



## Memorandum

Date: August 16, 2017  
To: Planning Commissioners  
From: John Boyd, Planning Manager  
Subject: Public Testimony for Public Hearing CDC-17-02

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On August 14, 2017 Staff received written testimony from Rebecca Adams with a suggestion for an additional revision.

No other comments were received.

## Arnold, Jennifer

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**From:** Rebecca Adams <radams014@gmail.com>  
**Sent:** Monday, August 14, 2017 10:05 AM  
**To:** Arnold, Jennifer; #Board - Planning Commission  
**Subject:** Please add to Written Testimony for upcoming hearing on CDC-17-02

Hi Jennifer,

I'm not sure if the PC email is working anymore, but I see your email is working!  
Could you please forward this to the PC as soon as possible so they have a little time to consider my small suggestion before the hearing.

Thank you.

Dear Planning Commission,

When our former administration removed the Storm and Geo hazard criteria from our code a few years ago, it left the community vulnerable and left our judging bodies with hands tied. I am so relieved to see you now finally have an opportunity to remedy that vulnerability and constriction. Please approve what you evaluate is reasonable language to fix our code so that judging bodies are free to discuss and condition the best storm and geohazard solutions to development applications in West Linn. It has been a long time coming.

Correcting the code's contradictory descriptions of Types I,II, III, and IV lands is a relief also.

There is one line that shows up a few times which I hope you will discuss as to whether it is written in the best possible way. I completely agree with the idea of this line, but worry it might over-promise a guarantee which could then open the city to legal suits. This is the line:

"The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to assure that landslides or property damage will not occur. "

I suppose the word "may" gives you some option to chose not to condition it, but if you want to condition it, I think the bar has been set too high. I do not think it is possible to 100% "assure" landslides or property damage will not occur given there is some unpredictability in how water and soil move around. If the judges felt unable to 100% assure, they may feel that had to just choose not to address it at all to protect the city and themselves from liability. So perhaps the line could say something a little less absolute along the lines of:

"The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to eliminate the known risks that landslides or property damage will not occur. "

Thank you for considering these ideas and all your hard work.

I hope that before long we have intact code again!

Rebecca Adams  
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