

Attachment C: Recent submittals

February 5, 2014

Spir, Peter

From: Kerr, Chris
Sent: Tuesday, February 04, 2014 11:00 AM
To: Spir, Peter
Subject: FW: WRA Feedback

From: Ryerson Schwark [<mailto:ryersonschwark@gmail.com>]
Sent: Sunday, February 02, 2014 8:34 PM
To: Laura Padilla; Kerr, Chris
Subject: Re: WRA Feedback

Laura Sabo,

Thank you for this. The commission can't do our best work if citizens don't raise legitimate issues with us. The commission specifically instructed staff to review the issues that you raised. We don't anticipate receiving all of the staff response until the meeting after this one, nor could I probably really address it outside of the public planning meeting. But I want you to know we are paying attention to this concern.

I have copied Chris Kerr on this, so that this can go into the record, and so that it can be brought to the attention of staff who will help the commission formulate recommendations to the council.

The commission did ask staff specifically to look at cases such as yours so that we could understand the implications of grandfathering and if the code, as proposed, adequately addressed cases such as yours and others.

As this issue clearly has impact upon you, I would encourage you to remain engaged.

I'm always happy to receive thoughtful feedback.

Chris,

Would you ask Peter to review this and be prepared address this with the other feedback we have gotten on the WRA as well as share this with my fellow commissioners as part of the public input?

Ryerson Schwark
West Linn Planning Commission

On Sun, Feb 2, 2014 at 8:12 PM, Laura Padilla <lpadillapdx@yahoo.com> wrote:
Mr. Schwark,

My husband and I offered to meet with you to discuss our experience dealing with the WRA code. I looked all over for the paper that I wrote your email on after the 1/16/14 Planning Commission public hearing, but could not find it until a few minutes ago. I know that the next hearing is in a couple days

and that does not give you much time, but if you are interested and able, we can make ourselves available to talk with you.

We've gone through the code and there are cases where the **verbiage in the code does not meet the intent stated in the WRA summary** posted to the WL Planning homepage (<http://westlinnoregon.gov/planning/water-resource-areas>).

Here is an example:

From the WL Planning Page:

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 or 30% of the WRA, whichever is greater. Owners of larger lots will benefit from having an allowable "disturbed area" of 30% of the WRA. For a one acre parcel (43,560 square feet) that is totally encumbered by a WRA, a disturbed area of 13,068 square feet would be allowed

This statement (above) says that a property owner is guaranteed 5000 sq ft or 30% of the WRA, whichever is greater. This implies that 5000 sq ft or 30% of the WRA is a MINIMUM. However, the code (below) clearly states that it is a MAXIMUM, hence making 5000 sq ft or 30% of the WRA not only **not a guarantee**, but unlikely.

1. For lots described in 32.110(A) that are located completely or partially 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 and shall be:
 - a. 5,000 square feet; or,
 - b. A maximum of 30% of the total area of the WRA; whichever is greater, and consistent with 32.110(C) below.

In order for the statement on the WL Planning page to be true (which I believe is the intent of the Planning Commission), the code would have to be modified something like as follows:

1. For lots described in 32.110(A) that are located completely or partially 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 and shall be a guaranteed minimum of:
 - a. 5,000 square feet; or,
 - b. A maximum of 30% of the total area of the WRA; whichever is greater, and consistent with 32.110(C) below.

As it stands now, the stated intent and the proposed code are in direct conflict. There are additional places we think the verbiage of the code could be slightly modified to better meet the objective of providing a code that is "less subjective and provide[s] landowners with greater certainty."

Again, we are willing to help and apologize for failing to contact you sooner.

Thanks,
Laura Sabo

Chris Kerr, Community Development Director
Community Development, #1538

West Linn Sustainability Please consider the impact on the environment before printing a paper copy of this email.

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Spir, Peter

From: Christine Steel <steelc123@gmail.com>
Sent: Monday, February 03, 2014 3:45 PM
To: Spir, Peter
Subject: FW: Comments on proposed WRA chapter in my absence

Hi Peter –

I thought it would be helpful for you to see these potential issues before our meeting.

Thanks,
Christine

From: Russell Axelrod [<mailto:rbaxelrod@yahoo.com>]
Sent: Saturday, February 01, 2014 6:41 PM
To: Bob Martin; Christine Steel
Subject: Comments on proposed WRA chapter in my absence

Bob and Christine,

I am unfortunately unable to attend our PC meeting this Wednesday and the continued hearing on the proposed revisions to the WRA Chapter 32. I am involved in the annual River Restoration Northwest conference (long-ago scheduled) in Skamania, WA and cannot make it back in time for the hearing.

I am requesting that you may offer/represent my few principal comments on the proposed WRA revisions in my absence. Perhaps this e-mail be entered to the record. Overall, I am supportive of the WRA revisions; however, I would like to see a few changes made and I question one or two provisions noted below. We did not receive any additional comments this past Friday before the hearing as I had requested from staff recently, so I assume that there is no additional significant public input that would reflect different sentiment/opinion than was generally received at the first hearing.

My principal comments follow:

1. Section 32.040 (Exemptions), G. 3. I am not sure about the meaning of item 3 regarding isolated areas and am very concerned it could be abused. I don't believe this clause is necessary and I recommend it be deleted. For the record, I did not find this exemption in the last draft that our technical committee worked on (February 2013 Review Draft).
2. Figure 32-6. The 100-ft dimensional bars shown along the slope are incorrectly depicted and this could be interpreted to mislead the public. These 100-ft dimensions are measured in the horizontal plane (as in plan view/dimension) and should be shown horizontally above the tree canopy to accurately depict how the riparian corridor is actually interpreted in the regulations.
3. Section 32.110 (Hardship Provisions), B. I am very concerned about the 30% allowance for disturbance when dealing with larger properties. I feel we need to be very careful here in regards to larger properties that may be worthy of different approach in future. As I understand from previous comments from Peter Spir, something like 98-99% of the properties we are concerned with are 1-acre

or less and this standard/provision should apply only to those properties. Larger properties should be dealt with on a case-by-case basis. To address this, I recommend to insert "of one acre or less and" after "are" in the first sentence. Also, the subsection "1." is no longer needed under "B." with the organizational revisions made more recently to this subsection by Morgan and City staff.

4. 3. Section 32.110 (Hardship Provisions), C. In our previous version of the WRA there was an item "4." and a Figure 32-7 that clarified the priority of development by the City (1st being non-WRA lands, 2nd being PDAs in WRAs, and 3rd being non-PDA lands). I would like to understand why this information was deleted and question if it would be helpful to reinsert the priorities for development?

5. 3. Section 32.110 (Hardship Provisions), F. 2. a-c. The footnote "1" previously addressed bioswales and is no longer in the current draft. This needs to be checked and corrected as necessary - perhaps the footnote should be reinserted.

6. Section 02.030 (Specific Words and Terms), Temporarily Disturbed Areas (TDA). The following revisions should be entered near the end of the 1st sentence in the definition of TDA (the new text to be inserted is shown in bold): "...fully restored in terms of **soil character and** grades and **is** re-vegetated."

Thank you for carrying these points forward. I am very sorry I cannot complete this phase of the WRA work. If you want to discuss this before the hearing I can be available at times so try me on my cell (503-312-8464) and if I can't take the call I will call you back at first opportunity. Please also forward this information to others, as appropriate.

Thanks,

Russ