



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

## PLANNING COMMISSION MEETING

Wednesday, October 2, 2019

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6:00 p.m. – Work Session – Rosemont Room

6:30 p.m. – Meeting - Council Chambers

City Hall

22500 Salamo Road

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1. Call to order
2. Public comment not related to land use items on the agenda
3. Approval of Meeting Notes: September 18, 2019
4. **Public Hearing:** Update of Storm Drainage Master Plan PLN-19-02 (Staff: John Boyd and Amy Pepper)
5. Items of interest from the Planning Commission
6. Items of interest from staff
7. Adjourn

Attachments:

Tentative agenda for upcoming Planning Commission meetings:

October 16, 2019 Continuation of SUB-18-04 Weatherhill Subdivision  
November 6, 2019 TBD

### 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.*

PLANNING COMMISSION

Meeting Notes of September 18, 2019

Members present: Gary Walvatne, Charles Mathews, Joel Metlen, Carrie Pellett, Jim Farrell, Lamont King and Margot Kelly

Members absent: None

Staff present: John Boyd Planning Manager and Tim Ramis City Attorney

Meeting video is available at this hyperlink [PC Video link](#). The meeting notes have a video time index. Each time index is provided in brackets and red text as shown in this example: (00:00:00)

Guests: None

(00:30)

**REGULAR MEETING - CALL TO ORDER**

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

(00:00:54)

**PUBLIC COMMENT RELATED TO LAND USE ITEMS NOT ON THE AGENDA**

Steve Kelly provided comments regarding the topic street width. He wanted to assure that the the minimum street width was 28 feet. He requested that the 28-foot street width standard be codified as soon as possible. Chair Walvatne noted Public Works had agreed to restrict the use of the 24' standards to limited situations and to use the 28' road standard as a minimum. Steve Kelly also noted the narrow streets do not provide opportunities for on-street parking, he felt the community could have a better road design. He urged the Commission to consider the request to update code.

(00:13:59)

**APPROVAL OF MEETING NOTES: AUGUST 21, 2019**

Commissioner Margo Kelly **moved** to approve the (August 21, 2019) meeting notes.

Commissioner Carrie Pellett **seconded** the motion.

**Ayes: Commissioner Joel Metlen, Commissioner Carrie Pellett, Commissioner Jim Farrell, Commissioner Mathews, Commissioner Lamont King, Commissioner Margot Kelly and Chair Gary Walvatne. Nays: None. Abstentions: None. The motion passed 7-0-0.**

(00:15:25)

**PUBLIC HEARING: CONTINUED FROM AUGUST 21, 2019 – A PUBLIC HEARING: (QUASI JUDICIAL HEARING) TO CONSIDER A REQUEST FOR A 12 LOT SUBDIVISION AND WATER RESOURCE AREA PERMIT AT 22870 WEATHERHILL ROAD. SUB-18-04/WAP-18-05 (STAFF: JENNIFER ARNOLD)**

Chair Walvatne explained this is a quasi-judicial decision and unlike in legislative hearings, where personal opinion may come into play, quasi-judicial hearings must be grounded in the relevant code, and if the application meets the code, the Commission must approve it. Chair Walvatne then outlined the procedure for this continued public hearing.

Mr. Ramis provided the preliminary legal matters. Responding to the questions from the applicant to re-open the public hearing and the record. He discussed the differing options the Planning Commission could consider when reviewing the applicant's request submitted by the September 11, 2019 deadline. He noted that the applicant requested that the record be opened to accept information provided after the record had closed, that the Planning Commission had questions they wished to be considered. Mr. Ramis noted there are potentially three options, 1) accept public comment tonight and enter new information in the record. Allow for a continuance to allow the public to review and respond (either in person or in writing) to this information; 2) proceed as intended and deliberate and not accept any additional information into the record; 3) Continue the hearing tonight, provide time for the public to submit information and set a date to deliberate at a future date. He concluded by saying staff recommended before considering any option that would involve reopening the record or hearing, to find out from the applicant to provide an additional waiver to extend the 120 day clock period.

(00:19:50)

The Planning Commission opened the record for the sole purpose of discussing the additional waiver of the 120 day clock with the applicant. Applicant representative Steve Miller of Emerio Design LLC discussed the extension issue with the Planning Commission.

The Planning Commission discussed the listed deadlines, how the applicant provided a memo by the assigned deadline, and then after the deadline expired provided a second submitted (a traffic impact study). In addition, the Planning Commission considered how an extension was required to address the differing options under consideration by the Planning Commission. When asked by the Planning Commission, Staff Arnold noted the existing extended deadline was October 20, 2019 and additional extension time was required to November 19, 2019 to allow time for the Planning Commission take action on any option to open the record or continue the hearing, to make a decision and to allow for processing of any potential appeal.

(00:44:35)

Planning Commissioner Metlin asked the applicant to confirm they would grant an additional 30 day extension to November 19, 2019. Steve Miller, Emerio Design LLC applicant/representative for the property owner responded "Absolutely". With that extension, the Planning Commission chose to move forward with the deliberation on option analysis.

(00:50:30)

Commissioner Jim Farrell **moved** to re-open the hearing to allow oral testimony and accept written testimony tonight and continue the public hearing to October 16, 2019 leaving the record open for anyone to submit written comments by close of business September 25, 2019, anyone can provide comments to submitted material by close of business on October 2, 2019 allowing a 14 day period to comment on the Traffic Impact Study and allow only the applicant to respond to all submitted comments by close of business October 9, 2019. Commissioner Margo Kelly **seconded** the motion.

**Ayes: Commissioner Joel Metlen, Commissioner Carrie Pellett, Commissioner Jim Farrell, Commissioner Mathews, Commissioner Lamont King, Commissioner Margot Kelly and Chair Gary Walvatne. Nays: None. Abstentions: None. The motion passed 7-0-0.**

(01:05:45)

The public hearing was called to Order with a summary of legal issues. Attorney Ramis reviewed applicable legal matters (also discussed at the August 21, 2019 hearing). The Planning Commission was previously qualified, there were no additional site visits. The Planning Commission had received the Traffic Impact Study with a cover memo noting that it was received after the record close. In response to a question from Commissioner Metlin, Attorney Ramis noted with the opening of the hearing and the allowing written traffic study into the record there would be no exparte issue. There were no challenges to the PC Members hearing this matter, nor was there any challenges to impartiality of the members of the Commission. That being concluded the Chair continued on with the presentation of the traffic impact study by the applicant.

(01:09:15)

Steve Miller Principal Planner Emerio Design LLC presented as the applicant and consultant for the owner and submitted the Traffic Impact Study into the record along with a letter from Tanner Springs Assisted Living dated September 18, 2019.

Steve Miller summarized the coordination with Tanner Springs and the road improvements they are proposing based upon that coordination. He then introduced Dana M. Beckwith, P.E. / P.T.O.E Global Transportation. Mr. Beckwith provided a summary of the submitted report entitled "West Linn Weatherhill Subdivision Trip Generation and Safety Review." Steve Miller concluded with a summary of street widening along Weatherhill Drive that is program along with improvements required by an adjacent owner at 22844 Weatherhill to complete street improvements.

Commissioner Farrell asked questions about the timing of improvements and asked about the participation of Tanner Spring required improvement when they develop. His goal was to promote a coordinated improvement effort. Mr. Miller responded that the timing of the project was so different it removed any option to complete a joint improvement project.

Commissioner Mathews spoke to subdivision criteria approval from 85.200 and the definition of adequate public facilities. There was a discussion on the definition of adequate public facility "... level-of-service or volume-to-capacity performance standard for an affected City or State roadway is currently failing or projected to fail to meet the standard, . . ." The failing to meet a standard (LOS or V/C) is subject to standards in the Transportation Planning Rule. Commissioner Mathews asked if this was a term of art or if this was a failed road. Mr. Beckwith addressed the question on the capacity of the road to serve traffic and discussed peak hour loads. Mr. Boyd noted that staff did not provide answers to those questions as they were submitted after the record was closed. Commissioner Mathews asked that all Commissioner submitted questions should be provided to Public Works for their consideration. Staff Boyd noted that all information will be provided to Public Works immediately to allow them time to respond.

Commissioner Kelly asked about the extent of the road improvements at the curve. Mr. Miller noted that additional right of way will be granted by Tanner Springs Assisted Living to allow them to do some minor grading, vegetation removal and a minor amount of paving to bring the road near a 20 foot width at that point.

Commissioner Farrell asked if the traffic study included the Satter Street impact. Mr. Beckwith noted that those trips were included and discussed aspects of the submitted report.

Commissioner Metlin asked if the width of existing Satter Street was considered. Mr. Beckwith noted this was a recently approved subdivision so they did not consider any safety issues. They did consider the trips generated. Commissioner Metlin asked about the liability from narrow streets and the parking that further reduces the width. Staff Boyd spoke to the minimum road widths are standards promoted in statewide transportation planning rule, the road was reviewed and approved by the city. For Weatherhill Road, the LOS and V/C ratio are capacity standards and not condition indices. Commissioner Metlin and Mathews wanted to know if the road was safe. Staff Boyd read from the definition of adequate public facilities and noted the term did not relate to a general term about a road failing and related more to the definition term, failing to meet standards (V/C or LOS).

Chair Walvatne noted that the programmed improvements discussed tonight and those programmed improvement by the city in the fall could address some of the issues. He noted that with that in mind, the question then becomes if those additional trips created by the development would cause further degradation.

Commissioner Farrell noted he submitted questions that were outside of the record. Staff Arnold reported some of the known development in the process. When asked, Staff Boyd suggest the best method was to submit the questions to public works and post the replies. Commissioner Farrell agreed and noted that the response to 22844 Weatherhill Road should be addressed. Staff Arnold addressed preliminary information and Staff Boyd noted the best method would be to respond to the questions raised in writing and provide a written response available to all.

Commissioner Kelly asked about construction traffic routes. Mr. Miller noted that they will try to minimize truck traffic on the more narrow routes. Chair Walvatne asked how the transition on Satter Street will be managed. Mr. Miller noted they will hold the center line and work for a smooth transition of the route. Similar tapers will have to occur as the remaining developments complete Satter Street.

No one from the public signed up to submit comments on this matter. Staff requested that any questions that Commissioners had of staff be provided now to allow staff time to comment.

(01:53:50)

Chair Walvatne closed the hearing. The record was left open to allow any written comments by September 25, and responses by October 2, and final rebuttal by October 9, 2019.

(00:52:54)

#### **ITEMS OF INTEREST FROM THE PLANNING COMMISSION**

Commissioner Kelly complemented the West Linn Police Department and thanked them for their response to an issue near Willamette Elementary School.

Commissioner Mathews asked staff to consider traffic impact studies for the Commission. There are mandatory requirements and optional requirements. Where it seems reasonable to provide a traffic impact study in these options, the Planning Commission would appreciate that information. Mr. Boyd noted he meets weekly with the Director and would pass along that request.

Chair Walvatne thanked Director Calvert for his outreach to the Neighborhood Association Presidents. The information on METRO survey on the second phase of Hwy. 43 and noted this survey assists in supporting funding and thought the community should participate in the survey.

(02:03:00)

**ITEMS OF INTEREST FROM STAFF**

Staff Boyd summarized upcoming meetings and asked members contact him if their availability changes. He reminded Commissioners of the Joint City Council and Planning Commission meeting on October 21, 2019. Mr. Boyd will confirm the meeting details and update the Commissioners.

(02:04.30)

**ADJOURNMENT**

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



# CITY OF West Linn

## STAFF REPORT FOR THE PLANNING COMMISSION

**FILE NUMBER:** PLN-19-02

**HEARING DATE:** October 2, 2019

**REQUEST:** For the Planning Commission to consider a recommendation for City Council regarding the adoption of an update for the West Linn Storm Drainage Master Plan along with proposed amendments to Comprehensive Plan Goals 11; and Community Development Code Chapter 85.

**APPROVAL**

**CRITERIA:** Community Development Code (CDC) Chapters 98, 100, and 105

**STAFF REPORT**

**PREPARED BY:** John Boyd, Planning Manager

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## GENERAL INFORMATION

- APPLICANT:** City of West Linn Public Works Department
- DESCRIPTION:** For the Planning Commission to consider a recommendation for City Council regarding the adoption of and update to the West Linn Storm Drainage Master Plan update along with proposed amendments to Comprehensive Plan Goals 11; and Community Development Code Chapters 85.
- APPROVAL CRITERIA:** Community Development Code (CDC) Chapter 98 provides administrative procedures for legislative amendments to the Comprehensive Plan. Section 98.100 of the CDC lists the factors upon which a decision shall be based. These are briefly described below and addressed in greater detail in a separate Section of this report:
1. The Statewide Planning Goals and rules adopted under ORS Chapter 197 and other applicable state statutes;
  2. Any federal or state statutes or rules found applicable;
  3. Applicable plans and rules adopted by the Metropolitan Service District (Metro);
  4. The applicable Comprehensive Plan policies and map; and,
  5. The applicable provisions of implementing ordinances.
- Chapter 100 provides Procedures for adoption or amendment of Supporting Plans. Section 100.050 describes the required hearing and recommendation to City Council.
- Chapter 105 provides direction for Amendments to the Code and Map. Section 105.030 provides direction for legislative amendments to the code and map.
- PUBLIC NOTICE:** Legal notice was published in the West Linn Tidings on September 12, 2019 and provided to required public agencies and persons who requested notice in writing on September 12, 2019 and September 23, 2019.
- ORS 227.186 NOTICE:** A Measure 56 notice is not required because no zone changes or new regulations are proposed.
- 120-DAY RULE:** Not applicable to this legislative action.



## EXECUTIVE SUMMARY

In 1967 the City directed CH2M Engineers and Planners to prepare a storm sewer and drainage study. In 1982, the City engaged Murray Smith and Associates Inc. to prepare a "Storm Drainage Master Plan" (SDMP). In 1996 the City adopted the Storm Drainage Master Plan. In 2006, the City reviewed the "Storm Drainage Master Plan" and accepted by Resolution 06-42; this action was not a Comprehensive Plan update to Chapter 11 or to the support document that is part of the plan. The 2019 update to the Storm Drainage Master Plan repeals prior support documents and replaces with the proposed document. This update seeks a name change as part of this review.

The proposed amendments to the Comprehensive Plan and Community Development Code are found in Exhibit PC-3 and an amendment to the proposal is found in PC-6. Adoption of the proposal will ensure goals and policies, and land use development criteria, are aligned with the vision outlined in the SDMP for an efficient storm water system to meet community needs into the future. The primary intent of this legislative action is to ensure the City's SDMP and the Comprehensive Plan and Community Development Code remain viable tools for decision-makers. By adopting the amendments, the City will also ensure continued compliance with applicable laws, rules, regulations, plans, and programs.

## RECOMMENDATION

Staff recommends the Planning Commission finds this request to meet the necessary approval criteria. Therefore, staff recommends the Planning Commission **RECOMMEND** to the West Linn City Council that it adopt the Storm Drainage Master Plan, adopt amendments to West Linn Comprehensive Plan, and West Linn Community Development Code as provided in Exhibits PC-2 and PC-3.

## Planning Background

To better understand the process, a short primer on the Oregon Land Use System is provided.

### Oregon's Planning Program History

Senate Bill 100:

- Created Land Conservation and Development Commission (LCDC) and Department of Land Conservation and Development (DLCD)
- Directed LCDC to develop statewide planning goals
- Required all cities and counties to adopt comprehensive plans
- Gave LCDC the authority to approve or reject comprehensive plans
- Required state agencies to comply with comprehensive plans

The City of West Linn's Comprehensive Plan adopted on December 31, 1983 was developed in accordance with the Oregon Land Use System and was acknowledged by LCDC, DLCD and Governor on May 31, 1984.

The City's acknowledged Comprehensive Plan (Plan) is a guiding land use document for local government. The Plan is the document that guides land use, infrastructure development, conservation of natural resources, economic development, public services, and was acknowledged because it addressed all 12 base goals and the applicable natural resource goals. The Plan is the basis for and implemented by zoning regulations. Plan policies can sometimes be regulatory ("shall" statements) and are often organized consistently with statewide planning goals, but not always.

The 1983 Comprehensive Plan Inventories document Section 11 Public Facilities and Services (page 58) noted "The City of West Linn owns and maintains improved storm drainage facilities which are situated in the public rights-of-way and within accepted easements. Storm drainage facilities not maintained by

the city include natural drainage ways, such as intermittent and flow streams and canyons. The natural drainage ways in the city are discussed in the Planning Background Report, Natural Disaster & Hazard Areas, Goal 7.”

The 1983 Plan also noted “In July 1967, CH2M, Engineering and Planners, were retained by the city to prepare a storm sewer and drainage system study. The study provide the city with an overall drainage plan for the West Linn area, indicating size and location of storm sewers 18 inches and larger in diameter, or equivalent channels to serve both developed and undeveloped areas.”

The current Comprehensive Plan notes (Page PS-8) “In 1996, the City adopted the Storm Drainage Master Plan, which is a supporting document of the Comprehensive Plan. This document responds to recent and expected growth in the City and the City’s commitment to natural drainage way preservation and water quality. Future efforts will be needed to respond to the recent Endangered Species Act listing of native upper Willamette River Chinook salmon and steelhead by the National Marine Fisheries Service.”

In 2006, the City review of “Storm Drainage Master Plan” completed by Pacific Water Resources prepared a Surface Water Management Plan that was reviewed and accepted via Resolution 06-42. A post acknowledgement plan amendment process was not completed; this the two items were not incorporated into the comprehensive plan: the proposed name change and the updated Comprehensive Plan Storm Drainage Master Plan update.

The current proposal before the Planning Commission is to make recommendation to City Council on the 2019 update to the Storm Drainage Master Plan

The proposed Storm Drainage Master Plan (SDMP) is an update to the 1996 Storm Drainage Master Plan and the un-adopted Surface Water Master Plan reviewed in 2006. This series of plans have been in effect over 40 years. The proposed SDMP is consistent with the existing plan, is a required update that is consistent with existing information and reformats the plan to be more contemporary. As you review this plan consider this has been previously reviewed and adopted by Council and is a minor update to the Master Plan.

## **Project Background**

The City of West Linn manages approximately 123 miles of piped and open channel stormwater infrastructure within the City. The City’s SDMP provides a guide for capital project and stormwater related program decisions over a 10-year planning horizon. The SDMP is considered a living document that is inherently flexible to allow the City to respond to opportunities and changing conditions as they develop. The main objectives of the SDMP include the following:

- Establishing a foundation for evaluation stormwater system needs in the City
- Stakeholder and staff engagement to inform targeted identification of project needs and improvements.
- Identification of know drainage problems and flooding and provide solutions to alleviate problems.
- Enhance and expand water quality throughout the City.
- Identify programmatic opportunities to address maintenance, system condition deficiencies, and water quality.
- Support regulatory requirements under the City’s Phase I National Pollutant Discharge Elimination Permit System (NPDES) municipal separate storm sewer (MS4) permit.

### **Proposed Comprehensive Plan Amendments (see Exhibit PC-3)**

In addition to adopting the West Linn SDMP Update, a number of amendments are proposed to goals, policies, and action measures found in the West Linn Comprehensive Plan. The proposed amendments will ensure consistency and compliance with regional and state plans and policies, and includes the following:

- Update to the narrative for Goal 11 Public Facilities and Services – Section 3 Storm Drainage
- Update the goal to provide reliable and environmentally sound storm drainage management.
- Update policies to encourage development and annexation that makes orderly and efficient use of the wastewater collection system.
- Update action measures to:
  - Consolidate and simplify actionable measure to encourage coordination with Clackamas County NPDES MS4 co-permittees to the extent practical for implementation of the City’s Stormwater Management Program.

These changes are more fully shown in the in attachment A of the application.

On August 5, 2019, the applicant submitted a revised amendment that removed all changes to Comprehensive Plan goals, Policies and Action Measures. ***The August 5 revised Appendix A may be found in Exhibit PC-6.***

### **Proposed CDC Amendments**

In addition to adopting the West Linn SDMP, one amendment is proposed to the CDC. The proposed amendment will ensure consistency and compliance with regional and state plans and policies, and includes the following:

- Update chapter 85 to refer to the “Surface Water Master Plan, dated June 2019” instead of the “most recently adopted Storm Drainage Master Plan”.

On August 5, 2019, the applicant submitted a revised amendment that removed all changes to Community Development Code Chapter 85  
***The August 5 revised Appendix A may be found in Exhibit PC-6.***

**ADDENDUM**  
**PLANNING COMMISSION STAFF REPORT**  
**October 2, 2019**

**APPLICABLE CRITERIA AND COMMISSION FINDINGS**

West Linn Community Development Code

Chapter 98 - Procedures for Decision Making: Legislative

CDC 98.040 Duties of Director

*A. The Director shall:*

- 1. If appropriate, or if directed by the City Council or Planning Commission in their motion, consolidate several legislative proposals into a single file for consideration;*

**Finding 1:**

The proposed legislative amendments (and the revised Appendix A as provided on August 5, 2019) to the West Linn Comprehensive Plan and Chapter 85 of the Community Development Code have been consolidated into one file as allowed. The consolidation is appropriate as the proposed amendments will ensure consistency with the plan adopted in 1996. The 2006 Update of the Storm Drainage Master Plan did not follow the post acknowledgement amendment process. This item was also adopted by resolution. The proposed repeal or prior versions and replacement with the June 2019 Storm Drainage Master Plan in Ordinance 1696 will address any inconsistencies.

*2. Upon the initiation of a legislative change, pursuant to this chapter:*

*a. Give notice of the Planning Commission hearing as provided by CDC 98.070 and 98.080;*

*b. Prepare a staff report that shall include:*

*1) The facts found relevant to the proposal and found by the Director to be true;*

*2) The Statewide planning goals and rules adopted under Chapter 197 ORS found to be applicable and the reasons why any other goal or rule is not applicable to the proposal except that goals 16 through 19 which are not applicable to the City of West Linn need not be addressed;*

*3) Any federal or State statutes or rules the Director found applicable;*

*4) Metro plans and rules the Director found to be applicable;*

*5) Those portions of the Comprehensive Plan found to be applicable, and if any portion of the plan appears to be reasonably related to the proposals and is not applied, the Director shall explain the reasons why such portions are not applicable;*

*6) Those portions of the implementing ordinances relevant to the proposal, and if the provisions are not considered, the Director shall explain the reasons why such portions of the ordinances were not considered; and*

*7) An analysis relating the facts found to be true by the Director to the applicable criteria and a statement of the alternatives; a recommendation for approval, denial, or approval with modifications; and at the Director's option, an alternative recommendation;*

**Finding 2:**

The Planning Commission public hearing is October 2, 2019, with the City Council public hearing tentatively scheduled for November 12, 2019. Legislative notice was provided as required and affidavit documentation can be found in Exhibit PC-1.

**Finding 3:**

Relevant facts and associated analysis for applicable Statewide Planning Goals, federal and state statutes/rules, Metro plans/rules, West Linn Comprehensive Plan goals and policies, and West Linn Community Development Code criteria are found in the sections of the Staff Report below.

*c. Make the staff report and all case file materials available 10 days prior to the scheduled date of the public hearing under CDC 98.070;*

**Finding 4:**

The staff report, proposed amendments, and all other associated project materials were made available on September 20, 2019.

*d. Cause a public hearing to be held pursuant to CDC 98.070;*

**Finding 5:**

The West Linn Planning Commission is scheduled to hold the first evidentiary public hearing on October 2, 2019 with the West Linn City Council tentatively scheduled to hold its public hearing and make a final decision on November 12, 2019.

*CDC 98.100 Standards for Decision*

*A. The recommendation of the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:*

*1. The Statewide planning goals and rules adopted under Chapter 197 ORS and other applicable State statutes;*

*Statewide Planning Goal 1 – Citizen Involvement:*

*This goal outlines the citizen involvement requirement for the adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.*

**Finding 6:**

This goal was addressed with the following steps. The City has maintained a project website tracking the project development since inception in November 2016. The SDMP was introduced to the public at the April 9, 2019 Utility Advisory Board with a more detailed presentation in May of 2019. The draft SDMP has been posted to the City website for public comment since June 28, 2019.

Additionally, a public hearing before the Planning Commission was held on October 2, 2019 and is scheduled for City Council on November 12, 2019. The Planning Commission will make a recommendation to City Council on the draft support document and Ordinance 1696. The City Council will take action to consider adoption of the SDMP pursuant to CDC Chapter 98. As a result, the SDMP the citizen involvement process was addressed and is in compliance with Goal 1.

As part of the legislative process, the Planning Commission held two public workshops (August 7, 2019 and September 4, 2019) and notice of the public hearing on October 2, 2019 was sent to affected government agencies, and was published in the September 12, 2019 issue of the West Linn Tidings. Notice will be published again on October 31, 2019 prior to the City Council public hearing. The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City's webpage where the entire draft of proposed amendments could be viewed.

No goal or policy changes are recommended.

As a result, the SDMP is in compliance with Goal 1.

Statewide Planning Goal 2 – Land Use Planning:

*This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals.*

**Finding 7:**

The City of West Linn has an acknowledged Comprehensive Plan and enabling ordinances. The original Storm Drainage Master Plan (SDMP) adopted in 1982 was developed to support the acknowledgement of the Comprehensive Plan and serves as a support document that is the inventory of the system, analysis of problems or issues, alternate solutions, and strategies for development based upon the underlying land use zones and the populations anticipated. Based upon maintaining the consistency of the core elements of this support document, the acknowledgment of the Comprehensive Plan may be assured.

Therefore, the SDMP continues to support the land use and zoning policies. The amendments will be processed in accordance with City's adopted procedures, which requires any applicable statewide planning goals, federal or state statutes or regulations, Metro regulations or plans, comprehensive plan policies, and the City's implementing ordinances be addressed as part of the decision-making process. This amendment will be processed as a post-acknowledgement plan amendment (PAPA) and noticing requirements will be met. All applicable review criteria has been addressed within this application; therefore, the requirements of Goal 2 have been met.

No goal or policy changes are recommended.

Statewide Planning Goal 5 – Natural Resources:

*This goal requires the inventory and protection of natural resources, open spaces, historic sites and areas.*

**Finding 8:** The City is currently in compliance with the State's Goal 5 program and Metro's Title 13: Nature in Neighborhoods program, which implements Goal 5. The SDMP does not alter the City's acknowledged Goal 5 inventories or associated land use programs. No changes will occur to current natural resource protections. As a result, the amendments are in compliance with Goal 5 process requirements.

No goal or policy changes are recommended.

Statewide Planning Goal 6 – Air, Water, and Land Resource Quality:

*To maintain and improve the quality of air, water, and land resources of the state.*

**Finding 9:** The City is currently in compliance with Metro's Title 3: Water Quality and Flood Management program, which implements Goal 6. The SDMP does not alter the City's acknowledged land use programs regarding water quality and flood management protections. The City is included in the Metro Area Airshed, which is in compliance with Federal Clean Air Act regulations. As a result, the SDMP is in compliance with Goal 6.

*Policy 1. Coordinate with DEQ, Metro, and other relevant agencies to reduce air pollution emission levels in West Linn and the Portland area.*

**Finding 10:** The City of West Linn has an acknowledged Comprehensive Plan and enabling ordinances. The SDMP was developed to support the underlying land use zones and the populations anticipated.

Therefore, the SDMP supports the land use and zoning policies. The amendments will be processed in accordance with City's adopted procedures, which requires any applicable statewide planning goals, federal or state statutes or regulations, Metro regulations or plans, comprehensive plan policies, and the City's implementing ordinances be addressed as part of the decision-making process. This amendment will be processed as a post-acknowledgement plan amendment (PAPA) and noticing requirements will be met. All applicable review criteria has been addressed within this application; therefore, the requirements of Goal 2 have been met.

No goal or policy changes are recommended

Statewide Planning Goal 7 – Areas Subject to Natural Hazards:

*To protect people and property from natural hazards.*

**Finding 11:** The City is currently in compliance with Goal 7 and Metro's Title 3: Water Quality and Flood Management program. The amendments do not alter the City's acknowledged Goal 7 land use programs regarding water quality and flood management protections. The amendments do not alter the City's compliance with Metro's Title 3, therefore this does not apply to the proposed amendments. No changes will occur to current natural hazard protections. As a result, the SDMP amendments are in compliance with Goal 7.

No goal or policy changes are recommended

Statewide Planning Goal 8 – Recreational Needs:

*This goal requires the satisfaction of the recreational needs of the citizens of the state and visitors.*

**Finding 12:** West Linn provides a robust range of recreational facilities throughout the community, and has an adopted Parks Master Plan and is in the process of updating that plan. The SDMP does not alter the Parks Master Plan. The SDMP is in compliance with Goal 8.

No goal or policy changes are recommended.

Statewide Planning Goal 9 – Economic Development:

*To provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

**Finding 13:** The City is currently in compliance with Goal 9 and Metro's Title 1: Requirements for Housing an Employment Accommodation and Title 4: Industrial and Other Employment Areas. The SDMP does not alter the City's compliance with Goal 9. The SDMP recommendations are aimed at properly sizing storm drainage facilities and thus help to support economic growth. The requirements of Goal 9 have been met.

No goal or policy changes are recommended.

Statewide Planning Goal 10 – Housing:

*To provide adequate housing for the needs of the community, region and state.*

**Finding 14:** The City is currently in compliance with Goal 10 and the Metropolitan Housing Rule (OAR 660-007/Division 7), and Metro's Title 1: Requirements for Housing an Employment Accommodation. The SDMP does not alter the City's compliance with Goal 10. The SDMP recommendations are aimed at

properly sizing storm drainage facilities and thus help to accommodate housing needs. The requirements of Goal 10 have been met.

No goal or policy changes are recommended.

Statewide Planning Goal 11 – Public Facilities and Services:

*To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as framework for urban and rural development.*

**Finding 15:** The City is currently in compliance with Goal 11 through its acknowledged Comprehensive Plan. This includes an adopted Public Facility Plan as required by Oregon Revised Statute 197.712 and Oregon Administrative Rule (OAR) 660-011. The purpose of facility planning per OAR 660-011 is to help assure that urban development “is guided and supported by types and levels of urban facilities and services appropriate for the needs and requirements of the urban areas to be serviced”. The SDMP will update the storm drainage component of the Public Facility Plan as allowed by Oregon Administrative Rule 660-011-0010 to 0045. As a result, the SDMP is in compliance with Goal 11.

West Linn Comprehensive Plan Goal 11: Public Facilities and Services, Section 3 should be amended to read as provided in Attachment A.

Sections 1: Sanitary Sewer; 2: Water System; 4: Fire and Police; 5: Government Administration Facilities; 6: Libraries; 7: Schools; 8: Private Utilities and Telecommunications; and 9: Health Services are not affected by the SDMP and no changes in goals or policies are required.

Statewide Planning Goal 12 – Transportation:

*To provide and encourage a safe, convenient, and economic transportation system.*

**Finding 16:** The City is currently in compliance with Goal 12 and Metro’s Regional Transportation Plan through its acknowledged Comprehensive Plan and TSP as required by Oregon Administrative Rule 660-012 (Transportation Planning Rule). The SDMP does not alter the City’s compliance with Goal 12. The SDMP recommendations are aimed at properly sizing storm drainage facilities which does not affect the transportation system. The requirements of Goal 12 have been met.

No goal or policy changes are recommended

Statewide Planning Goal 13 – Energy Conservation:

*Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.*

**Finding 17:** The City is currently in compliance with Goal 13 through its acknowledged Comprehensive Plan. The adoption of the SDMP does not alter the City’s compliance with Goal 13. The requirements of Goal 13 have been met.

No goal or policy changes are recommended.

Statewide Planning Goal 14 – Urbanization:

*To provide for orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*



**Finding 18:** The development of the West Linn Storm Drainage Master Plan was coordinated with West Linn residents, the Oregon Department of Land Conservation and Development (DLCD), Metro, DSL, ODOT Region 1, Water Environmental Service, Clackamas County, City of Oregon City, City of Lake Oswego, West Linn Wilsonville School District and Tualatin Riverkeepers to ensure consistency across jurisdictions' plans and compliance with federal, state, and regional requirements. The City is currently in compliance with Goal 14 and Metro's Title 11: Planning for New Urban Areas through its acknowledged Comprehensive Plan and land use regulations. The City also has a signed Urban Growth Management Agreement with Clackamas County as required by ORS 195.065. The SDMP does not alter the City's compliance with Goal 14. The SDMP recommendations are aimed at properly sizing storm drainage facilities and thus helps to promote orderly growth. The requirements of Goal 14 have been met.

No goal or policy changes are recommended.

**Finding 19:** Comprehensive policies have been addressed in this application under the Statewide Planning Goals. Amendments to Goal 11 Public Facilities and Services Section 3: Storm Drainage have been recommended. The Comprehensive Plan does not include maps pertaining to the storm drainage system. Therefore, there are no map changes required.

**Conclusion:** Based on the analysis above, the proposed SDMP is consistent with the Comprehensive Plan policies and map.

*Statewide Planning Goal 15 – Willamette River Greenway:*

*To provide for keeping the land green along the banks of the river and providing for recreation access.*

**Finding 20:** The City is currently in compliance with Goal 15 through its acknowledged Comprehensive Plan and land use regulations. The SDMP does not alter the City's compliance with Goal 15 and is consistent with this goal. The requirements of Goal 15 have been met.

No goal or policy changes are recommended.

**Conclusion:** Based on the analysis above, the proposed SDMP is consistent with applicable Statewide Planning Goals.

2. *Any federal or State statutes or rules found applicable;*

**Oregon Administrative Rule 660-011**

**Finding 21:** The Land Conservation and Development Commission adopted Oregon Administrative Rule 660-011 (Public Facility Planning Rule) to implement Statewide Planning Goal 11. The proposed SDMP describes the storm drainage facilities necessary to support the land use designated in the City's acknowledged comprehensive plan within the City's urban growth boundary, one component of the City's overall Public Facilities Plan. See the material above which addresses State Wide Planning.

**Oregon Administrative Rule 340-041**

**Finding 22:** This rule applies to the State's water quality standards. Section 303(d) of the Clean Water Act (CWA) requires states to develop a list of water bodies that do not meet water quality standards (commonly known as "303(d) list"). The Willamette and Tualatin Rivers are the major receiving waters for West Linn. These rivers and contributing tributaries are on the 303(d) list for various parameters of

concern and have Total Maximum Daily Loads (TMDLs) for specific sources of pollutant loading. Section 2.6.2 of the SDMP includes a discussion and evaluation of water quality opportunities to continue progress towards meeting the TMDL requirements applicable to the City. The SDMP is in compliance with this rule.

*Oregon Administrative Rule 340-045*

**Finding 23:** This rule requires a discharge permit for municipal separate storm sewer system discharging to waters of the state. The City is one of 13 co-permittees on the Clackamas County Phase I NPDES MS4 Permit for discharges from the stormwater system, first issued in 1995. Future permit compliance was considered in the identification of capital projects and programs identified in the SDMP. The SDMP is in compliance with the rule.

**Conclusion:** Based on the analysis above, the proposed SDMP is consistent with applicable federal or state statutes or rules.

*3. Applicable plans and rules adopted by the Metropolitan Service District;*

**Finding 24:** Metro's responsibility includes management of the boundary that separates urban and rural lands with regard to land use and development, coordinate and plan investments in the transportation system for the three-county area, act a regional clearinghouse for land information, manage regional parks and natural areas, operate regional visitor venues, and oversee the regions solid waste system. Their responsibility does not extend to stormwater management.

Under the land use goals 2, 5 and 8 earlier in this document a response has been provided addressing land use planning, natural areas and recreational areas. The SDMP does not affect the Metro plans and rules.

**Conclusion:** Based on the analysis above, the SDMP is consistent with applicable plans and rules adopted by Metro.

*4. The applicable Comprehensive Plan policies and map; and*

**Finding 25:** Comprehensive policies have been addressed in this application under the Statewide Planning Goals. Amendments to Goal 11 Public Facilities and Services Section 3: Storm Drainage have been recommended.

The Comprehensive Plan does not include maps pertaining to the storm drainage system. Therefore, there are no map changes required.

**Conclusion:** Based on the analysis above, the proposed SDMP is consistent with the Comprehensive Plan policies and map.

*5. The applicable provisions of the implementing ordinances.*

**Finding 26:** The applicant is not aware of any additional applicable provisions, which are not found above.

Implementing ordinances include:

- CDC Chapter 55.130 – Design Review Approval Standards: Grading and Drainage Plans.

- *CDC Chapter 60.070 B 8 – Conditional Uses Approval Standards and Conditions, Landscaping, screening, drainage, and surfacing of parking and loading areas.*
- *CDC Chapter 85.170 F – General Provisions Submittal Requirements for Tentative Plan, and Supplemental Submittal Requirements for Tentative Subdivision or Partition Plan.*
- *CDC Chapter 85.200 H – Approval Criteria - Storm detention and treatment.*

**Finding 27:** These chapters require design engineers to demonstrate sufficient capacity available in the storm drainage system to serve the proposed development. The proposed SDMP provides updated capacity information, but does not alter this requirement. CDC Chapter 85.170.F references a specific SDMP, and this section of the CDC should be modified as proposed in Attachment A or as amended by the Planning Commission. The August 5, 2019 revision to Appendix A proposes no changes; it suggest the language should remain as it currently exists.

*Chapter 92.010 E – Required Improvements, Public Improvements for all Development, Storm Detention and treatment.*

**Finding 28:** This requires that storm detention and treatment shall be installed to City standards to serve the subdivision and to connect the subdivision to existing storm drainage systems. The SDMP does not affect this requirement.

**Conclusion:** Based on the analysis above, Chapter 85.170.F of the CDC is proposed to be amended to be consistent with the SDMP. Otherwise the proposed SDMP is consistent with the CDC. The August 5, 2019 revision to Appendix A proposes no changes; it suggest the language should remain as it currently exists.

*100.050 PROCESS*

*The Planning Commission shall hold at least one public hearing and shall make a recommendation to the City Council. The City Council shall hold at least one public hearing before adopting or amending any supporting plan. The City Council shall adopt any amendments or new supporting plan by resolution, but may deny a requested amendment or supporting plan by motion.*

*100.070 NOTICE*

*Notice shall be given in a newspaper of general circulation in the City at least 10 days prior to the initial hearing of the Planning Commission and at least 10 days prior to the initial hearing of the City Council.*

**Finding 29:** The SDMP Update is a support document to the Comprehensive Plan, therefore the standards of this Chapter must be addressed. The Planning Commission scheduled a public hearing on October 2, 2019 and the City Council has set a date to hold a public hearing on November 12, 2019. A 20 day notice was provided for the Planning Commission hearing and a 10 day notice will be provided for the City Council hearing. This meets the requirements of 100.050 and 100.070

*105.030 LEGISLATIVE AMENDMENTS TO THIS CODE AND MAP*

*Legislative amendments to this code and to the map shall be in accordance with the procedures and standards set forth in Chapter 98 CDC.*

**Finding 30:** The above findings address the compliance with Chapter 98 for this legislative hearing process.

PC – 1 AFFIDAVIT OF NOTICE AND MAILING PACKET

**CITY OF WEST LINN  
PLANNING COMMISSION  
PUBLIC HEARING PLN-19-02**

**TO ADOPT COMPREHENSIVE PLAN AMENDMENTS TO GOAL 11 PUBLIC FACILITIES AND SERVICES, TO REPEAL EXISTING STORM DRAINAGE MASTER PLAN (SDMP) AND REPLACE WITH SDMP DATED JUNE 2019 AND AMEND CHAPTER 85 OF COMMUNITY DEVELOPMENT CODE**

The West Linn Planning Commission will hold a public hearing on **Wednesday September 18, 2019, at 6:30 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a recommendation to City Council on Ordinance Number 1696 “An Ordinance adopting an Amendment to Comprehensive Plan Goal 11, Public Facilities and Services and Repealing and Replacing the Storm Drainage Master Plan June 2019, and amending Chapter 85 of the Community Development Code.” Following the hearing, the Planning Commission will make a recommendation to the City Council.

The City Council will make a final decision regarding the Planning Commission recommendation following its own public hearing on **Monday, October 14, 2019 at 6:30 p.m.**, in the Council Chambers of City Hall, 22500 Salamo Road, West Linn.

The hearing will be conducted in accordance with the rules of CDC Chapter 98, Chapter 100, and Chapter 105. Anyone wishing to present written testimony on this proposed action may do so prior to, or at the public hearings. Oral testimony may be presented at the public hearings. At the public hearing(s), the Planning Commission and City Council will receive a staff presentation, and invite both oral and written testimony. The Commission or Council may continue the public hearing to another meeting to obtain additional information, leave the record open, or close the public hearing and take action on the proposed amendments as provided by state law. Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.

At least 10 days prior to the hearing, a copy of Ordinance 1696 and associated staff report will be available for inspection or purchase at a cost of \$0.25 a page after the first five pages at the Planning Department, 22500 Salamo Road. The information is also available on the West Linn website at <https://westlinnoregon.gov/planning/storm-drainage-master-plan-update>

For further information, please contact John Boyd, Planning Manager, at City Hall, 22500 Salamo Road, West Linn, OR 97068, phone (503) 503-742-6058, or via e-mail at [jboyd@westlinnoregon.gov](mailto:jboyd@westlinnoregon.gov).

# AFFIDAVIT OF NOTICE

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

## GENERAL

File No. PLN 19-002 Applicant's Name CITY OF WEST Linn, Amy Popper Public Works  
Development Name Brown and Caldwell Consultant  
Scheduled Meeting/Decision Date WS PC 8/7/19 9/4/19 PC (H) 10/2/19 PC WS 10/14 CC (H) 11/12

**NOTICE:** Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

## TYPE A

- A. The applicant (date) 9/12/19 (signed) John Boyd
- B. Affected property owners (date) Log NA (signed) \_\_\_\_\_
- C. School District/Board (date) NA (signed) \_\_\_\_\_
- D. Other affected gov't. agencies (date) \* 9/12/19 9/24/19 (signed) John Boyd
- E. Affected neighborhood assns. (date) 9/12/19 (signed) John Boyd
- F. All parties to an appeal or review (date) 9/12/19 (signed) John Boyd

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) PC - 9/12/19 (signed) John Boyd  
City's website (posted date) PC - 9/12/19 (signed) John Boyd

## SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) \_\_\_\_\_ (signed) NA LEGISLATIVE

**NOTICE:** Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below) \*WES, metro, WLWV school, ODOT R2, OSL, Lake Oswego, Oregon City, Clackamas County, Madison Riverkeeper

## TYPE B

- A. The applicant (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- B. Affected property owners (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- C. School District/Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- D. Other affected gov't. agencies (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- E. Affected neighborhood assns. (date) \_\_\_\_\_ (signed) \_\_\_\_\_

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.

Date: \_\_\_\_\_ (signed) \_\_\_\_\_

**STAFF REPORT** mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) \_\_\_\_\_ (signed) \_\_\_\_\_

**FINAL DECISION** notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) \_\_\_\_\_ (signed) \_\_\_\_\_

PC – 2 WEST LINN STORM DRAINAGE MASTER PLAN



CITY OF  
**West Linn**

## Memorandum

Date: September 20, 2019  
To: Planning Commissioners  
From: John Boyd, Planning Manager  
Subject: Draft - Storm Drainage Master Plan

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A copy of the Draft Storm Drainage Master Plan was provided at the work session.

At the work session, an updated copy of the Storm Drainage Master Plan was requested by the Commission and was not available at the time of mailing of this staff report.



PC – 3 PROPOSED COMPREHENSIVE PLAN/  
COMMUNITY DEVELOPMENT CODE AMENDMENTS  
***(AS SUBMITTED TO DLCD DRAFT ORDINANCE 1696)***

**ORDINANCE NO. 1696**

**AN ORDINANCE ADOPTING AN AMENDMENT TO COMPREHENSIVE PLAN GOAL 11, PUBLIC FACILITIES AND SERVICES AND REPEALING AND REPLACING THE STORM DRAINAGE MASTER PLAN JUNE 2019, AND AMENDING CHAPTER 85 OF THE COMMUNITY DEVELOPMENT CODE.**

**WHEREAS**, Chapter II, Section 4, of the West Linn City Charter provides:

Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers; and

**WHEREAS**, the above referenced grant of power has been broadly interpreted to allow local governments to decide upon the scope of their powers in their charter so that specific statutory authorization is not required for a city to exercise its powers, LaGrande/Astoria v. PERB, 281 Or 137, 142 (1978), aff'd on reh'g 284 Or 173 (1978); and

**WHEREAS**, the City's Storm Drainage Master Plan ("SWMP") was last updated in December 19, 2006 via Resolution No. 06-42. The previous update of the Storm Drainage Master Plan was in July 8, 1996 and was completed in December 1982 and adopted in October 1983 as part of the Comprehensive Plan acknowledgment process. The original Storm Drainage Master Plan was prepared by CH2M Planners and Engineers and adopted by the City in 1967.;

**WHEREAS**, the SWMP complies with state law and addresses state requirements to periodically review and update its policies and land needs; and

**WHEREAS**, the Planning Commission (PC) held public hearings and recommended approval of the SWMP at its August 21, 2019, meeting;

**NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:**

**SECTION 1. Adoption of Master Plan.** The June 2019 City of West Linn Storm Drainage Master Plan, attached as Exhibit A, is adopted as a supporting document to the West Linn Comprehensive Plan and the new plan governing Storm Drainage planning policy.

**SECTION 2. Amendment.** West Linn Comprehensive Plan, Goal 11, Public Facilities and Services, page PS-7 "SECTION 3: STORM DRAINAGE" "BACKGROUND AND FINDINGS" is amended to read as follows:

West Linn is drained by natural intermittent and flowing streams within a major system of natural canyons and drainageways that discharge to the Willamette and Tualatin Rivers. The City's existing storm drainage system is a composite of natural streams with culverts under streets and a network of underground storm drain ~~pipes conduits in more densely developed areas draining~~ to the Willamette and Tualatin Rivers.

~~Much of the recent and planned new development in West Linn is located in upland areas of the City's watersheds, increasing the need for better erosion control of natural channels, reduce the level of pollutants in storm water discharge, manage flood flows, and reduce runoff to downhill areas.~~

~~In order to comply with Section 402 and 405 of the federal Clean Water Act,~~

~~The Oregon Department of Environmental Quality (DEQ) regulates stormwater runoff through the National Pollutant Discharge Elimination System (NPDES) Multiple Separate Storm Sewer System (MS4) permitting program. In 1995, DEQ issued Clackamas County and several cities, including the City of West Linn ("Clackamas County NPDES MS4 co-permittees"), has been issued an a National Pollutant Discharge Elimination System (NPDES) permit which required implementation of a Stormwater Management Program and has prepared a storm water quality management program. The City's Stormwater Management Program includes a range of programmatic, non-structural, and source control activities managed by the City to reduce pollutants to the maximum extent practicable. Section 303 of the Clean Water Act requires that all new developments and significant re-developments apply management practices to reduce discharges of storm water pollutants. The City uses the City of Portland Stormwater Management Manual to meet water quality requirements.~~

~~The Storm Water Master Plan (SWMP) was prepared by CH2M Planners & Engineers and adopted in 1967. The first update of the SWMP occurred in December 1982, by Murry Smith and Associates. That plan was adopted in 1983 and used in the acknowledgement process completed by LCDC and DLCD in 1983. The Comprehensive Plan included an inventory document that included a Public Facilities Master Plan and all the elements of that plan – including Storm Drainage.~~

In 1996, the City adopted the Storm Drainage Master Plan, which is a supporting document of the Comprehensive Plan. This document responds to recent and expected growth in the City and the City's commitment to natural drainageway preservation and water quality. Future effort will be needed to respond to the recent Endangered Species Act list of native upper Willamette River Chinook salmon and steelhead by the National Marine Fisheries Service. The last update to the Storm Drainage Master Plan was in he City's Storm Water Master Plan was in December 2006. The City's Surface Water Master Plan, dated June 2019, provides a comprehensive analysis of the existing system needs and identifies programmatic and capital projects to address maintenance activities, system condition deficiencies, and water quality.

**SECTION 3. Amendment.** West Linn Comprehensive Plan, Goal 11, Public Facilities and Services, page PS-8 “GOALS, POLICIES, AND RECOMMENDED ACTION MEASURES” “GOAL” is amended to read as follows:

**Provide a reliable and environmentally sound storm drainage management system that reasonably limits risks to people, property and the environment from both the quantity and quality of the City’s urban storm water runoff. Create and maintain a drainage management system that manages the amount and rate of surface water runoff; eliminates interbasin transfers of storm drainage; minimizes property damage from runoff; and controls pollution entering receiving streams.**

### **POLICIES**

1. **Encourage development that makes orderly and efficient use of the stormwater collection system that prioritizes green infrastructure and minimizes the use of impervious surfaces. Where possible, require storm water runoff within development areas to be pretreated, using natural channels as points of discharge from local runoff collection systems. The Storm Drainage Master Plan, West Linn, Oregon, 1996, will be the key reference for determining drainage corridors and is a supporting document of the Comprehensive Plan.**
2. Require adequate maintenance of culverts and drainageways in coordination with property owners to ensure that the natural drainage system operates at maximum efficiency.
3. Maintain Drainage facilities and practices will comply consistent with state and federal water quality standards and requirements. **Protect downstream areas from increased storm water runoff by managing runoff from upstream development and impacts on adjacent natural drainageways and their associated vegetation.**
4. **Implement and apply erosion control standards and best management practices to minimize discharge from construction sites.** Seek alternatives to the use of impervious surfaces within areas of dense standings trees and shrubs next to natural drainage courses and in other natural areas.
5. **Design road crossings to minimize or eliminate impacts on natural drainage courses.**
6. **Require that construction practices for all land development projects, private and public, be conducted in such a way as to avoid exposing cuts, grading areas, and trenches to stormwater so that soil erosion is minimized, and soil will not be washed into natural drainage areas.**
7. **Require that riparian vegetation along the streams and drainageways be maintained and preserved or re-established where necessary. In order to maintain or operate public facilities, selective cutting, trimming, and thinnings will be allowed along waterways.**
8. **Encourage use of permeable surfaces in developments.**
9. **Adopt regulations to allow for the development of Green Streets in suitable locations.**

### **RECOMMENDED ACTION MEASURES**

1. **Coordinate with Clackamas County NPDES MS4 co-permittees to the extent practical to ensure effective implementation of a Stormwater Management Program.** Participate in regional and state programs designed to ensure the maintenance of high quality discharges from surface

~~water runoff and waste treatment operations into the Willamette, Clackamas, and Tualatin Rivers.~~

- ~~2. Coordinate the City's surface water management and sanitary sewer plans with regional water quality management plans.~~
- ~~3. Review and update the City's Storm Drainage Master Plan at least every five years.~~
- ~~4. Monitor all new developments and significant redevelopment activities to require that best management practices be employed and enforced to reduce discharge of storm water pollutants consistent with Section 303 of the Clean Water Act.~~

**SECTION 4. Amendment.** West Linn Community Development Code, Chapter 85 General Provisions, Section 85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN is amended and renumbered where needed to read as follows:

F. Storm. A storm detention and treatment plan and narrative compliant with CDC 92.010(E) must be submitted for storm drainage and flood control including profiles of proposed drainageways with reference to the ~~most recently~~ adopted Storm Drainage Master Plan, **dated June 2019**.

**SECTION 5. Severability.** The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

**SECTION 6. Savings.** Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions of the ordinance were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

**SECTION 7. Codification.** Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

**SECTION 8. Effective Date.** This ordinance shall take effect on the 30<sup>th</sup> day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the \_\_\_\_ day of \_\_\_\_\_, 2019, and duly PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
RUSSELL B. AXELROD, MAYOR

ATTEST:

\_\_\_\_\_  
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

DRAFT

PC – 4 PUBLIC COMMENTS

*A- Ed Schwarz & Roberta Schwarz*

*B - Roberta Schwarz*

## Testimony at August 7<sup>th</sup>, 2019 Planning Commission Meeting

Please change Daylighting Bernert Creek in the White Oak Savanna to a high priority project in the Storm <sup>Drainage</sup> Water Master Plan and require that it is done in tandem with the Natural Play Area quickly after the list of compatible items in that Play Area are reviewed and approved by the citizens. All exhibits are on the link.

1. Daylighting Bernert Creek in the White Oak Savanna should have already been on the Storm Drainage Master Plan. It is a staff mistake that it was not included. It is on the City of West Linn Wetland, Riparian, and Wildlife Habitat Inventory completed in February of 2003 as part of the Goal 5 requirements and approved by the Oregon Department of State Lands in January of 2005. Please see **Exhibit 1 WRW Habitat Inventory** and **Exhibit 2 which is the Technical Memorandum Feasibility and Cost Analysis** by Herrera.
2. Daylighting Bernert Creek should have been addressed by this body when you heard the Natural Play Area application in August of 2017. Chapter 32.020 (A) and (B) and 32.060 (H) of the West Linn CDC code (see **Exhibit 3**) should have been included in the application that the city park staff prepared for the Planning Commission. I have ~~the~~ included that page of the Staff Report from the application packet dated August 16, 2017 where it is incorrectly stated that there are no natural drainageways. This omission was a mistake made by City staff and it can be corrected by the PC tonight. I have included the applicable citations from the code for you in your packet from me tonight. Chapter 32.020 states that it applies to all verified unmapped WRAs as well as those that are on the WRA map. I have included a U.S. Fish and Wildlife Service map of the National Wetlands Inventory and it lists Bernert Creek (see **Exhibit 4**). Bernert Creek is in Exhibit 1 and 2 also and daylighting it should have been considered by <sup>the PC</sup> ~~the~~ and listed as a condition of Approval when the Natural Play Area was approved. **Exhibit 5** clearly shows the staff omission.



3. In this proposed Storm Drainage Master Plan, the Daylighting of Bernert Creek is designated as a medium priority project which is not scheduled to be considered until 2024-2028. Two major mistakes have already been made by staff as outlined above. Don't let this be a third. This project should be changed to a high priority by the Planning Commission tonight. This daylighting project should be done in tandem with the Natural Play Area construction to minimize the disruption of the Savanna so that all the improvements to the park will be completed at the same time. Please note that the items included in the Natural Play Area should be reexamined considering the public's concern that many of the items are not conducive to a Natural Wildlife Habitat which is what the White Oak Savanna is listed as in the above mentioned Wetland, Riparian, and Wildlife Habitat Inventory.
4. Since this Storm Drainage Master Plan is a plan and not a budget, the costs of Daylighting Bernert Creek can be addressed separately.

Once again, please change Daylighting Bernert Creek (see **Exhibit 6**) to a high priority project in the Storm <sup>Drainage</sup> ~~Water~~ Master Plan and require that it is done in tandem with the Natural Play Area quickly after the list of compatible items in that Play Area are reviewed by the citizens.

Thank you,

Ed Schwarz, Savanna Oaks Neighborhood Association President

Roberta Schwarz, Savanna Oaks Neighborhood Association Secretary

## Boyd, John

---

**From:** Roberta Schwarz <roberta.schwarz@comcast.net>  
**Sent:** Wednesday, July 31, 2019 9:50 AM  
**To:** Planning Commission (Public)  
**Cc:** Gary Walvatne  
**Subject:** Testimony and Supporting Documents for August 7th 2019 P.C. Meeting  
**Attachments:** Testimony for the August 7th, 2019 Planning Commission Meeting.pdf

Dear Chair Walvatne and West Linn Planning Commission,

Our Testimony for the August 7<sup>th</sup> Planning Commission meeting is attached and the supporting documents are all included in the link below. We want to make sure that this gets to you a week in advance so that you will all have time to read the testimony and each of the supporting documents before the August 7<sup>th</sup> P.C. meeting.

<https://drive.google.com/file/d/1zKCvD95B6KKk20MhjZYGX12fDvMMohxQ/view?usp=sharing>

Chair Walvatne, will you please email us to let us know when you have received this email.

Thank you very much,

Ed and Roberta Schwarz  
President and Secretary, Savanna Oaks N.A.

City of West Linn  
Wetland, Riparian and Wildlife Habitat  
Inventory



Prepared by



APPROVED WETLANDS INVENTORY  
Oregon Department of State Lands

Meets LWI standards  
Date 4/05 Approved by [Signature]

Winterbrook Planning  
with  
Ecotrust  
Loverna Wilson and Esther Lev,  
Environmental Consultants

February 2003

## Topography

The City is situated on a series of terraces and foothills rising west from the banks of the Willamette River and east from the Tualatin River. Ground elevations within the study area vary between 5 feet (mean sea level) along the lower reach of the Willamette River to 760 feet at the top of the hills.

The lowest terrace, which occurs primarily in the Willamette Neighborhood and north of the Interstate 205 bridge, defines the Willamette River floodplain. A series of smaller forested foothills and ravines rise above the floodplain to an elevation of approximately 130 feet (170 feet to the south). A second terrace shelf extends inland to the base of the West Linn hills, which parallels the Highway 43 and Interstate 205 corridors. The hills rise steeply, crossed by numerous small ravines, to an elevation of 400 to 600 feet. Above this elevation, the hills become more rolling in character before reaching the summit along Rosemont Road.

Moderate to steep slopes (greater than 10 percent) make up about 58 percent of the study area, while slopes of 10 percent or less represent only 42 percent. Approximately 15 percent of the study area is comprised of slopes exceeding 25 percent. These slopes are generally located along the steep eastern face of the West Linn ridgeline as well as along some of the city's southern and west-facing slopes.

## Hydrology

The Willamette and Tualatin Rivers create the two primary hydrologic basins within the study area. The Willamette River along the eastern edge of the City is the dominant hydrological feature in the study area. The Willamette basin is 11,500 square miles in area and all of the study area is contained within it. The Tualatin River, a tributary to the Willamette, is a prominent feature in the southwestern portion of the study area. The Tualatin River basin is 166 square miles in area, of which approximately 700 acres is located within the West Linn study area. These two rivers join at the southern tip of the study area and together form more than 60 percent of the study area boundary. A significant division of the Willamette River system, into the "Upper" and "Lower" Willamette River, occurs at West Linn's Willamette Falls three miles downstream of the Tualatin River.

Numerous small, perennial streams traverse the slopes of West Linn and discharge to the Willamette and Tualatin Rivers. There are 13 Willamette subwatersheds, each with a stream name designated by the City. They are (listed in order from north to south): Fern Creek, Trillium Creek, Heron Creek, Turkey Creek, Mary S Young Creek, Barlow Creek, Bolton Creek, Maddax Creek, Cascade Springs Pond Creek, McLean Creek, Camassia, Sunset Creek, Tanner Creek, and Bernert Creek.

The streams typically emerge from springs and seeps on the upland terraces and slopes, descending the West Linn hills through steep-gradient ravines before traversing the lowland



terraces and discharging to the River. One additional stream (Fritchie Creek), located in the southwest part of town, is a tributary to the Tualatin River. Approximately 393 acres of Fritchie Creek's 670-acre basin are located within the study area.

Subwatersheds and their sizes within the study area are shown in Table 1.

**Table 1. West Linn Subwatersheds and Basin Areas**

Subwatershed	Basin Area (acres)
Barlow Creek	201
Bernert Creek	412
Bolton Creek	117
Camassia	219
Cascade Springs Pond Creek	52
Fern Creek	555
Fritchie Creek	393
Heron Creek	123
Maddax Creek	106
Mary S Young Creek	269
McLean Creek	38
Sunset Creek	77
Tanner Creek	659
Trillium Creek	543
Turkey Creek	20
<b>Tualatin River (remaining area)</b>	<b>309</b>
<b>Willamette River (remaining area)</b>	<b>1165</b>
<b>Total</b>	<b>5258</b>



The existing drainage system is a combination of natural streams, roadside ditches, culverts, and underground storm drain conduits. The total length of the drainage system is approximately 93 miles, of which approximately 54 percent is piped. Numerous ponds are part of the drainage system, serving a variety of functions. Some ponds were constructed for water quality or quantity benefits, others as aesthetic amenities, and several are naturally occurring wetlands. Although not directly part of the drainage system, two large (14 and 20 acre) aerated settling basins for the West Linn and Blue Heron Paper Companies are prominent water features along the Willamette riverbank in the southern part of the study area.

### Geology

Geologic events leading to the formation of the West Linn hills began 16 million years ago during the Miocene period. Volcanic fissures far to the east began discharging hundreds of cubic miles of molten lava that flowed through an ancient Columbia River Gorge, flooding the Willamette River valley. The solidified lava, Columbia River Basalt, covered the Scappoose



The consultant team and City planners also contacted and coordinated with other agencies throughout the Goal 5 process, including:

- City of West Linn (e.g., Planning, Parks, Engineering);
- Clackamas County;
- Metro;
- Oregon Department of Environmental Quality (DEQ);
- Oregon Department of Fish and Wildlife (ODFW);
- Oregon Department of Forestry (DOF);
- Oregon Department of Land Conservation and Development (DLCD);
- State Historic Preservation Office (SHPO);
- The Oregon Natural Heritage Program (ORNHP);
- The Nature Conservancy (TNC);
- U.S. Fish and Wildlife Service (USFWS); and
- West Linn - Wilsonville School District.

## Definitions

This section provides a definition of each of the resources addressed in this report (wetlands, riparian corridors, and wildlife habitat) followed by definitions of associated terms, inventory methods and state Goal 5 requirements.

### Resource Definitions (from Goal 5 Administrative Rule, Ch. 660, Division 23)

**Riparian Corridor** – an area along a river, lake, or stream which includes the water areas, fish habitat, wetlands, and adjacent riparian areas that mark the transition from an aquatic ecosystem to a terrestrial ecosystem.

**Wetland** – an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

**Wildlife Habitat** – an area upon which wildlife depend in order to meet their requirements for food, water, shelter, and reproduction.

### Other Terms

**Basin** – a topographical entity within which all the surface water draining to a single point falls; some of the surface water may have come from groundwater fed by geological strata outside the basin.



### ***Mapping Procedures***

Field maps were prepared using Year 2001 digital color ortho-photographs at a scale of 1 inch = 200 feet. All data was geo-referenced and registered with the City parcel data in GIS. Information shown on the field maps included property boundaries, rights-of-way with street names, designated open space areas and public lands, map number (and corresponding City Atlas number), hydrologic basin boundaries, topography, hydric soils, streams and City storm system data (detention basins, ponds, ditches, etc), existing wetland data (including digitized DSL and City wetland determinations, NWI wetlands, Wetland Visual Sites (City point data), and 1988 Wetland Study (digitized point data)), and photo-interpreted potential wetland sites.

Wetlands and sample plots were mapped on the field maps. A combination of reference points was used to establish the location and perimeter of each wetland polygon and the location of sample plots. These references included property lines (e.g., survey corner markers), topography (4-foot contours, or less where available), building lines, streets, utilities, trees and other mapped physical features that could be used to determine location and distances on the ground.

Wetland boundaries and sample plots were digitized and registered with the base map in GIS. Inventory maps meeting the requirements of OAR 141-086-0210 and the Digital Map Standards of OAR 141-086-0225 were provided to the City and DSL.

### **Inventory Results**

Forty-four wetlands were identified as part of the Local Wetland Inventory. Wetlands varied in size between 5,000 square feet and 15.5 acres, with a total combined acreage of 72.8 acres. Wetlands were distributed within 10 subwatersheds: Bernert Creek, Camassia, Cascade Springs Pond Creek, Fern Creek, Fritchie Creek, Tanner Creek, Trillium Creek, Turkey Creek, and the remaining portions of the Tualatin and Willamette River basins. Several additional subwatersheds were identified in the study area but did not contain wetlands. Table 3 summarizes the distribution and relative size of wetlands by subwatershed.

**Table 3. Wetland Size by Subwatershed**

<b>Hydrologic Basin</b>	<b>Basin Area (acres)</b>	<b>Wetland (acres)</b>	<b>Percent wetland in basin</b>
Barlow Creek	201	0.00	0
Bernert Creek	412	0.65	0.2%
Bolton Creek	117	0.00	0.0%
Camassia	219	2.55	1.2%
Cascade Springs Pond Creek	52	1.09	2.1%
Fern Creek	555	4.14	0.7%
Fritchie Creek	393	2.34	0.6%
Heron Creek	123	0.00	0
Maddax Creek	106	0.00	0



**Table 6. Wetland Size and Class by Subwatershed**

Sub-Watershed	Wetland code	Area (acres)	Cowardin Class			
			PEM	PSS	PFO	POW
<b>Bernert Creek (BE)</b>	BE-01	0.34	0.20		0.14	
	BE-02	0.32	0.15		0.16	
		<b>0.66</b>	<b>0.35</b>	<b>0.00</b>	<b>0.30</b>	<b>0.00</b>
<b>Camassia (CA)</b>	CA-01	0.71		0.54		0.18
	CA-02	0.89		0.89		
	CA-03P	0.35	0.35			
	CA-04	0.04*		0.04		
	CA-05	0.14		0.14		
	CA-06	0.42	0.42			
		<b>2.55</b>	<b>0.77</b>	<b>1.61</b>	<b>0.00</b>	<b>0.18</b>
<b>Cascade Springs Pond Creek (CS)</b>	CS-01	1.09	1.09			
		<b>1.09</b>	<b>1.09</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Fern Creek (FE) (incl. Robinwood-RO-tributary)</b>	FE-01	1.52	1.52			
	FE-02	2.33	.26	2.07		
	RO-01	0.29	.05		0.24	
		<b>3.17</b>	<b>1.83</b>	<b>2.07</b>	<b>0.24</b>	<b>0.00</b>
<b>Fritchie Creek (FR)</b>	FR-01	1.42	1.42			
	FR-02	0.16	0.13		0.03	
	FR-03	0.35			0.35	
	FR-04	0.41	0.41			
		<b>2.34</b>	<b>1.96</b>	<b>0.00</b>	<b>0.38</b>	<b>0.00</b>
<b>Tanner Creek (TA)</b>	TA-01	0.37	0.37			
	TA-02	0.59		0.49	0.10	
	TA-03	0.48		0.48		
	TA-04	0.25		0.25		
	TA-05	1.34	0.53		0.69	0.15
	TA-06	0.18	0.18			
	TA-07	0.69			0.69	
	TA-08	0.39			0.39	
	TA-09	1.58		0.28	1.27	0.03
		<b>5.87</b>	<b>1.08</b>	<b>1.50</b>	<b>3.14</b>	<b>0.18</b>
<b>Trillium Creek (TR) (incl. Hidden Springs-HI-tributary)</b>	TR-01	1.59	0.16		1.43	
	TR-02	0.61		0.54	0.07	
	TR-03	2.06	0.30	0.20	1.56	
	TR-04	0.93		0.93		
	HI-01	0.33		0.33		
		<b>5.52</b>	<b>0.46</b>	<b>2.00</b>	<b>3.06</b>	<b>0.00</b>
<b>Tualatin River (TU)</b>	TU-01	1.14	1.14			
	TU-02	0.30	0.30			
	TU-03	1.89			1.89	
	TU-04	0.13	0.13			
	TU-05	3.83	3.39		0.44	





Table 7. OFWAM Wetland Assessment Results

Bernert  
Creek  
(BE)

Wetland code	Area (acres)	Wildlife Habitat	Fish Habitat	Water Quality	Hydrologic Control	Sensitivity to Impact	Enhancement Potential	Education	Recreation	Aesthetic Quality
BE-01	0.337	some	impacted degraded	intact	impacted degraded	potentially sensitive	high opportunities	not appropriate	potential	moderately pleasing
BE-02	0.316	some	impacted degraded	intact	impacted degraded	potentially sensitive	high opportunities	not appropriate	potential	moderately pleasing
CA-01	0.714	diverse	N/A	impacted degraded	impacted degraded	potentially sensitive	N/A	educational	recreational	moderately pleasing
CA-02	0.887	some	N/A	not present	intact	potentially sensitive	moderate	educational	recreational	moderately pleasing
CA-03P	0.346	some	N/A	impacted degraded	impacted degraded	potentially sensitive	little	educational	recreational	pleasing
CA-04	0.041	some	N/A	not present	intact	potentially sensitive	moderate	educational	recreational	pleasing
CA-05	0.141	some	N/A	not present	intact	potentially sensitive	moderate	potential	recreational	pleasing
CA-06	0.421	some	impacted degraded	impacted degraded	impacted degraded	potentially sensitive	high opportunities	potential	not appropriate	pleasing
CS-01	1.09	some	impacted degraded	impacted degraded	impacted degraded	potentially sensitive	high opportunities	not appropriate	potential	moderately pleasing
FE-01	1.518	some	impacted degraded	not present	lost	potentially sensitive	moderate	not appropriate	not appropriate	moderately pleasing
FE-02	2.332	diverse	intact	impacted degraded	impacted degraded	potentially sensitive	N/A	potential	potential	moderately pleasing
FR-01	1.424	some	intact	impacted degraded	impacted degraded	potentially sensitive	high opportunities	not appropriate	not appropriate	not pleasing
FR-02	0.162	some	impacted degraded	impacted degraded	intact	potentially sensitive	high opportunities	not appropriate	not appropriate	pleasing
FR-03	0.349	some	impacted degraded	impacted degraded	impacted degraded	potentially sensitive	high opportunities	not appropriate	not appropriate	moderately pleasing
FR-04	0.409	some	impacted degraded	impacted degraded	intact	potentially sensitive	high opportunities	not appropriate	not appropriate	not pleasing

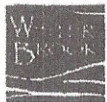


Table 8 summarizes the relative distribution of assessments for each function and condition, with the percentage of total wetlands ranking high in each category.

**Table 8. Wetland Assessment Results for the Study Area**

Function / Condition	High	Moderate	Low	N/A	% Wetlands Assessed High
Wildlife habitat	6	38	0		14%
Fish habitat	8	26	0	10	18%
Water quality	3	35	6		7%
Hydrologic control	20	21	3		45%
Sensitivity to impact	2	41	1		5%
Enhancement potential	26	11	1	6	59%
Education	14	10	20		32%
Recreation	18	14	12		41%
Aesthetic quality	7	28	9		16%

Each wetland was assessed to determine whether it should be considered a Wetland of Special Interest for Protection (WSIP). The questions in the WSIP category cover the presence of federal or state listed species and habitats, existing local, state or federal protections, and existing management plans. The following wetlands were found to be WSIP wetlands: TU-01 (red-legged frog breeding site) and CA-01 through CA-05 (part of Nature Conservancy's Camassia Preserve).

During field investigations, no vacant, former wetlands of five acres or larger in size were identified. Therefore, no potential wetland mitigation or restoration sites were noted in the LWI.

### **Significant Wetlands Determination**

In Oregon, local government planning responsibilities include the determination, designation, and protection of significant wetlands. Wetlands are considered significant if the OFWAM evaluation determines that they:

1. provide diverse wildlife habitat, intact fish habitat, intact water quality function, or intact hydrologic control function;
2. are located within 1/4-mile of a "water quality limited stream" and have "intact" or "impacted or degraded" water quality function;
3. contain rare plant communities or federal or state-listed species; or
4. have a surface water connection to a stream that is habitat for indigenous anadromous salmonids and have "intact" or "impacted or degraded" fish habitat function.

As noted above, the City of West Linn chose to apply the two optional significance criteria:



1. wetlands that represent a locally unique native plant community; or
2. wetlands that are publicly owned and have educational uses.

A total of 38 wetlands met the criteria and were determined to be significant. These wetlands generally had 1) high wildlife or fish habitat, water quality, or hydrologic control function, 2) a surface water connection to a salmonid stream, or 3) were located within 1/4-mile of a water quality limited stream. Approximately one-half (20) of the significant wetlands were less than one-half acre in size. The six wetlands not meeting the criteria were:

- FE-01
- HI-01
- TA-06
- TA-07
- TA-08
- TU-04 (stormwater swale created from upland, excluded)



need access to water, and all species need some amount of cover while drinking at a water source. However, habitat assessments are also intended to reflect the needs of the types of species that would be expected to occur within the habitat site. Thus, an upland habitat site without on-site water may outscore a riparian site in some cases, by providing highly rated forage or nesting habitat for certain species, or the presence of rare species or habitats (e.g., a remnant oak savanna). The proposed WHA method, as adapted for West Linn, provides an assessment approach that adds greater emphasis on the value of natural communities, particularly those that are rare or threatened.

### ***Significance Determination***

Wildlife habitat significance was determined based on several factors, including the WHA rating and the presence of listed or rare species. A habitat site is significant if it:

- Receives a Wildlife Habitat Assessment score of 45 points or more;
- Receives a Wildlife Habitat Assessment score of 30 to 44 points and provides a linkage between other significant Habitat Sites, Riparian Corridors, or Wetlands;
- Provides habitat for a wildlife species listed by the federal government as a threatened or endangered species or by the state of Oregon as a threatened, endangered, or sensitive species;
- Supports locally rare species or habitats (e.g., remnant Oak Savanna habitat);
- Is documented (by a state or local resource agency) as a sensitive bird nesting, roosting, or watering resource site for osprey, great blue herons, or other species;
- Is documented to be essential to achieving policies or population objectives specified in a wildlife species management plan adopted by the Oregon Fish and Wildlife Commission; or
- Is identified and mapped by the Oregon Fish and Wildlife Department as habitat for a wildlife species of concern and/or as a habitat of concern.

### **Inventory Results**

Twelve habitat sites ranging in size from 39 to 323 acres were identified during the wildlife habitat inventory. Most sites were associated with streams or rivers and included riparian corridors and/or wetlands.

Table 11 summarizes the size, general boundaries, and associated wetland and riparian sites for habitat sites within the West Linn study area. The sites are organized alphabetically by site name.

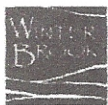


Table 11. Summary of Wildlife Habitat Sites

Habitat Site	Habitat Code	Acres	Site boundaries	Wetland Sites	Riparian Reaches
Camassia/ Wilderness Park	CA-H-1	135	I-205 and Maple Ave (south), Prospect St (west), Skyline Dr (north), and West A St (east)	CA-01 – CA-06	CA-R-1
Fritchie Creek	FR-H-1	68	Interstate 205 north to study limits (UGB) and east to vicinity of Bland Circle; includes 2 sub-areas	FR-01	FR-R-1 FR-R-2
Lower Fern Creek	FE-H-1	49	N. City limits south to Lower Fern Creek along old River Dr. – Willamette River west to Hwy 43.	FE-02	AR-R-1 RO-R-1 FE-R-1
Lower Trillium Creek	TR-H-1	70	Bordered to east by Willamette River and Calaroga Dr., west by Hwy. 43, south by Mapleton Dr., north by city limits	TR-04 TR-03	GA-R-1 RN-R-1 TR-R-1
Mary S. Young / Willamette Lowlands	MA-H-1	323	Willamette near Calaroga Dr. south to lower MS Young Cr. – Willamette River west to Hwy 43.	WI-04 WI-05 WI-06 TY-01	HE-R-1 MA-R-1 TY-R-1 WI-R-1 WI-R-2
Mary S. Young/ Upper Trillium Ridge	MA-H-2	150	Hidden Springs Rd, south to Webb St. – Hwy 43 west to Rosemont Rd.	TR-01 TR-02 HI-01	TR-R-2 HE-R-2 MA-R-2 BA-R-2
Tanner Creek	TA-H-1	110	Rosemont Rd. (north), Interstate 205 (south), Summit and Sussex Streets (east); west boundary near Salamo Rd.	TA-1 – TA-09	SA-R-1 TA-R-1 TA-R-2
Tualatin River	TU-H-1	137	Confluence of Willamette and Tualatin north west to Fritchie Cr.	TU-01 through TU-05, FR-02, FR-03, FR-04	TU-R-1 TU-R-2 FR-R-1 FR-R-2
Upper Bernert Creek	BE-H-1	39	Tannler Drive (west), Haskins Road (north), and I-205 south		BE-R-1
Upper Fern/ Skyline Ridge	FE-H-2	165	North city limits south to Hidden Springs Rd., Hwy. 43 west to city limits	RO-01, FE-01	AR-R-1 RO-R-1 FE-R-2 RN-R-2
Upper Willamette / Wetland Complex	WI-H-2	265	Bordered on the east by Willamette River, west by I-205, south by Tualatin River (Willamette Park), north by Willamette Falls.	WI-01, WI-01a, WI-02, WI-03, BE-01, BE-02	BE-R-1 TA-R-1 WI-R-3 WI-R-4
Willamette Falls / Clackamas Confluence	WI-H-1	247	Lower Barlow Creek south to Willamette Falls, south of Interstate 205 and east of Hwy 43; includes Goat Island	CS-01, WI-07	BA-R-1 BO-R-1 CS-R-1 MC-R-1 MX-R-1 WI-R-2

Of which the white oak

Savanna is approximately 20 acres



### **Upper Bernert Creek**

This is a relatively small site in the upper Bernert Creek basin distinguished by having a small remnant oak savanna/grassland habitat. A mixed Douglas fir/bigleaf maple forest is located northeast of the oak community. The upper Bernert Creek corridor continues south of Salamo Road through maple and oak dominated forest before reaching I-205. Residential neighborhoods border and bisect the site, and I-205 is located to the south. Habitat types include Mixed Conifer/Hardwood Forest (12 acres), Hardwood Forest (8 acres), Oak Savanna (4.5 acres), and Mixed Shrub/Herbaceous (13.5 acres). The site provides forage, cover, and nesting habitat for a variety of wildlife including species associated with oak communities such as band tailed pigeon (a federal Species of Concern).

### **Upper Fern Creek / Skyline Ridge**

Forested north-south ridge and associated stream corridors located in the Skyline Ridge, Marylhurst and Hidden Springs neighborhoods above Highway 43. Hillside streams (some fish-bearing) emerge from seeps and springs and flow through steep ravines dominated by Douglas fir, bigleaf maple, and occasionally Oregon white oak. This forest links the multiple ravines along the steep ridge above residential areas along Hwy. 43. This sites includes a locally rare Oregon ash-slough sedge-common camas wetland at the new City park at Upper Midhill Drive. A variety of open space lands are part of the site, including the Arran (1 acre), Carriage Way (6 acres), Interstate Tractor (11 acres), Skye Parkway (8 acres), Troon (6 acres), and Wildwood (13 acres) Open Spaces. This site contains moderate to high quality upland, riparian and wetland habitats. Habitat types include Conifer Forest (45 acres), Mixed Conifer/Hardwood Forest (82 acres), Hardwood Forest (18 acres), Oak Woodland (7 acres), Mixed Shrub/Herbaceous (7 acres), Meadow/Grassland (1 acre), with Palustrine Forested (1 acre) and Emergent (1 acre) wetlands.

### **Upper Willamette / Wetland Complex**

The Upper Willamette / Wetland Complex Site is located along a wide and relatively undifferentiated reach of the Willamette River between the Tualatin River confluence and Willamette Falls. The confluence area, with its linkage to Site TU-H-1 and larger habitats to the west, provides important habitat functions; however, the major habitat feature of the site is a forest, scrub-shrub and emergent wetland complex linked to Bernert Creek forests and the Willamette River. This habitat area, located along the floodplain terrace between Willamette Park and the West Linn Paper lagoon, comprises the largest wetland complex in the City, totaling approximately 27 acres. The high interspersion of wetland types, with forested ash wetlands and diverse scrub-shrub and open water areas, is also unique to the City. State and federally listed species (both plant and animal) occur within the site. Other habitat features include snags and large woody debris, which occur in greater abundance than at many other sites. Two paper company settling basins border high quality wetland habitat. These area offer potential wetland restoration and enhancement opportunities. Habitat types include Bottomland Forest (32 acres), Conifer Forest (9 acres), Mixed Conifer/Hardwood Forest (1 acre), Hardwood Forest (10 acres), Oak Woodland (23 acres), Shrub (23 acres), Mixed Shrub/Herbaceous (2 acres), and Meadow/Grassland (2 acres). Wetlands include Palustrine Forested (10 acres),



Habitat Site	Habitat Code	Acres	WHA Score	Enhanced Score	Special Features
Mary S. Young / Willamette Lowlands	MA-H-1	323	90	96	Pileated woodpecker, little willow flycatcher; Winter steelhead, Coho salmon, Chinook salmon; Large habitat mosaic
Mary S. Young/ Upper Trillium Ridge	MA-H-2	150	70	78	Bandtailed pigeon, live-sided flycatcher Potential amphibian breeding sites Ash forested wetlands
Tanner Creek	TA-H-1	110	58	67	Pileated woodpecker; fish
Tualatin River	TU-H-1	137	87	92	Bald eagle, band-tailed pigeon, little willow flycatcher, pileated woodpecker Red legged frog Winter steelhead, coho salmon
Upper Bernert Creek	BE-H-1	39	50	58	Remnant oak savanna; band-tailed pigeon
Upper Fern Creek/ Skyline Ridge	FE-H-2	165	72	79	olive-sided flycatcher, pileated woodpecker, ash-sedge-camas wetland fish-bearing stream
Upper Willamette / Wetland Complex	WI-H-2	265	82	89	White rock larkspur; Bald eagle, bandtailed pigeon, pileated woodpecker; Steelhead, coho salmon, chinook salmon; River confluence/Willamette Falls Wetland complex
Willamette Falls/Clackamas Confluence	WI-H-1	247	86	93	Bald eagle, olive-sided flycatcher, peregrine falcon, pileated woodpecker; Steelhead, coho salmon, chinook salmon; Major confluence/habitat mosaic Heron Rookery

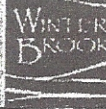
### Significant Habitat Determination

Wildlife habitats were determined to be significant based on the WHA score for each site, the presence of federal or state-listed species, the presence of locally rare species or habitats, and other criteria described above. All 12 habitat sites met the WHA threshold criteria, and several sites also were found to support federal or state-listed species or locally rare species or habitats.



# West Linn Goal 5 Inventory

## Riparian Corridor Summary Sheet



Riparian Site/Reach: Bernert Creek

Location: Willamette River to Johnson Dr.

T2S, R1E, Sec: 35, 36; T3S, R1E, Sec: 01, 02 Atlas map #: 5431-3, 5531-3

LWI wetland codes: BE-01, BE-02, W1-03

Habitat sites: W1-H-4, BE-H-1

Adjacent Land Use: freeway, office, residential

Riparian Code: BE-R-1

Basin: Upper Willamette

Reach Length: 6527'

Photos: 1720

Field Date(s): 4/22/02

Investigators: TB, LW

### General Comments

Upper Bernert follows I-205 embankment and is highly disturbed until it crosses Willamette Falls Drive, where it enters a forested ravine and meets wetland W1-03.

### Riparian Characteristics

Stream type/order: perennial, first order

Dom. soil type: Cove Silty Clay Loam

Soil erosion potential:  low  medium  high

WQ limited?  yes  no Parameters: \_\_\_\_\_

Floodplain?  yes  no Source: \_\_\_\_\_

Fish-bearing stream?  yes  no (potential)

Fish barriers: culverts (drops)

Road density: 1 crossing per 1305 linear feet

Large wood features: small amounts, several pools

Recruitment potential:  low  medium  high

Notes: lots of chorus frogs, potential fish access to lower reach from Willamette River

Channel type: moderate gradient moderately confined channel

Gradient:  low (<2%)  mod (2-4%)  mod steep (>4%)

Side slopes:  <10%  10-20%  20-50%  >50%

Active channel width: 2-6' depth: 1'

Channel width - valley width ratio: varies, >1:1.5

Vegetated riparian width: 0-200'

Stream flow:  none  low  medium  high (rivers)

Channel shade:  <25%  25-50%  >50%

Bank/channel condition: deeply incised sections

Other water resources:  ponds  wetlands  springs

### Vegetation (\*dominant)

Trees	60% cover	Shrubs	60% cover	Herbs/Emergents	90% cover
Oregon ash* (wet.)	Ornamental cherry	Himal. blackberry*	Vine maple	Reed canary grass* (wet.)	Fireweed
Big-leaf maple*	Black hawthorn	Scot's broom	Osoberry	Tall fescue	Lady fern
Douglas fir*	Red alder	Willow (wetland)	Sitka elderberry	Sweet vernal grass	Stinging nettle
Black cottonwood (36")	Pacific madrone	Pacific ninebark	Hazelnut	Velvet grass	Cleavers
Western red cedar		Snowberry	Red-osier dogwood	Sword fern	Bracken fern
Oregon white oak				English ivy (in trees)	Scot's broom
	90% Native		30% Native		25% Native

### Assessment Results:

Riparian Function	Rating	Comments
Water Quality	<input type="checkbox"/> Low <input checked="" type="checkbox"/> Medium <input type="checkbox"/> High	
Water Sources and Storage	<input type="checkbox"/> Low <input checked="" type="checkbox"/> Medium <input type="checkbox"/> High	
Fish Habitat	<input checked="" type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High	
Wildlife Habitat	<input checked="" type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High	
Sensitive Species	<input checked="" type="checkbox"/> Low <input type="checkbox"/> Medium <input type="checkbox"/> High	
Combined score:	38	

Significant?  Yes  No Basis:

Restoration/Enhancement Opportunities: Restore vegetative buffer in upper section; add native trees, shrubs and herbaceous layer.



# West Linn Goal 5 Inventory

## Wildlife Habitat Assessment Summary



### GENERAL INFORMATION

<b>Habitat Site:</b> Upper Bernert Creek	<b>Habitat code:</b> BE-H-1
<b>Location:</b> Upper Bernert Creek bordered by Tannler Drive (west), Haskins Road (north), and I-205 (south)	<b>Site size:</b> 39 acres
<b>Atlas #:</b> 5332, 5431, 5432	<b>Sub-basin:</b> Bernert Creek
<b>LWI wetlands:</b> N/A	<b>Field date(s):</b> 4/22/02, 6/27/02
<b>Riparian sites:</b> BE-R-1	<b>Investigators:</b> TB, LW, AK
	<b>WHA Score:</b> 50 <b>Enhanced Score:</b> 58

### SITE SUMMARY

This is a relatively small site in the upper Bernert Creek basin distinguished by having a small remnant oak savanna/grassland habitat. A mixed Douglas fir/bigleaf maple forest is located northeast of the oak community. The upper Bernert Creek corridor continues south of Salamo Road through maple and oak dominated forest before reaching I-205. Residential neighborhoods border and bisect the site, and I-205 is located to the south. Habitat types include Mixed Conifer/Hardwood Forest, Hardwood Forest, Oak Woodland, and Mixed shrub/herbaceous. The site provides forage, cover, and nesting habitat for a variety of wildlife including species associated with oak communities such as band tailed pigeon (federal Species of Concern).

COMPONENT		DEGREE			SCORE	ENHANCED	COMMENTS
WATER	QUANTITY AND SEASONALITY	NONE 0	SEASONAL 4	PERENNIAL 8	4	4	limited water sources within site
	QUALITY	LOW 0	MEDIUM 4	HIGH 8	4	4	
	PROXIMITY TO COVER	NONE 0	NEAR 4	ADJACENT 8	4	4	
	DIVERSITY (TYPES)	NONE 0	ONE 2	TWO 4	THREE+ 6	2	2
FOOD	QUANTITY AND SEASONALITY	NONE 0	LIMITED 4	YEAR ROUND 8	5	6	add seed, berry-bearing species
	VARIETY	LOW 0	MEDIUM 4	HIGH 8	4	6	revegetate/diversify invasive dominated areas
	PROXIMITY TO COVER	NONE 0	NEARBY 4	ADJACENT 8	5	6	
COVER	STRUCTURAL DIVERSITY	LOW 0	MEDIUM 4	HIGH 8	4	5	add shrubs, mid-canopy layer
	VARIETY AND SEASONALITY	LOW 0	MEDIUM 4	HIGH 8	3	5	diversify species mix
	NESTING AND DENNING SITES	NONE 0	LIMITED 2	YEAR ROUND 4	2	2	
	ACCESS/ ESCAPE	LOW 0	MEDIUM 2	HIGH 4	2	2	
HUMAN DISTURB.	PHYSICAL (habitat alteration)	HIGH 0	MEDIUM 2	LOW 4	2	3	housing and roads, invasive species (manage, revegetate with natives)
	ACTIVITY (traffic, trash, pets)	HIGH 0	MEDIUM 2	LOW 4	1	1	continuous freeway noise, residential activity/traffic, pets
INTERSPERSION/ CONNECTIVITY		LOW 0	MEDIUM 4	HIGH 8	2	2	
UNIQUE FEATURES	RARITY OF HABITAT TYPE	NONE 0	RARE 4	UNIQUE 8	4	4	remnant oak savanna
	FLORA	NONE 0	RARE 4	UNIQUE 8	0	0	
	FAUNA	NONE 0	RARE 4	UNIQUE 8	2	2	band tailed pigeon

**West Linn Goal 5 Inventory**  
**Wildlife Habitat Assessment Summary - Site BE-H-1**



**Vegetation (\*dominant)**

Trees		Shrubs		Herbs/Emergents	
Oregon white oak*	Pacific madrone	Himal. blackberry*	Red elderberry	Tall fescue*	Lady fern
Big-leaf maple*	Red alder	Hazelnut	Snowberry	Reed canary grass	Stinging nettle
Douglas fir*	Western red cedar	Osoberry	Vine maple	Bracken fern	Sword fern
Black cottonwood		Pacific ninebark		Cleavers	Velvet grass
Black hawthorn		Red-osier dogwood		English ivy	
Ornamental cherry		Scot's broom		Fireweed	

**Wildlife Observed**

Birds		Reptiles/Amphibians	Mammals
Band tailed pigeon	Scrub jay		
Black-capped chickadee	Song sparrow		
American goldfinch	Violet green swallow		
Oregon junco			

**Special Features**

Habitat/Species	Status/Disposition	Remarks
Remnant oak savanna	One of few remaining groves	Hills above Salamo Road
Band tailed pigeon	Federal SoC / - / ONHP list 4	Vicinity of oak grove

**Assessment Results**

Component/Factor	Rating	Component/Factor	Rating
Water	Medium	Disturbance	Medium
Food	Medium	Connectivity	Low
Cover	Medium	Unique Features	Low
Score: 50	Enhanced score: 58	Significant?	Yes

# TECHNICAL MEMORANDUM

**Date:** March 27, 2017  
**To:** Roberta Schwartz  
**From:** Abbey Rhode, PE  
**Subject:** Bernert Creek Daylighting Preliminary Feasibility and Cost Analysis

---

## BACKGROUND

Bernert Creek is a tributary to the Willamette River that historically flowed southward along what is now Tannler Drive and then east to the river. Around 1977, the creek was piped as part of a stormwater drainage network to support development. Neighbors for a Livable West Linn (NLWL) and the Trust for Public Land partnered together for over 12 years to raise \$3.5 million and acquire 20 acres of property along and adjacent to the historical creek to preserve ecologically important oak savanna. The park is now a public West Linn Park, owned by the City of West Linn, and officially called The White Oak Savanna. Thousands of volunteer hours, including many classes of students, have volunteered to help restore the site. There is now an opportunity to "daylight" the segment of Bernert Creek that runs along the preserved oak savanna to further enhance the ecological and educational benefits of this important park.

As shown in Figure 1, the existing pipe alignment along the proposed stream channel daylighting corridor consists of a 24-inch concrete pipe (BER6-7) that connects an upstream manhole structure (BEJ7) to a downstream manhole structure (BEJ6). The pipe is approximately 900 feet long with a slope of 0.128 feet/foot (West Linn Public Works 2006).

## PROPOSED STREAM CHANNEL DAYLIGHTING

### *Description*

A proposed conceptual alignment for the daylighted stream channel is shown in Figure 1. The upstream end of the new/restored channel would be near structure BEJ7 via a new outfall that discharges piped flow to the channel. The channel would extend southward along the forested area east of Tannler Drive, and at its downstream end would convey flow into a pipe coincident with the existing pipe alignment at or near structure BEJ6 via a new ditch inlet structure. One pedestrian bridge and one drivable culvert crossing would provide public access to the West Linn Oak Savanna along the length of the channel. These crossings would encourage access to the stream to serve as a public demonstration of ecological restoration, and could readily

include interpretive signage to educate visitors on the benefits of stream habitat on water quality and fish.

Provided that adequate freeboard is achievable (i.e., additional channel depth above estimated peak flow levels), the proposed concept would decommission the existing BER6-7 pipe and leave it buried in place to reduce cost. One possible design alternative would be to instead retain the pipe for functional flow conveyance, with a new overflow structure or a flow splitter installed in structure BEJ7 that would direct flow into the pipe during high storm flows. Diverting higher flows into the existing pipe could help to minimize the potential for an extreme storm event causing damage to the new/restored channel habitat, though the overflow structure or flow splitter included in this alternative would require an added level of inspection and maintenance attention for the long term to be sure it continues to function as intended.

### *Benefits*

Land development in the Bernert Creek watershed impacts fish habitat downstream by increasing water temperatures and increasing peak storm flows that can erode and otherwise adversely affect fish habitat. Daylighting and enhancing the creek channel would provide shade and increase hyporheic interaction with the soil to decrease water temperatures. While it is assumed that the creek historically provided habitat for salmonid fish species, existing downstream barriers to fish passage are likely preventing access for these species in the oak savannah site area. In addition, a well-designed channel would provide much more hydraulic roughness than the existing concrete pipe in which Bernert Creek flows, which would slow down flow velocities and provide a modest amount of peak flow attenuation, thereby providing a minor benefit for downstream portions of the creek system.

The proposed channel alignment currently provides a valuable habitat corridor for a wide range of wildlife species. Over 100 vertebrate species have been identified on the property (Mishaga 2014) and it has been estimated that daylighting of the creek would substantially increase the species diversity even further (Mishaga 2013), providing a unique opportunity for residents and visitors to encounter these rarer species in their community setting. As development in the Portland Metro Area continues at a rapid pace to meet the demands of an increasing population, preserved habitats such as the West Linn Oak Savannah are increasingly important to provide vital habitat, and the refuge it provides, for local wildlife.

West Linn Oak Savannah is a preeminent example of how the community can be involved to increase education and awareness of local habitat. One goal for this stream channel daylighting project would be to serve as an accessible demonstration site to educate the community on the importance of healthy streams and the many important functions of riparian corridors. Most visitors to the oak savannah would enter and/or exit via a route over the creek, where interpretive signage could be placed for their benefit. In addition, many classes of children participate in volunteer efforts at the park and this would be an opportunity for children to learn about the stream in a safe, easily accessible environment.

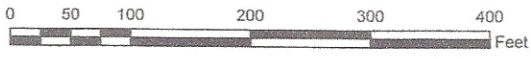
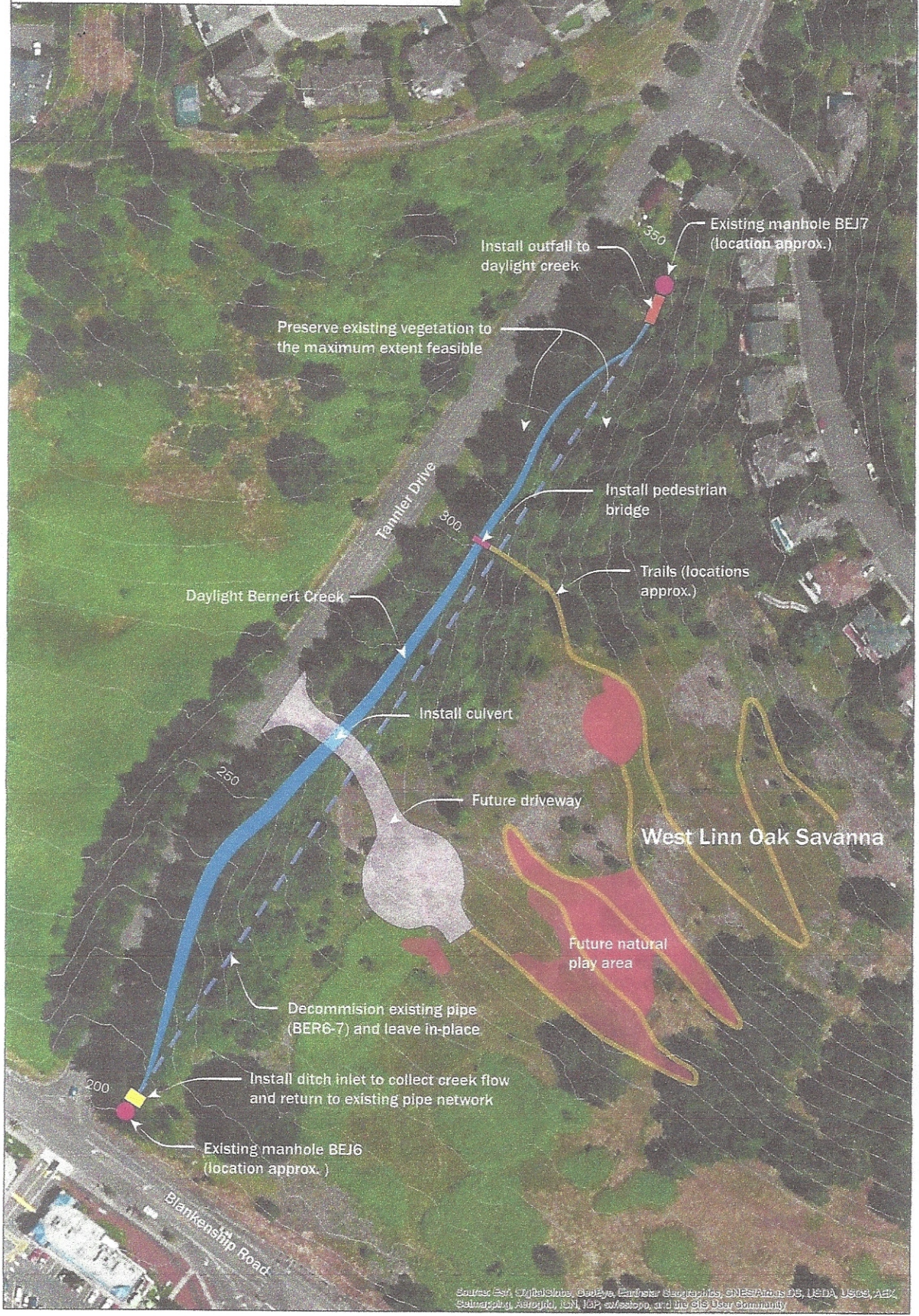


Figure 1. Bernert Creek Daylighting Concept



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroX, Earthstar, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

### Feasibility and Design Recommendations

Feasibility considerations for daylighting Bernert Creek amid the oak savannah area include conveyance capacity for flood prevention and site constraints. This memo is intended to provide an overview of feasibility considerations. Further analysis is recommended to inform design.

The hydraulic feasibility analysis for this memo is based on hydrologic modeling completed by the City of West Linn in 2006 (West Linn Public Works 2006), which included analysis of hydraulic capacity needs for watershed "build-out" conditions. The City's report calculated peak storm flow rates at the upstream and downstream drainage structures shown on Figure 1. Table 1 lists the results. However, it should be noted that when this analysis was conducted, West Linn Oak Savannah was zoned for development, and so the calculated build-out flows were likely based on the assumption that many of the preserved areas in the savannah would have included more impervious area than will now be the case. Thus, the City's peak flow estimates are slightly higher than they would have been if their modeling work accounted for the site as a park space instead of another form of land development.

**Table 1. Bernert Creek Drainage Structure Storm Peak Flow Estimates<sup>a</sup>**

Storm Frequency	BEJ7 (upstream structure)		BEJ6 (downstream structure)	
	2006	Build-out	2006	Build-out
2-Year	7.45	7.93	18.48	18.89
5-Year	8.82	11.13	22.97	23.43
10-Year	9.49	13.98	25.16	25.68
25-Year	15.15	23.67	31.64	33.62
50-Year	17.42	26.00	33.36	37.90
100-Year	20.59	29.57	35.88	44.19
500-Year	25.55	34.04	40.04	54.58

<sup>a</sup> Hydrologic modeling performed with HEC-HMS with detention facilities (West Linn Public Works 2006).

Topographic survey was not available for this area, but the information on the existing pipe alignment enables a good estimate of the overall slope of the stream. Due to the steep slopes in the area, it is estimated that an approximate channel cross section area would need to be a minimum of 7.5 square feet to meet conveyance requirements and provide freeboard to prevent flooding of adjacent ground. For the purpose of developing a planning-level cost estimate, a simplified trapezoidal cross section was assumed with a base width of 2 feet, a depth of 1.5 feet, and a bank full width of 8 feet. However, it is recommended that the channel design not be a uniformly simple trapezoidal geometry, incorporating lateral and vertical (deeper than 1.5 feet) variation and complexity as space allows for increased habitat value. Where feasible, the channel should be allowed to spread as much as possible within a floodplain to distribute energy. The potential stream corridor width is estimated to range between 30 and 50 feet, which should be more than adequate for peak flow conveyance purposes, however, it would result in a narrow riparian corridor between the creek and the road in some places. It is recommended that the

riparian understory be actively maintained to supplement solar shading in areas where the canopy is narrow.

The primary constraints for this project are the steepness of the site and construction access due to the existing native vegetation on the site, which should be preserved to the maximum extent feasible. The overall daylighted channel slope would be approximately 12% on average, which is steep relative to most other stream channels in the region. Due to the steepness, it is recommended that the stream design incorporate grade control elements to prevent large scale erosion and channel bed incision. However, the steepness of the channel would be consistent with the historical channel character. The soils along the proposed daylighting alignment are mapped as part of the Witzel series, which are characterized by slopes up to 40 percent and have a depth to bedrock of 12 to 20 inches (NRCS 2017). This soil type is resistant to long-term erosion. However, grade control may be required in areas where native bedrock was excavated and disturbed during the installation of the pipe alignment, in the form of large boulder weirs, log weirs, and/or placing larger boulders and cobbles throughout the length of the channel, to prevent incision. Depending on the way in which grade control is accomplished, this could greatly impact the overall cost of construction, as well as increase the overall construction impact. Hydraulic modeling of the corridor should be conducted to determine the extent of grade control required, and to aid in sizing grade control components. Furthermore, hydraulic roughness (via cobbles and boulders and/or large woody debris) and vegetation will be important for minimizing erosion at the site following construction. As mentioned previously, if high flows are diverted into the existing pipe then the need for grade control and hydraulic roughness would be somewhat lessened.

Construction access to the site would occur via Tannler Road, which runs alongside the proposed creek corridor. The planning-level cost estimate prepared to accompany this memo includes costs for traffic control. Project construction may require temporary closures of one lane of traffic on Tannler Road. Most of the proposed stream corridor contains mature, native vegetation. Both the design and construction of the creek should be targeted to minimize impacts to established native vegetation along the creek corridor. Significant trees and vegetation should be surveyed along the full width of the future riparian corridor to inform design and identify high priority preservation areas. Construction techniques should include use of low ground pressure equipment and fencing of protected root zones.

### 32.020 APPLICABILITY

A. This chapter applies to all development, activity or uses within 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:

1. The existence of a WRA;
2. The exact location of the WRA; and/or
3. 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, delineation, or sworn statement prepared by a natural resource professional/wetland biologist or specialist that no WRA exists on the site. Any required survey, delineation, or statement shall be prepared at the applicant's sole expense. (Ord. 1623 § 1, 2014)



H. 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. Once it is daylighted, the WRA will be limited to 15 feet on either side of the stream. Within that WRA, 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 (H)(3) and (4) of this section.
3. A re-aligned stream must not create WRAs 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 WRA 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 WRAs or riparian corridors shall not apply to, or overlap, the daylighted stream channel.
6. When a stream is daylighted the applicant shall prepare and record a legal document describing the reduced WRA required by subsections (H)(1) and (5) of this section. 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 WRA and reduced restrictions for the daylighted stream section.



U.S. Fish and Wildlife Service  
National Wetlands Inventory

NWI West Linn OR, Bernert Creek 1 to 9k

Exhibit 4



U.S. Fish and Wildlife Service, National Standards and Support Team,  
wetlands\_team@fw.gov

March 18, 2019

**Wetlands**

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Exhibit 5



STAFF REPORT  
FOR THE PLANNING COMMISSION

DATE: August 16, 2017  
FILE NO.: DR-17-04  
REQUEST: Class II Design Review to add a nature play playground to the White Oak Savanna Park.  
PLANNER: Jennifer Arnold, Associate Planner


Planning Manager 

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out.of the playground area which is to be constructed in an open sloped field.

## COMMUNITY DEVELOPMENT CODE

### CHAPTER 30 WETLAND AND RIPARIAN AREA PROTECTION

#### 30.100 Approval Criteria

- A. The Planning Director or Planning Commission, as applicable, shall make findings with respect to the following criteria when approving, approving with conditions, or denying an application. The provisions of the following chapters shall be met as applicable:
1. Chapter 27, Flood Hazard Construction.
  2. Chapter 28, Willamette River Greenway.
  3. Chapter 29, Tualatin River Bank Control.
  4. Chapter 32, Natural Drainageway Protection.  
(ORD. 1425)

Response: The subject site is not located within the 100-year flood plain or within proximity to the Willamette or Tualatin Rivers, or any natural drainageways. Therefore, there are no applicable sections of Chapters 27, 28, 29 or 32.

- B. Alternatives which avoid all adverse environmental impacts associated with the proposed action shall be considered first. For unavoidable adverse environmental impacts, alternatives which reduce or minimize these impacts shall be selected.

Response: There are no adverse environmental impacts associated with this site. Additional runoff from added hard surfaces will be collected and treated in a bioswale/raingarden, and remain on site with a possible use of irrigation. In addition, the parking area is planned to be constructed with permeable concrete, asphalt or pavers.

#### 30.130 Construction and Management Plan

- A. A construction plan shall be developed, including timetables and assurances for performance; and,

Response: The City plans to begin construction of the playground this summer with completion by the end of this same summer of 2017. Further construction such as sidewalks along Tannler Drive, Blankenship Rd. and Salamo Rd. may take place as additional funding or other steps to implement the TSSP in that area take place. A more detailed construction management plan shall be developed and submitted to the City of West Linn in conjunction with the City's review of construction documents.

- B. A management plan shall be developed for ongoing monitoring and maintenance, including assurances for performance.

Response: The proposed Oak Savannah Playground will be included in the City's Park Maintenance Management System and therefore, ongoing monitoring and maintenance will be up to the City.

- C. Assurances shall be established to rectify any mitigation actions which are not successful. This may include bonding or other surety.

Exhibit 6



PC – 5 APPLICANTS SUBMITTAL

## DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT	PROJECT NO(S).	
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	TOTAL

**Type of Review (Please check all that apply):**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Annexation (ANX)<br><input type="checkbox"/> Appeal and Review (AP) *<br><input type="checkbox"/> Conditional Use (CUP)<br><input type="checkbox"/> Design Review (DR)<br><input type="checkbox"/> Easement Vacation<br><input type="checkbox"/> Extraterritorial Ext. of Utilities<br><input type="checkbox"/> Final Plat or Plan (FP)<br><input type="checkbox"/> Flood Management Area<br><input type="checkbox"/> Hillside Protection & Erosion Control | <input type="checkbox"/> Historic Review<br><input checked="" type="checkbox"/> Legislative Plan or Change<br><input type="checkbox"/> Lot Line Adjustment (LLA) */**<br><input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan)<br><input type="checkbox"/> Non-Conforming Lots, Uses & Structures<br><input type="checkbox"/> Planned Unit Development (PUD)<br><input type="checkbox"/> Pre-Application Conference (PA) */**<br><input type="checkbox"/> Street Vacation | <input type="checkbox"/> Subdivision (SUB)<br><input type="checkbox"/> Temporary Uses *<br><input type="checkbox"/> Time Extension *<br><input type="checkbox"/> Variance (VAR)<br><input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP)<br><input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)<br><input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)<br><input type="checkbox"/> Zone Change |
|--|---|---|

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

<b>Site Location/Address:</b> <b>22500 SALAMO ROAD</b>	Assessor's Map No.:
	Tax Lot(s):
	Total Land Area:

**Brief Description of Proposal:**    **SURFACE WATER MASTER PLAN**

<b>Applicant Name:</b> CITY OF WEST LINN <small>(please print)</small>	Phone: 503-722-3434
<b>Address:</b> 22500 SALAMO ROAD	Email:
<b>City State Zip:</b> WEST LINN, OR 97068	<b>apepper@westlinnoregon.gov</b>


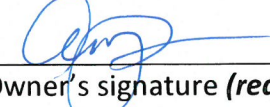
<b>Owner Name</b> (required): <small>(please print)</small>	Phone:
<b>Address:</b>	Email:
<b>City State Zip:</b>	

<b>Consultant Name:</b> BROWN AND CALDWELL <small>(please print)</small>	Phone: 503-977-6655
<b>Address:</b> 6500 SW MACADAM AVENUE, SUITE 200	Email: awieland@BrwnCald.com
<b>City State Zip:</b> PORTLAND, OR 97239	

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.**  
**One (1) complete set of digital application materials must also be submitted on CD in PDF format.**  
**If large sets of plans are required in application please submit only two sets.**

\* No CD required / \*\* Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

 _____ Applicant's signature	7/1/19 _____ Date	 _____ Owner's signature <b>(required)</b>	7/1/19 _____ Date
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CITY OF  
**West Linn**

**SURFACE WATER MASTER PLAN  
LAND USE PLANNING APPLICATION**

**FILE NUMBER:**

**HEARING DATE:**

**REQUEST:** To consider a recommendation to City Council for adoption of the West Linn 2019 Surface Water Master Plan (SMP) as Attachment A, along with proposed amendments to Comprehensive Plan Goal 11 and Chapter 85 of the Community Development Code.

**APPROVAL  
CRITERIA:** Community Development Code (CDC) Chapters 98, 100 and 105.

**PREPARED BY:** City Engineering Staff

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## GENERAL INFORMATION

**APPLICANT:** City of West Linn

**DESCRIPTION:** A recommendation to City Council for consideration of adoption of the West Linn 2019 Surface Water Master Plan (SMP) as Attachment A. The Commission will also consider recommendations on proposed amendments to West Linn Comprehensive Plan Goals 11 and Chapter 85 of the Community Development Code (CDC).

**APPROVAL CRITERIA:** Community Development Code (CDC) Chapter 98 provides administrative procedures for legislative amendments to the Comprehensive Plan and the CDC. Section 98.100 of the CDC lists the factors upon which a decision shall be based. These are briefly described below and addressed in greater detail in a separate Section of this report:

1. The Statewide Planning Goals and rules adopted under ORS Chapter 197 and other applicable state statutes;
2. Any federal or state statutes or rules found applicable;
3. Applicable plans and rules adopted by the Metropolitan Service District (Metro);
4. The applicable Comprehensive Plan policies and map; and,
5. The applicable provisions of implementing ordinances.

## EXECUTIVE SUMMARY

In 2017, the City of West Linn engaged in a planning process involving citizens and agency stakeholders to develop the Surface Water Master Plan (SMP). The City's last stormwater master plan was completed in 2006.

The SMP is a supporting document to the Comprehensive Plan. The SMP requires a number of amendments to goals and policies in the Comprehensive Plan, as well as applicable amendments to Chapter 85 of the Community Development Code (CDC).

The proposed amendments to the Comprehensive Plan and CDC in attachment A of the application. Adoption of the proposal will ensure goals and policies, and land use development criteria, are aligned with the vision outlined in the SMP for an efficient sanitary sewer collection system to meet community needs into the future.

The primary intent of this legislative action is to ensure the City's SMP and the Comprehensive Plan remain viable tools for decision-makers. By adopting the amendments, the City will also ensure continued compliance with applicable laws, rules, regulations, plans, and programs.

### Project Background

The City of West Linn manages approximately 123 miles of piped and open channel stormwater infrastructure within the City. The City's Surface Water Master Plan provides a guide for capital project and stormwater related program decisions over a 10-year planning horizon. The SMP is considered a living document that is inherently flexible to allow the City to respond to opportunities and changing conditions as they develop. The main objectives of the SMP include the following:

- Establishing a foundation for evaluation stormwater system needs in the City
- Stakeholder and staff engagement to inform targeted identification of project needs and improvements.
- Identification of known drainage problems and flooding and provide solutions to alleviate problems.
- Enhance and expand water quality throughout the City.
- Identify programmatic opportunities to address maintenance, system condition deficiencies, and water quality.
- Support regulatory requirements under the City's Phase I National Pollutant Discharge Elimination Permit System (NPDES) municipal separate storm sewer (MS4) permit.

### Proposed Comprehensive Plan Amendments

In addition to adopting the West Linn SMP Update, a number of amendments are proposed to goals, policies, and action measures found in the West Linn Comprehensive Plan. The proposed amendments will ensure consistency and compliance with regional and state plans and policies, and includes the following:

- Update to the narrative for Goal 11 Public Facilities and Services – Section 3 Storm Drainage

- Update the goal to provide reliable and environmentally sound storm drainage management.
- Update policies to encourage development and annexation that makes orderly and efficient use of the wastewater collection system.
- Update action measures to:
  - Consolidate and simplify actionable measure to encourage coordination with Clackamas County NPDES MS4 co-permittees to the extent practical for implementation of the City’s Stormwater Management Program.

These changes are more fully shown in the in attachment A of the application.

### **Proposed CDC Amendments**

In addition to adopting the West Linn SMP, one amendment is proposed to the CDC. The proposed amendment will ensure consistency and compliance with regional and state plans and policies, and includes the following:

- Update chapter 85 to refer to the “Surface Water Master Plan, dated June 2019” instead of the “most recently adopted Storm Drainage Master Plan”.

## APPLICATION

### APPLICABLE CRITERIA

#### West Linn Community Development Code

##### Chapter 98.040 Duties of Director

###### A. The Director shall:

1. If appropriate, or if directed by the City Council or Planning Commission in their motion, consolidate several legislative proposals into a single file for consideration;

**Response:** The proposed legislative amendments to the West Linn Comprehensive Code and Chapter 85 of the Community Development Code have been consolidated into one file as allowed. The consolidation is appropriate as the proposed amendments will ensure consistency with the adopted plan.

2. Upon initiation of a legislative change, pursuant to this chapter:

a. Give notice of the Planning Commission hearing as provided by CDC 98.070 and 98.080;

b. Prepare a staff report that shall include:.....

c. Make the staff report and all case file materials available 10 days prior to the scheduled date of public hearing under CDC 98.070;

d. Cause a public hearing to be held pursuant to CDC 98.070;

**Response:** A hearing before the Planning Commission and subsequently City Council will be scheduled as part of this land use application. A staff report will be generated and posted pursuant to CDC 98.040.

#### Chapter 100 - Procedures for Adoption of Amendment of Supporting Plans:

##### CDC 100.010 Definitions

*A master plan is defined as a supporting document to the Comprehensive Plan.*

**Response:** The SMP Update is a supporting document to the Comprehensive Plan, therefore the standards of this Chapter must be addressed.

##### CDC 100.090 Additional Procedures

*This refers to procedures set forth in CDC Chapter 98.*

#### Chapter 105 – Amendments to the code and Map:

##### CDC 105.010 Purpose

*This Chapter sets forth the standards for legislative amendments to the CDC and to the map.*

**Response:** An amendment to the CDC Chapter 85 is recommended, therefore the standards of this Chapter must be addressed.

CDC 105.030 Legislative Amendments to this Code and Map

*This refers to procedures set forth in CDC Chapter 98.*

*Chapter 98 - Procedures for Decision Making: Legislative*

*CDC 98.100 Standards for Decision*

*A. The recommendation of the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:*

- 1. The Statewide planning goals and rules adopted under Chapter 197 ORS and other applicable State statutes;*

*Statewide Planning Goal 1 – Citizen Involvement:*

*This goal outlines the citizen involvement requirement for the adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.*

**Response:** This goal was addressed with the following steps. The City has maintained a project website tracking the project development since inception in November 2016. The SMP was introduced to the public at the April 9, 2019 Utility Advisory Board with a more detailed presentation in May of 2019. The draft SMP has been posted to the City website for public comment since June 28, 2019. Additionally, a public hearing before the Planning Commission and City Council will occur prior to final adoption of the SMP pursuant to CDC Chapter 98. As a result, the SMP is in compliance with Goal 1.

No goal or policy changes are recommended.

*Statewide Planning Goal 2 – Land Use Planning:*

*This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals.*

**Response:** The City of West Linn has an acknowledged Comprehensive Plan and enabling ordinances. The SMP was developed to support the underlying land use zones and the populations anticipated. Therefore, the SMP supports the land use and zoning policies. The amendments will be processed in accordance with City's adopted procedures, which requires any applicable statewide planning goals, federal or state statutes or regulations, Metro regulations or plans, comprehensive plan policies, and the City's implementing ordinances be addressed as part of the decision-making process. This amendment will be processed as a post-acknowledgement plan amendment (PAPA) and noticing requirements will be met. All applicable review criteria has been addressed within this application; therefore, the requirements of Goal 2 have been met.

No goal or policy changes are recommended.

*Statewide Planning Goal 5 – Natural Resources:*

*This goal requires the inventory and protection of natural resources, open spaces, historic sites and areas.*

**Response:** The City is currently in compliance with the State’s Goal 5 program and Metro’s Title 13: Nature in Neighborhoods program, which implements Goal 5. The SMP does not alter the City’s acknowledged Goal 5 inventories or associated land use programs. No changes will occur to current natural resource protections. As a result, the amendments are in compliance with Goal 5 process requirements.

No goal or policy changes are recommended.

*Statewide Planning Goal 6 – Air, Water, and Land Resource Quality:*

*To maintain and improve the quality of air, water, and land resources of the state.*

**Response:** The City is currently in compliance with Metro’s Title 3: Water Quality and Flood Management program, which implements Goal 6. The SMP does not alter the City’s acknowledged land use programs regarding water quality and flood management protections. The City is included in the Metro Area Airshed, which is in compliance with Federal Clean Air Act regulations. As a result, the SMP is in compliance with Goal 6.

No goal or policy changes are recommended.

*Statewide Planning Goal 7 – Areas Subject to Natural Hazards:*

*To protect people and property from natural hazards.*

**Response:** The City is currently in compliance with Goal 7 and Metro’s Title 3: Water Quality and Flood Management program. The SMP does not alter the City’s acknowledged Goal 7 land use programs. No changes will occur to current natural hazard protections. As a result, the SMP is in compliance with Goal 7.

No goal or policy changes are recommended.

*Statewide Planning Goal 8 – Recreational Needs:*

*This goal requires the satisfaction of the recreational needs of the citizens of the state and visitors.*

**Response:** West Linn provides a robust range of recreational facilities throughout the community, and has an adopted Parks Master Plan and is in the process of updating that plan. The SMP does not alter the Parks Master Plan. The SMP is in compliance with Goal 8.

No goal or policy changes are recommended.

*Statewide Planning Goal 9 – Economic Development:*

*To provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.*

**Response:** The City is currently in compliance with Goal 9 and Metro’s Title 1: Requirements for Housing an Employment Accommodation and Title 4: Industrial and Other Employment Areas. The SMP does not alter the City’s compliance with Goal 9. The SMP recommendations are aimed at properly sizing stormwater facilities and thus help to support economic growth. The requirements of Goal 9 have been met.

No goal or policy changes are recommended.

Statewide Planning Goal 10 – Housing:

*To provide adequate housing for the needs of the community, region and state.*

**Response:** The City is currently in compliance with Goal 10 and the Metropolitan Housing Rule (OAR 660-007/Division 7), and Metro’s Title 1: Requirements for Housing an Employment Accommodation. The SMP does not alter the City’s compliance with Goal 10. The SMP recommendations are aimed at properly sizing stormwater facilities and thus help to accommodate housing needs. The requirements of Goal 10 have been met.

No goal or policy changes are recommended.

Statewide Planning Goal 11 – Public Facilities and Services:

*To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as framework for urban and rural development.*

**Response:** The City is currently in compliance with Goal 11 through its acknowledged Comprehensive Plan. This includes an adopted Public Facility Plan as required by Oregon Revised Statute 197.712 and Oregon Administrative Rule (OAR) 660-011. The purpose of facility planning per OAR 660-011 is to help assure that urban development “is guided and supported by types and levels of urban facilities and services appropriate for the needs and requirements of the urban areas to be serviced”. The SMP will update the storm drainage component of the Public Facility Plan as allowed by Oregon Administrative Rule 660-011-0010-0045. As a result, the SMP is in compliance with Goal 11.

West Linn Comprehensive Plan Goal 11: Public Facilities and Services, Section 3 should be amended to read as provided in Attachment A.

Sections 1: Sanitary Sewer; 2: Water System; 4: Fire and Police; 5: Government Administration Facilities; 6: Libraries; 7: Schools; 8: Private Utilities and Telecommunications; and 9: Health Services are not affected by the SMP and no changes in goals or policies are required.

Statewide Planning Goal 12 – Transportation:

*To provide and encourage a safe, convenient, and economic transportation system.*

**Response:** The City is currently in compliance with Goal 12 and Metro’s Regional Transportation Plan through its acknowledged Comprehensive Plan and TSP as required by Oregon Administrative Rule 660-012 (Transportation Planning Rule). The SMP does not alter the City’s compliance with Goal 12. The SMP recommendations are aimed at properly sizing storm drainage facilities that serve the transportation system. The requirements of Goal 12 have been met.

No goal or policy changes are recommended.

Statewide Planning Goal 13 – Energy Conservation:

*Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.*

**Response:** The City is currently in compliance with Goal 13 through its acknowledged Comprehensive Plan. The adoption of the SMP does not alter the City's compliance with Goal 13. The requirements of Goal 13 have been met.

No goal or policy changes are recommended.

*Statewide Planning Goal 14 – Urbanization:*

*To provide for orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

**Response:** The City is currently in compliance with Goal 14 and Metro's Title 11: Planning for New Urban Areas through its acknowledged Comprehensive Plan and land use regulations. The City also has a signed Urban Growth Management Agreement with Clackamas County as required by ORS 195.065. The SMP does not alter the City's compliance with Goal 14. The SMP recommendations are aimed at properly sizing storm drainage facilities and thus helps to promote orderly growth. The requirements of Goal 14 have been met.

No goal or policy changes are recommended.

*Statewide Planning Goal 15 – Willamette River Greenway:*

*To provide for keeping the land green along the banks of the river and providing for recreation access.*

**Response:** The City is currently in compliance with Goal 15 through its acknowledged Comprehensive Plan and land use regulations. The SMP does not alter the City's compliance with Goal 15 and is consistent with this goal. The requirements of Goal 15 have been met.

No goal or policy changes are recommended.

**Conclusion:** Based on the analysis above, the proposed SMP is consistent with applicable Statewide Planning Goals.

*2. Any federal or State statutes or rules found applicable;*

*Oregon Administrative Rule 660-011*

**Response:** The Land Conservation and Development Commission adopted Oregon Administrative Rule 660-011 (Public Facility Planning Rule) to implement Statewide Planning Goal 11. The proposed SMP describes the storm drainage facilities necessary to support the land use designated in the City's acknowledged comprehensive plan within the City's urban growth boundary, one component of the City's overall Public Facilities Plan. See the material above which addresses State Wide Planning.

*Oregon Administrative Rule 340-041*



**Response:** This rule applies to the State’s water quality standards. Section 303(d) of the Clean Water Act (CWA) requires states to develop a list of water bodies that do not meet water quality standards (commonly known as “303(d) list”). The Willamette and Tualatin Rivers are the major receiving waters for West Linn. These rivers and contributing tributaries are on the 303(d) list for various parameters of concern and have Total Maximum Daily Loads (TMDLs) for specific sources of pollutant loading. Section 2.6.2 of the SMP includes a discussion and evaluation of water quality opportunities to continue progress towards meeting the TMDL requirements applicable to the City. The SMP is in compliance with this rule.

*Oregon Administrative Rule 340-045*

**Response:** This rule requires a discharge permit for municipal separate storm sewer system discharging to waters of the state. The City is one of 13 co-permittees on the Clackamas County Phase I NPDES MS4 Permit for discharges from the stormwater system, first issued in 1995. Future permit compliance was considered in the identification of capital projects and programs identified in the SMP. The SMP is in compliance with the rule.

**Conclusion:** Based on the analysis above, the proposed SMP is consistent with applicable federal or state statutes or rules.

*3. Applicable plans and rules adopted by the Metropolitan Service District;*

**Response:** Metro’s responsibility includes management of the boundary that separates urban and rural lands with regard to land use and development, coordinate and plan investments in the transportation system for the three-county area, act a regional clearinghouse for land information, manage regional parks and natural areas, operate regional visitor venues, and oversee the regions solid waste system. Their responsibility does not extend to stormwater management.

Under the land use goals 2, 5 and 8 earlier in this document a response has been provided addressing land use planning, natural areas and recreational areas. The SMP does not affect the Metro plans and rules.

**Conclusion:** Based on the analysis above, the SMP is consistent with applicable plans and rules adopted by Metro.

*4. The applicable Comprehensive Plan policies and map*

**Response:** Comprehensive policies have been addressed in this application under the Statewide Planning Goals. Amendments to Goal 11 Public Facilities and Services Section 3: Sanitary Sewer have been recommended.

The Comprehensive Plan does not include maps pertaining to the stormwater system. Therefore, there are no map changes required.

**Conclusion:** Based on the analysis above, the proposed SMP is consistent with the Comprehensive Plan policies and map.

5. The applicable provisions of the implementing ordinances.

**Response:** The applicant is not aware of any additional applicable provisions, which are not found above. Implementing ordinances include:

- *CDC Chapter 55.100 I 2 – Design Review Approval Standards: Public Facilities, Storm detention and treatment a geologic hazards.*
- *CDC Chapter 60.070 A 4 – Conditional Uses Approval Standards and Conditions, Adequate Public Facilities.*
- *CDC Chapter 85.170 F – General Provisions Submittal Requirements for Tentative Pan, and Supplemental Submittal Requirements for Tentative Subdivision or Partition Plan.*
- *CDC Chapter 85.200 H - General Provisions Submittal Requirements for Tentative Pan, and Approval Criteria, Storm detention and treatment.*

**Response:** These chapters require design engineers to demonstrate proper provisions for stormwater management are available to serve the proposed development. The proposed SMP does not alter this requirement. CDC Chapter 85.170 F references SMP, but not a specific SMP, therefore that section of the CDC should be modified as proposed in Attachment A.

*Chapter 92.010 F – Required Improvements, Public Improvements for all Development, Sanitary Sewer.*

**Response:** This requires that sanitary sewers shall be installed to City standards to serve the subdivision and to connect the subdivision to existing mains. The SMP does not affect this requirement.

**Conclusion:** Based on the analysis above, Chapter 85.170 F of the CDC is proposed to be amended to be consistent with the SMP. Otherwise the proposed SMP is consistent with the CDC.

Attachment A: Surface Water Master Plan Land Use Application

Annotated to show deletions and additions to the plan section being modified. Deletions are ~~bold lined through~~ and additions are **bold underlined**.

1. Proposed Comprehensive Plan Amendments

The following text amendments are proposed for the West Linn Comprehensive Plan:

.....

West Linn Comprehensive Plan goal 11: Public facilities and Services should be amended to read as follows:

SECTION 3: STORM DRAINAGE

BACKGROUND AND FINDINGS

~~West Linn is drained by natural intermittent and flowing streams within a major system of natural canyons and drainageways that discharge to the Willamette and Tualatin Rivers.~~ The City's existing storm drainage system is a composite of natural streams with culverts under streets and a network of underground storm drain **pipes conduits in more densely developed areas draining to the Willamette and Tualatin Rivers.**

~~Much of the recent and planned new development in West Linn is located in upland areas of the City's watersheds, increasing the need for better erosion control of natural channels, reduce the level of pollutants in storm water discharge, manage flood flows, and reduce runoff to downhill areas.~~

~~In order to comply with Section 402 and 405 of the federal Clean Water Act, The Oregon Department of Environmental Quality (DEQ) regulates stormwater runoff through the National Pollutant Discharge Elimination System (NPDES) Multiple Separate Storm Sewer System (MS4) permitting program. In 1995, DEQ issued Clackamas County and several cities, including the City of West Linn ("Clackamas County NPDES MS4 co-permittees"), has been issued an a National Pollutant Discharge Elimination System (NPDES) permit which required implementation of a Stormwater Management Program and has prepared a storm water quality management program. The City's Stormwater Management Program includes a range of programmatic, non-structural, and source control activities managed by the City to reduce pollutants to the maximum extent practicable. Section 303 of the Clean Water Act requires that all new developments and significant re-developments apply management practices to reduce discharges of storm water pollutants. The City uses the City of Portland Stormwater Management Manual to meet water quality requirements.~~

In 1996, the City adopted the Storm Drainage Master Plan, which is a supporting document of the Comprehensive Plan. This document responds to recent and expected growth in the City and the City's commitment to natural drainageway preservation and water quality. Future effort will be needed to respond to the recent Endangered Species Act list of native upper Willamette River Chinook salmon and steelhead by the National Marine Fisheries Service. **The City's Surface Water Master Plan, dated June 2019, provides a comprehensive analysis of the existing system needs and identifies programmatic and capital projects to address maintenance activities, system condition deficiencies, and water quality.**

.....

## GOALS, POLICIES, AND RECOMMENDED ACTION MEASURES

### GOAL

Provide a reliable and environmentally sound storm drainage management system that reasonably limits risks to people, property and the environment from both the quantity and quality of the City's urban storm water runoff. ~~and maintain a drainage management system that manages the amount and rate of surface water runoff; eliminates interbasin transfers of storm drainage; minimizes property damage from runoff; and controls pollution entering receiving streams.~~

### POLICIES

1. Encourage development that makes orderly and efficient use of the stormwater collection system that prioritizes green infrastructure and minimizes the use of impervious surfaces. ~~Where possible, require storm water runoff within development areas to be pretreated, using natural channels as points of discharge from local runoff collection systems. The Storm Drainage Master Plan, West Linn, Oregon, 1996, will be the key reference for determining drainage corridors and is a supporting document of the Comprehensive Plan.~~
2. Require adequate maintenance of culverts and drainageways in coordination with property owners to ensure that the natural drainage system operates at maximum efficiency.
3. Drainage facilities and practices will comply with state and federal water quality standards and requirements.
4. Implement and apply erosion control standards and best practices to minimize discharge from construction sites.
5. ~~Protect downstream areas from increased storm water runoff by managing runoff from upstream development and impacts on adjacent natural drainageways and their associated vegetation.~~
6. ~~Seek alternatives to the use of impervious surfaces within areas of dense standings trees and shrubs next to natural drainage courses and in other natural areas.~~
7. ~~Design road crossings to minimize or eliminate impacts on natural drainage courses.~~
8. ~~Require that construction practices for all land development projects, private and public, be conducted in such a way as to avoid exposing cuts, grading areas, and trenches to stormwater so that soil erosion is minimized, and soil will not be washed into natural drainage areas.~~
9. ~~Require that riparian vegetation along the streams and drainageways be maintained and preserved or re-established where necessary. In order to maintain or operate public facilities, selective cutting, trimming, and thinnings will be allowed along waterways.~~
10. ~~Encourage use of permeable surfaces in developments.~~
11. ~~Adopt regulations to allow for the development of Green Streets in suitable locations.~~

### RECOMMENDED ACTION MEASURES

1. Coordinate with Clackamas County NPDES MS4 co-permittees to the extent practical to ensure effective implementation of a Stormwater Management Program. ~~Participate in regional and state programs designed to ensure the maintenance of high quality discharges from surface~~

~~water runoff and waste treatment operations into the Willamette, Clackamas, and Tualatin Rivers.~~

- ~~2. Coordinate the City's surface water management and sanitary sewer plans with regional water quality management plans.~~
- ~~3. Review and update the City's Storm Drainage Master Plan at least every five years.~~
- ~~4. Monitor all new developments and significant redevelopment activities to require that best management practices be employed and enforced to reduce discharge of storm water pollutants consistent with Section 303 of the Clean Water Act.~~

2. Proposed CDC Chapter 85 Amendments

The following text amendments are proposed for the Community Development Code Chapter 85:

.....

A storm detention and treatment plan and narrative compliance with CDC 92.010(E) must be submitted for storm drainage and flood control including profiles of proposed drainageways to the ~~most recently adopted Storm Drainage Surface Water~~ Master Plan, **dated June 2019**.

PC – 6 APPLICANT’S REVISED SUBMITTAL - REVISED APPENDIX-A  
***With Revised Ordinance 1696***

Attachment A: Surface Water Master Plan Land Use Application

Annotated to show deletions and additions to the plan section being modified. Deletions are ~~bold lined through~~ and additions are **bold underlined**.

1. Proposed Comprehensive Plan Amendments

The following text amendments are proposed for the West Linn Comprehensive Plan:

.....

West Linn Comprehensive Plan goal 11: Public facilities and Services should be amended to read as follows:

SECTION 3: STORM DRAINAGE

BACKGROUND AND FINDINGS

West Linn is drained by natural intermittent and flowing streams within a major system of natural canyons and drainageways that discharge to the Willamette and Tualatin Rivers. **The existing storm drainage system is a composite of natural streams with culverts under streets and a network of underground storm drain conduits in more densely developed areas.**

Much of the recent and planned new development in West Linn is located in upland areas of the City's watersheds, increasing the need for better erosion control of natural channels, reduce the level of pollutants in storm water discharge, manage flood flows, and reduce runoff to downhill areas.

In order to comply with Section 402 and 405 of the federal Clean Water Act, the City of West Linn, has been issued a National Pollutant Discharge Elimination System (NPDES) permit and has prepared a storm water quality management program. Section 303 of the Clean Water Act requires that all new developments and significant re-developments apply management practices to reduce discharges of storm water pollutants. ~~The City uses the City of Portland Stormwater Management Manual to meet water quality requirements.~~

In 1996, the City adopted the Storm Drainage Master Plan, which is a supporting document of the Comprehensive Plan. This document responds to recent and expected growth in the City and the City's commitment to natural drainageway preservation and water quality. Future effort will be needed to respond to the recent Endangered Species Act list of native upper Willamette River Chinook salmon and steelhead by the National Marine Fisheries Service. A master plan is a supporting document to the Comprehensive Plan that is updated periodically to provide a comprehensive analysis of existing system needs and identifies programmatic and capital projects to address maintenance activities, system condition deficiencies, and water quality.

No changes are proposed to any other Section of the Comprehensive Plan.

2. No Proposed CDC Chapter 85 Amendments

No text amendments are proposed for the Community Development Code Chapter 85:

.....

A storm detention and treatment plan and narrative compliance with CDC 92.010(E) must be submitted for storm drainage and flood control including profiles of proposed drainageways to the most recently adopted Storm Drainage Master Plan.



**ORDINANCE NO. 1696**

**AN ORDINANCE ADOPTING AN AMENDMENT TO COMPREHENSIVE PLAN GOAL 11, PUBLIC FACILITIES AND SERVICES AND REPEALING AND REPLACING THE STORM DRAINAGE MASTER PLAN JUNE 2019, AND ~~AMENDING CHAPTER 85 OF THE COMMUNITY DEVELOPMENT CODE.~~**

**WHEREAS**, Chapter II, Section 4, of the West Linn City Charter provides:

Powers of the City. The City shall have all powers which the Constitution, statutes and common law of the United States and of this State now or hereafter expressly or implied grant or allow the City, as fully as though this Charter specifically enumerated each of those powers; and

**WHEREAS**, the above referenced grant of power has been broadly interpreted to allow local governments to decide upon the scope of their powers in their charter so that specific statutory authorization is not required for a city to exercise its powers, LaGrande/Astoria v. PERB, 281 Or 137, 142 (1978), aff'd on reh'g 284 Or 173 (1978); and

**WHEREAS**, the City's Storm Drainage Master Plan ("SWMP") was last updated in December 19, 2006 via Resolution No. 06-42. The previous update of the Storm Drainage Master Plan was in July 8, 1996 and was completed in December 1982 and adopted in October 1983 as part of the Comprehensive Plan acknowledgment process. The original Storm Drainage Master Plan was prepared by CH2M Planners and Engineers and adopted by the City in 1967.;

**WHEREAS**, the SWMP complies with state law and addresses state requirements to periodically review and update its policies and land needs; and

**WHEREAS**, the Planning Commission (PC) held public hearings and recommended approval of the SWMP at its August 21, 2019, meeting;

**NOW, THEREFORE, THE CITY OF WEST LINN ORDAINS AS FOLLOWS:**

**SECTION 1. Adoption of Master Plan.** The June 2019 City of West Linn Storm Drainage Master Plan, attached as Exhibit A, is adopted as a supporting document to the West Linn Comprehensive Plan and the new plan governing Storm Drainage planning policy.

**SECTION 2. Amendment.** West Linn Comprehensive Plan, Goal 11, Public Facilities and Services, page PS-7 "SECTION 3: STORM DRAINAGE" "BACKGROUND AND FINDINGS" is amended to read as follows:

West Linn is drained by natural intermittent and flowing streams within a major system of natural canyons and drainageways that discharge to the Willamette and Tualatin Rivers. The existing storm drainage system is a composite of natural streams with culverts under streets and a network of underground storm drain conduits in more densely developed areas.

Much of the recent and planned new development in West Linn is located in upland areas of the City's watersheds, increasing the need for better erosion control of natural channels,

reduce the level of pollutants in storm water discharge, manage flood flows, and reduce runoff to downhill areas

In order to comply with Sections 402 and 405 of the federal Clean Water Act, the City of West Linn has been issued a National Pollutant Discharge Elimination System (NPDES) permit and has prepared a storm water quality management program. Section 303 of the Clean Water Act requires that all new developments and significant re-developments apply management practices to reduce discharges of storm water pollutants. ~~The City uses the City of Portland Stormwater Management Manual to meet water quality requirements~~

In 1996, the City adopted the Storm Drainage Master Plan, which is a supporting document of the Comprehensive Plan. This document responds to recent and expected growth in the City and the City's commitment to natural drainageway preservation and water quality. Future efforts will be needed to respond to the recent Endangered Species Act listing of native upper Willamette River Chinook salmon and steelhead by the National Marine Fisheries Service.

A master plan is a supporting document to the Comprehensive Plan that is updated periodically to provide a comprehensive analysis of existing system needs and identifies programmatic and capital projects to address maintenance activities, system condition deficiencies, and water quality.

**SECTION 3. Severability.** The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

**SECTION 4. Savings.** Notwithstanding this amendment/repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions of the ordinance were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

**SECTION 5. Codification.** Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need not be codified and the City Recorder or his/her designee is authorized to correct any cross-references and any typographical errors.

**SECTION 6. Effective Date.** This ordinance shall take effect on the 30<sup>th</sup> day after its passage.

The foregoing ordinance was first read by title only in accordance with Chapter VIII, Section 33(c) of the City Charter on the \_\_\_\_ day of \_\_\_\_\_, 2019, and duly PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
RUSSELL B. AXELROD, MAYOR

ATTEST:

\_\_\_\_\_  
KATHY MOLLUSKY, CITY RECORDER

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

DRAFT