative plants are also tolerant of less wet conditions means that they are not the primary indicator of a wetland that obligate vegetation is.

Functions and values: Ecological functions describe the numerous functions that WRAs perform including water quality improvement, floodwater storage, terrestrial or aquatic habitat, aquifer recharge etc. WRA values express the relative efficacy of the resource in meeting specific functions. For example, a full forested canopy and extensive native vegetative understory enhance the stream's value and ability to fulfill its function as a terrestrial or aquatic habitat.

Hydric Soils: Soils regularly inundated by water and thus indicative of the potential presence of wetlands.

Hydrophytic (plants): Plants (obligate and facultative) which can exist in hydric soils.

Intermittent Streams: A stream that flows only during certain times of the year when it receives water from springs or surface sources such as precipitation. The term may be restricted to a stream that flows continuously during periods of at least one month; also may be a stream that does not flow continuously as when water losses from evaporation or seepage exceed the available stream flow.

Large Wood (recruitment): Large wood comprises trees that have fallen down in the WRA due to chronic mortality, disease, windstorms, landslides, erosion, flooding, etc., which in turn may provide aquatic and terrestrial habitat opportunities, modify stream velocities, channel depths and flow patterns and stabilize banks in the WRA. "Large wood recruitment" describes forested WRAs of sufficient size that have the potential to supply these trees which ultimately become "large wood".

Maximum Disturbed Area (MDA): The MDA, as measured in square feet, is the maximum area that can be disturbed in hardship cases under CDC Chapter 32: Water Resource Areas.

Mitigation: Mitigation is creating, restoring or enhancing WRAs (including wetlands) to replace or compensate for the WRA lost. Creation entails constructing a WRA in an area that never supported WRAs historically. Restoration entails re-establishing WRA hydrology and vegetation to sites that have lost most of their function and value such as a site that was historically a WRA but dried out by draining or filling. Enhancement entails improving an existing but degraded WRA by correcting the conditions that cause it to be degraded. This might include providing more water to the site or the removal of invasive plant species and replacement with appropriate native plant material and trees.

Obligate (vegetation): Obligate wetland plant species occur more than 99% of the time only in wetlands. Obligate and facultative wetland species are the most reliable indicators of the presence of a wetland. Since obligate plant species only occur in wetlands, their presence signifies that the area is a wetland. Facultative wetland plant species are less reliable; however, they do occur most often in wetlands (67-99%) than in uplands. An area dominated by obligate or obligate and facultative wetland plant species should always be a wetland unless the area's hydrology has been significantly altered by human activity or other impacts.

Passive-oriented recreation and parks: The focus is upon unstructured play, relaxation, environmental interpretation, family picnics and similar activities. Support facilities, such as covered picnic, play structures or playing fields, etc. are discouraged or limited. Restrooms, trails and interpretive facilities would be appropriate.

Previously Disturbed Areas (PDA): This term is applicable to CDC Chapter 32: Water Resource Areas (WRA) and refers to areas that were altered or modified before January 1, 2006. The alteration or modification is typically as a result of clearing, grubbing, grading, excavation or construction whereby the topography, ground cover and vegetation have been modified from their original or natural state and not re-established or returned to their natural state. Examples of PDAs include old driveways, trails, gardens, graded areas, old abandoned structural foundations, storm water outfalls and intakes, manholes, utilities, etc. that were in existence before January 1, 2006. The burden shall be on the applicant to date the PDA through photographs or other credible evidence. The PDA definition is distinct and separate from Temporarily Disturbed Areas (TDA) and Maximum Disturbed Areas (MDA).

Principal Structure: The structure that represents the main use of the property; to which all other structures on the property serve an incidental or subordinate purpose.

Reasonable Use: Uses, similar in size, intensity and type, to uses allowed on other properties nearby, or elsewhere in the City, that have the same zoning designation as the subject property.

Riparian corridor. An- area within and adjacent to a natural drainageway- identified on the West Linn WRA map for its vegetative, forested and habitat values.

Soil infiltration: The process by which water on the surface enters the soil and replenishes below ground water tables. The rate of soil infiltration decreases as the soil becomes saturated. If the precipitation rate exceeds the infiltration rate, surface runoff will usually occur.

Slope determination (for WRAs): Slope (e.g. rise over run) is the average slope in the first 50 feet as measured at right angle from the OHW mark or wetland.

Stream: A body of water with a current or flow confined within a channel or banks. (See also ephemeral stream or water resource.)

Stream centerline or thread: The starting point of measurement for ephemeral streams which often lack a bankfull stage.

Temporarily Disturbed Areas (TDA): Area impacted by clearing, grubbing, grading, excavation, storage of building materials, building equipment or construction activity whereby the area is modified from its original state but is subsequently fully restored in terms of 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.

"Unhealthy or disturbed state" defines an area of a WRA that is dominated by non-native vegetation and/or grading which is an appropriate candidate for restoration to its natural condition.

Water resource: Any stream or wetland identified on the West Linn WRA Map.

Water resource area (WRA). Any - water resource identified in the West Linn - WRA map and the adjacent - transition and setback areas, pursuant to Chapter 32.–Wetlands. Those areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. -Wetlands are also defined by the sub-categories of "high quality wetlands" and "locally significant wetlands".

Amendments to cross referenced chapters:

Chapter 54
LANDSCAPING

54.020 APPROVAL CRITERIA

G. Landscaping requirements in Water Resource Areas (WRAs).

Pursuant to section 32.050(H) the requirements of this chapter relating to total site landscaping, landscaping buffers, landscaping around parking lots, and landscaping the parking lot interior may be waived or reduced in a WRA application without a variance being required.

Chapter 46
OFF-STREET PARKING, LOADING AND RESERVOIR AREAS

46.090 MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS

G. Parking reductions. CDC 55.100(H) (5) explains reductions of up to 10 percent for development sites next to transit stops and up to 10 percent for commercial development sites adjacent to large multi-family residential sites.

H. For office, industrial, and public uses where there are more than 20 parking spaces for employees on the site, at least 10 percent of the required employee parking spaces shall be reserved for carpool use before 9:00 a.m. on weekdays. The spaces will be the closest to the building entrance, except for any disabled parking and those signed for exclusive customer use. The carpool/vanpool spaces shall be clearly marked "Reserved – Carpool/Vanpool Before 9:00 a.m."

I. Existing developments along transit streets or near transit stops may redevelop up to 10 percent of the existing parking spaces to provide transit-oriented facilities, including bus pullouts, bus stops and shelters, park and ride stations, and other similar facilities. (Ord. 1291, 1990; Ord. 1391, 1996; Ord. 1408, 1998; Ord. 1425, 1998; Ord. 1463, 2000; Ord. 1499, 2003; Ord. 1547, 2007)

J. Development in Water Resource Areas may reduce the required number of parking spaces by up to 25%. Adjacent improved street frontage with curb and sidewalk may also be counted towards the parking requirement at a rate of one parking space per 20 lineal feet of street frontage adjacent to the property.

46.150 DESIGN AND STANDARDS

The following standards apply to the design and improvement of areas used for vehicle parking, storage, loading, and circulation:

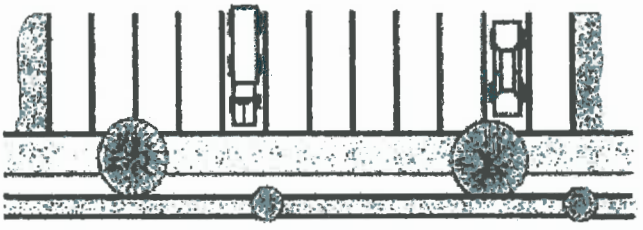
A. Design standards.

1. "One standard parking space" means a minimum for a parking stall of eight feet in width and 16 feet in length. These stalls shall be identified as "compact." To accommodate larger cars, 50 percent of the required parking spaces shall have a minimum dimension of nine feet in width and 18 feet in length (nine feet by 18 feet). When multi-family parking stalls back onto a main driveway, the stalls shall be nine feet by 20 feet. Parking for development in Water Resource Areas may have 100% compact spaces.

18. Commercial, office, industrial, and public parking lots may not occupy more than 50 percent of the main lot frontage of a development site. The remaining frontage shall comprise buildings or landscaping. If over 50 percent of the lineal frontage comprises parking lot, the landscape strip between the right-of-way and parking lot shall be increased to 15 feet wide and shall include terrain variations (e.g., one-foot-high berm) plus landscaping. The defensible space of the parking lot should not be compromised.

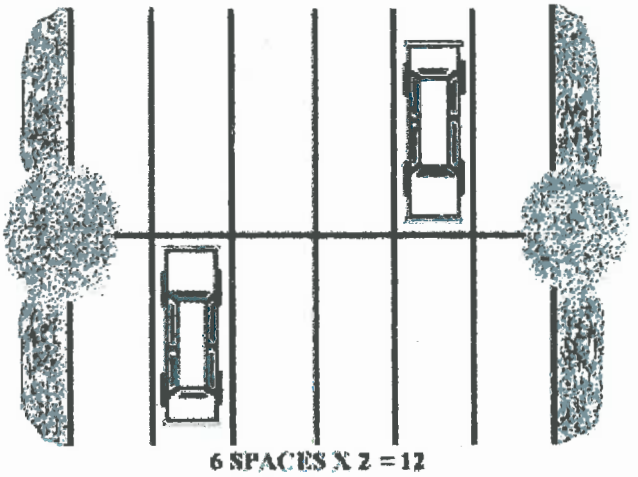
19. Areas of the parking lot improved with asphalt or concrete surfaces shall be designed into areas of 12 or less spaces through the use of defined landscaped area. Groups of 12 or less spaces are defined as:

a. Twelve spaces in a row, provided there are no abutting parking spaces, as in the case when the spaces are abutting the perimeter of the lot; or



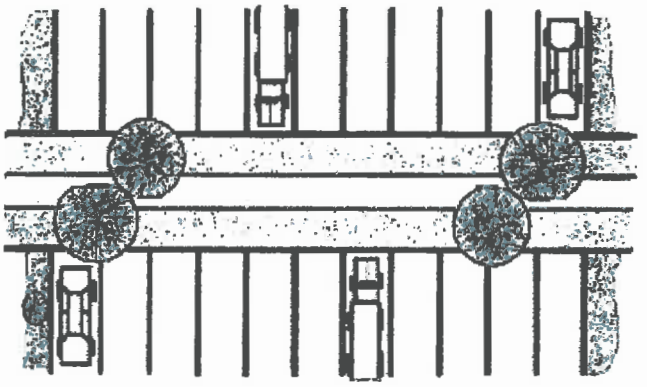
12 SPACES IN A ROW

b. Twelve spaces in a group with six spaces abutting together; or



6 SPACES X 2 = 12

c. Two groups of twelve spaces abutting each other, but separated by a 15-foot wide landscape area including a six-foot-wide walkway.



12 SPACES X2 WITH LANDSCAPING

d. Parking areas improved with a permeable parking surface may be designed using the configurations shown in subsections (A)(19)(a), (b) and (c) of this section except that groups of up to 18 spaces are allowed.

e. The requirements of this chapter relating to total parking lot landscaping, landscaping buffers, perimeter landscaping, and landscaping the parking lot islands and interior may be waived or reduced pursuant to section 32.050(H) in a WRA application without a variance being required.

Chapter 55
DESIGN REVIEW

55.100 APPROVAL STANDARDS – CLASS II DESIGN REVIEW

I. Public facilities. An application may only be approved if adequate public facilities will be available to provide service to the property prior to occupancy.

1. Streets. Sufficient right-of-way and slope easement shall be dedicated to accommodate all abutting streets to be improved to the City's Improvement Standards and Specifications. The City Engineer shall determine the appropriate level of street and traffic control improvements to be required, including any off-site street and traffic control improvements, based upon the transportation analysis submitted. The City Engineer's determination of developer obligation, the extent of road improvement and City's share, if any, of improvements and the timing of improvements shall be made based upon the City's systems development charge ordinance and capital improvement program, and the rough proportionality between the impact of the development and the

street improvements.

In determining the appropriate sizing of the street in commercial, office, multi-family, and public settings, the street should be the minimum necessary to accommodate anticipated traffic load and needs and should provide substantial accommodations for pedestrians and bicyclists. Road and driveway alignment should consider and mitigate impacts on adjacent properties and in neighborhoods in terms of increased traffic loads, noise, vibrations, and glare.

The realignment or redesign of roads shall consider how the proposal meets accepted engineering standards, enhances public safety, and favorably relates to adjacent lands and land uses. Consideration should also be given to selecting an alignment or design that minimizes or avoids hazard areas and loss of significant natural features (drainageways, wetlands, heavily forested areas, etc.) unless site mitigation can clearly produce a superior landscape in terms of shape, grades, and reforestation, and is fully consistent with applicable code restrictions regarding resource areas.

Streets shall be installed per Chapter 85 CDC standards. The City Engineer has the authority to require that street widths match adjacent street widths. Sidewalks shall be installed per CDC 85.200(A) (3) for commercial and office projects, and CDC 85.200(A) (16) and 92.010(H) for residential projects, and applicable provisions of this chapter. Where streets bisect or traverse Water Resource Areas (WRAs) the street width shall be reduced to the minimum standard of 20 feet (two 10-foot travel lanes) plus four foot wide curb flush sidewalks or alternate configurations which are appropriate to site conditions, minimize WRA disturbance or are consistent with an adopted Transportation System Plan. The street design shall also be consistent with Habitat Friendly provisions of section 32.050(H).

Based upon the City Manager's or Manager's designee's determination, the applicant shall construct or cause to be constructed, or contribute a proportionate share of the costs, for all necessary off-site improvements identified by the transportation analysis commissioned to address CDC 55.125 that are required to mitigate impacts from the proposed development. Proportionate share of the costs shall be determined by the City Manager or Manager's designee, who shall assume that the proposed development provides improvements in rough proportion to identified impacts of the development.

Chapter 33
STORMWATER QUALITY AND DETENTION

33.040 APPROVAL CRITERIA

The Planning Director and City Engineer shall make written findings with respect to the following criteria when approving, approving with conditions or denying applications for storm water detention permits and storm water quality permits.

A. Storm water quality facilities shall meet non-point source pollution control standards required by the Public Works Design Standards.

B. Design of storm water detention and pollution reduction facilities and related detention and water quality calculations shall meet Public Works Design Standards and shall be prepared by a professional engineer licensed to practice in the State of Oregon.

C. Soil stabilization techniques, erosion control, and adequate improvements to accommodate the intended drainage through the drainage basin shall be used. Storm drainage shall not be diverted from its natural watercourse unless no feasible alternatives exist. Interbasin transfers of storm drainage will not be permitted.

D. Storm water detention and treatment facilities -. may be installed in Water Resource Areas (WRAs) per section 32.050(A) and consistent with Habitat Friendly provisions of 32.050(H).

E. Storm water detention and treatment facilities shall be vegetated with plants from the Metro's Native Plant List as described in CDC 33.070.

F. Projects must either stockpile existing topsoil for reuse on the site or import topsoil, rather than amend subsoils. Soil amendments are allowed only where the applicant can demonstrate they are the only practical alternative for enabling the soil to support healthy plantings, promoting better storm water treatment, or improving soil infiltration capacity (where appropriate).

G. Interim erosion control measures, such as mulching, shall be placed immediately upon completion of grading of the facilities. (Ord. 1463, 2000

Chapter 24
PLANNED UNIT DEVELOPMENT

24.070 EXEMPTIONS FROM PLANNED UNIT DEVELOPMENT REQUIREMENTS

A planned unit development (PUD) shall not apply in cases where all the following conditions exist:

A. No density transfer is proposed pursuant to provisions of this chapter.

B. No development, construction, or grading will take place on Type I and II lands.

C. All the Type I and II lands shall be dedicated to the City as open space, or protected by easement with appropriate delineation.

D. Development, including land division and lot line adjustments, under the hardship provisions of Chapter 32.

CHANGES TO ZONING DISTRICTS

14.075 DIMENSIONAL REQUIREMENTS FOR PROPERTY DEVELOPED UNDER HARDSHIP PROVISIONS OF WRA CHAPTER 32:

The dimensional requirements of 14.070 shall apply with the exception of (A), (B), (C) and (D) whereby there shall be no specific lot size, average minimum lot frontage, width or lot depth but that the lot shape shall be functional and generally proportionate.

15.075 DIMENSIONAL REQUIREMENTS FOR PROPERTY DEVELOPED UNDER HARDSHIP PROVISIONS OF WRA CHAPTER 32:

The dimensional requirements of 15.070 shall apply with the exception of (A), (B) and (C) whereby there shall be no specific lot size, average minimum lot width or lot depth but that the lot shape shall be functional and generally proportionate.

16.075 DIMENSIONAL REQUIREMENTS FOR PROPERTY DEVELOPED UNDER HARDSHIP PROVISIONS OF WRA CHAPTER 32:

The dimensional requirements of 16.070 shall apply with the exception of (A), (B), (C) and (D) whereby there shall be no specific lot size, average minimum lot frontage, width or lot depth but that the lot shape shall be functional and generally proportionate.

19.075 DIMENSIONAL REQUIREMENTS FOR PROPERTY DEVELOPED UNDER HARDSHIP PROVISIONS OF WRA CHAPTER 32:

The dimensional requirements of 19.070 shall apply with the exception of (A) (1-3) whereby there shall be no specific lot size, average minimum lot frontage, width or lot depth but that the lot shape shall be functional and generally proportionate.

21.075 DIMENSIONAL REQUIREMENTS FOR PROPERTY DEVELOPED UNDER HARDSHIP PROVISIONS OF WRA CHAPTER 32:

The dimensional requirements of 21.070 shall apply with the exception of (A) (1-3) whereby there shall be no specific lot size, average minimum lot frontage, width or lot depth but that the lot shape shall be functional and generally proportionate.

23.075 DIMENSIONAL REQUIREMENTS FOR PROPERTY DEVELOPED UNDER HARDSHIP PROVISIONS OF WRA CHAPTER 32:

The dimensional requirements of 23.070 shall apply with the exception of (A) (1-3) whereby there shall be no specific lot size, average minimum lot frontage, width or lot depth but that the lot shape shall be functional and generally proportionate.

12.075 DIMENSIONAL REQUIREMENTS FOR PROPERTY DEVELOPED UNDER HARDSHIP PROVISIONS OF WRA CHAPTER 32:

The dimensional requirements of 12.070 shall apply with the exception of (A), (B), (C) and (D) whereby there shall be no specific lot size, average minimum lot frontage, width or lot depth but that the lot shape shall be functional and generally proportionate.

13.075 DIMENSIONAL REQUIREMENTS FOR PROPERTY DEVELOPED UNDER HARDSHIP PROVISIONS OF WRA CHAPTER 32:

The dimensional requirements of 13.070 shall apply with the exception of (A), (B), (C) and (D) whereby there shall be no specific lot size, average minimum lot frontage, width or lot depth but that the lot shape shall be functional and generally proportionate.

10.075 DIMENSIONAL REQUIREMENTS FOR PROPERTY DEVELOPED UNDER HARDSHIP PROVISIONS OF WRA CHAPTER 32:

The dimensional requirements of 10.070 shall apply with the exception of (1), (2), (3) and (4) whereby there shall be no specific lot size, average minimum lot frontage, width or lot depth but that the lot shape shall be functional and generally proportionate.

09.075 DIMENSIONAL REQUIREMENTS FOR PROPERTY DEVELOPED UNDER HARDSHIP PROVISIONS OF WRA CHAPTER 32:

The dimensional requirements of 09.070 shall apply with the exception of (1), (2), (3) and (4) whereby there shall be no specific lot size, average minimum lot frontage, width or lot depth but that the lot shape shall be functional and generally proportionate.

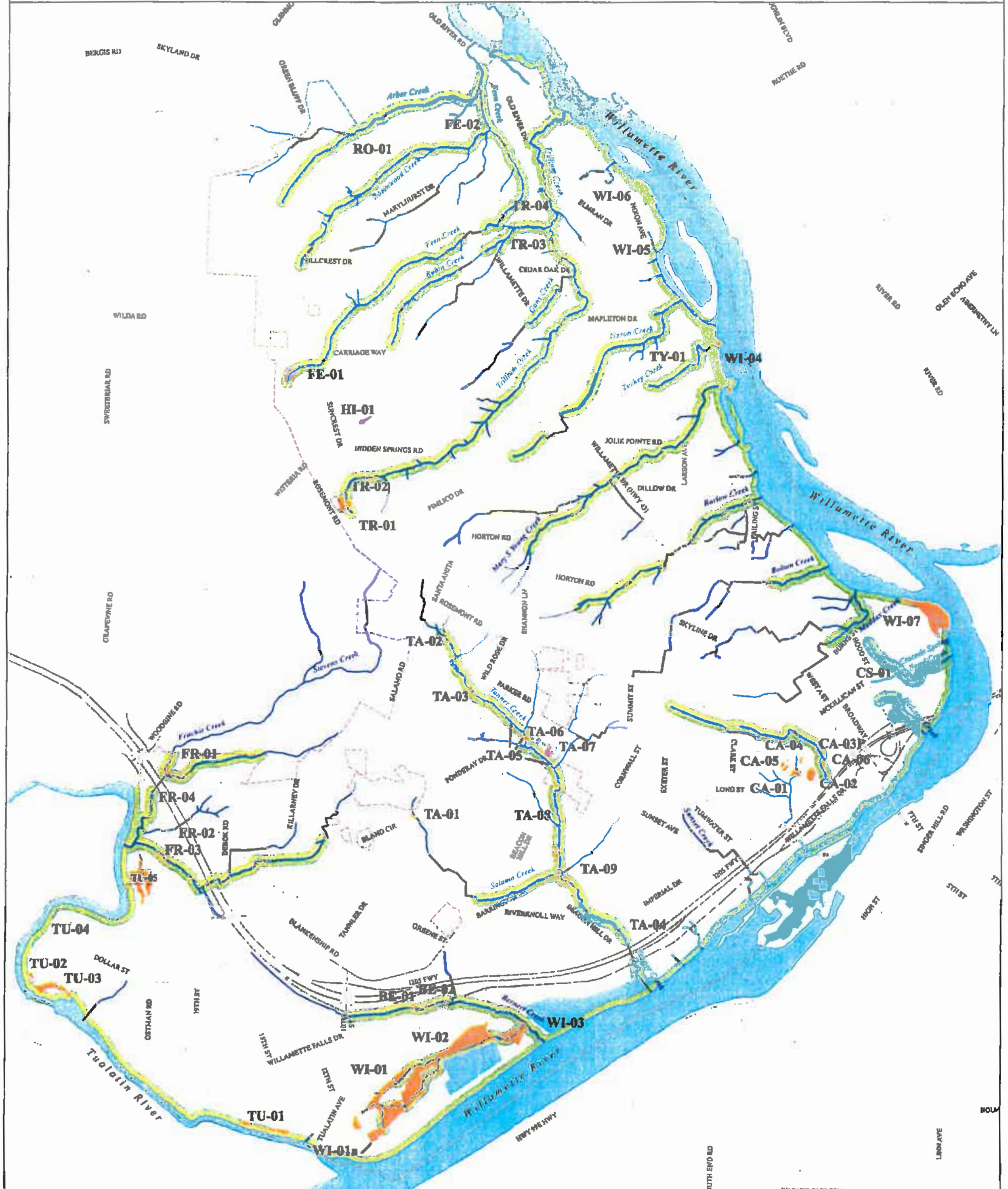
08.075 DIMENSIONAL REQUIREMENTS FOR PROPERTY DEVELOPED UNDER HARDSHIP PROVISIONS OF WRA CHAPTER 32:

The dimensional requirements of 08.070 shall apply with the exception of (1), (2), (3) and (4) whereby there shall be no specific lot size, average minimum lot frontage, width or lot depth but that the lot shape shall be functional and generally proportionate.

The WRA map combines the following City of West Linn GIS maps: (1) "Local Wetland Inventory" map and (2) "Significant Riparian Corridor" map. The map added ephemeral streams and deleted roadside and other drainage ditches.

APRIL 2013

Water Resource Area (WRA) Map



Map Developed by West Linn Planning Department and GIS

MAP OVERLAYS:
*Streams, Pipe Segments, Other Open Ditches, and Significant Riparian Corridors *
Map Source: "Significant Riparian Corridors West Linn Goal 5 Inventory, January 2007"
Map publication date: 1/2/2007.
Modified Streams and added Ephemeral Streams, April 2013

**Locally Significant Wetlands and Other Wetlands
Map Source: "Local Wetland Inventory, West Linn Goal 5 Inventory, January 2005"
Map publication date: 6/5/2006.

***Taxlot Base Map provided by Clackamas County GIS, 2012

WETLANDS/GOAL 5 DISCLAIMER (DSL STANDARD):
Information shown on this map is for planning purposes only and wetland information is subject to change. There may be unmapped wetlands subject to regulation and all wetland boundary mapping is approximate. In all cases, actual field conditions determine wetland boundaries. You are advised to contact the Oregon Division of State Lands and the U.S. Army Corps of Engineers with any regulatory questions.

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Goal 5 Significant Riparian Corridors*

- Significant Riparian Corridors
- Streams
- Ephemeral Stream
- Piped Segments

Goal 5 Wetland Inventory**

- Locally Significant Wetlands, DSL 2005
- Other Wetlands, DSL 2005
- Rivers
- Taxlot Base Map***

0 0.25 0.5 1 Miles

Map Created: 4/29/2013

LOC: G:\PROJECTS\GIS\GOALS_2006\SIGRIPARIAN\SIGRIPARIAN_WETLANDS_201304V2.MXD | KAHA

West Linn GIS
GEOGRAPHIC INFORMATION SYSTEMS