



DRAFT Minutes of March 9, 2015
Clatsop County Wetlands Advisory Committee
800 Exchange Street, Suite 430, Astoria, OR

The meeting commenced at 3:04 p.m.

COMMITTEE MEMBERS PRESENT:

Cary Johnson	Developer/Contractor, Former Planning Commissioner, East County
Scott Lee	Board of County Commissioners, Small business
Mike Mazulli	Southwest Coastal Citizens Advisory Committee, Attorney
Tom Merrell	Planning Commission, Arch Cape resident
Jason Palmberg	Owns & develops property in Miles Crossing, Clatsop Plains, Walluski
Tess Scheller	North Coast Watershed Association Board member
Patrick Wingard	Oregon Department of Land Conservation & Development-North Coast Rep

STAFF PRESENT:

Scott Somers	County Manager
Heather Hansen	Community Development Director, Committee Staff
Jennifer Bunch	Senior Planner
Michael Summers	Public Works Director

CALL MEETING TO ORDER

Commissioner Scott Lee called the meeting to order at 3:04 p.m.

WELCOME/INTRODUCTIONS

Commissioner Scott Lee welcomed guests. The eight members of the public in attendance introduced themselves.

ROLE OF COMMITTEE

Commissioner Scott Lee described the reason the ad hoc committee was appointed. The charge of the committee is to discuss a variety of countywide wetland policy options and to develop recommendations. Once the committee's work is done, county staff will use the committee's recommendations to draft policy language that will be discussed and considered through a series of public hearings. Any potentially affected property owners will be given written notice at that time.

Commissioner Lee appointed **Patrick Wingard** as the Chair of the Wetlands Advisory Committee.

MEETING STRUCTURE, FORMAT & GROUND RULES

Chair Wingard introduced himself and asked the members to introduce themselves. He asked that the meeting guests be respectful of the time allotted for public input. He suggested using a thumbs up, thumbs down approach to weighing in when someone else is speaking. Chair Wingard will moderate the committee's discussion as well as the public input.

EXCHANGE OF IDEAS WITH PUBLIC

- County paid \$14,000 for legal counsel for the appeal for development of one residential property in Arch Cape; The wetland regulations are an attempt at a land grab; The maps are not valid – they are not delineations.
- This is at the razor's edge of private property rights and "the commons"; Some species are threatened and endangered; There is a plan for salmon and watersheds - erosion of habitat continues; December 2013 Federal Register-NOAA/EPA-lawsuit against State for not considering development; Habitat is important, including ditches.
- There are connections between wetlands, fisheries, and economics that should be considered.

CURRENT COUNTY PRACTICES

Jennifer Bunch, Senior Planner, Clatsop County, presented a PowerPoint (in file) on how the county addresses wetlands through the county's development permit process using 4 examples – Arch Cape, Clatsop Plains, Miles Crossing/Jeffers Gardens, and Knappa/Svenson.

Background: An ESEE analysis was done to establish the county's Lake & Wetland zone and adopted with the Comp Plan in 1983. The riparian areas were adopted with the Community Plans in the County's Comp Plan. So most of the data that the county uses is from 1983, with the exception of the Arch Cape Local Wetland Inventory, and any delineations that have been done.

Committee Discussion:

- The committee discussed the accuracy of the wetland mapping, the difference between delineations and determinations, the cost of delineations, whether there is a more reasonable and cost effective approach.
- Would Measure 49 come into play if properties become unbuildable?
- Need to look 10, 20, 50 years down the road
- Skipananon floods every time there are 5-inches of rain. We need to protect people from flooding and future development
- Do we need more wetland maps?
- Local Wetland Inventory didn't really change what DSL already had
- Determinations vs. Delineations: We need a procedure for disputes so delineations aren't necessary. DSL takes too long. Could be to a point where the determination is sufficient – no delineation would be necessary. Need reputable consultants. Big difference between

off-site determinations, onsite determinations, and delineations. Homeowner and county could work together. Money may be available through the watershed council to develop more accurate maps in areas that are identified as having bad wetland information. We need better data. Maybe the county could develop policies to allow for local determinations.

- Density transfer and cluster development are a good idea. We'd need to expand beyond Clatsop Plains.

Q & A SESSION WITH AUDIENCE MEMBERS

- South County wetland map is not accurate. A lot of it was done by someone standing on a road. It is hurting property owners. The county charges for copies of what is public record.
- Does 50-foot riparian setback include wetlands that are contiguous to a? *(Yes)*
- What is the difference between a Lake & Wetland and a wetland? One has a setback, the other doesn't. *(Lake & Wetland is a county land use zoning designation, just like residential or commercial. It greatly restricts the allowed uses in that zone. Except for wetlands in the Shoreland Overlay, other wetlands are regulated by the DSL and the Army Corps of Engineers and they do not have setbacks)*
- The entire Coastal Zone of Oregon LiDAR-mapped, but how far in does it go? *(Staff are not sure.)*
- Can building inspectors do wetland determinations for property owners? *(No, it is not part of the State Building Codes regulations, and inspectors are not trained to do this)*
- This is a large diverse county. At the work session in December, someone mentioned the use of Arch Cape as a model and potentially expand to the rest of the county. Can we revisit that? There's community buy-in and they'd be willing to work with the committee. *(That is one way to approach it. But we need to do this countywide. This is something to discuss further.)*
- Will this committee be considering Oregon's "No Net Loss" goal? There's an Oregon Wetland Program Plan 2011-2015. *(The state has had a "No Net Loss" wetland policy for years, but staff will look into this.)* Oregon Wetland Program Plan – stable resource base for wetlands throughout the state. What is the "stable resource base" of wetlands for Clatsop County? *(This is not part of the Statewide Planning Goals or state requirements for local governments, but staff will look into it.)*
- Are the setbacks just for buildings? Can you mow in a setback? *(Yes)*

NEXT STEPS

- Plan next meetings and some panel discussions
 - Legal re: property rights, Measure 49, takings
 - State agencies: ODFW, DSL, DLCD, DEQ
 - Meeting times: 3-5 pm works well; Going until 5:30 is ok; Mondays are great; 4th Mondays are really good

ACTION ITEMS: Follow up on questions from committee and guests.

- How much of Clatsop County was mapped with LiDar?
- “No Net Loss” and “Stable Resource Base” – check Oregon Wetland Program Plan 2011-2015.

SCHEDULE MEETINGS / NEXT MEETING DETAILS / ADJOURN

The committee discussed future meeting dates. April 27th was selected as the next meeting date and the 4th Monday of the month in general, if it will work for everyone.

NEXT MEETING: April 27th, 3:00-5:30 p.m., Boyington Building, 857 Commercial

Meeting was adjourned at 5:04 p.m.