



MEMORANDUM

RE: Proposed Wetland Overlay Amendments

September 14, 2023

Overview of Proposed Wetland Overlay Amendments

Introduction

The city recognizes the environmental value of wetlands, and the Cannon Beach Municipal Code contains wetland regulations in Chapter 17.43 Wetlands Overlay (WO) Zone to protect them. The city formed a citizen committee to review the existing regulations and determine how to improve the existing WO Zone. The committee created a draft, and the Urbsworks team was asked to review the document and make recommendations as to how it might be further improved.

Process

Step 1 - Reorganization

As a first step, the Urbsworks team recommended a reorganization of the WO Zone draft to enhance readability and clarity. A revised outline was reviewed by the committee and city staff and found to be appropriate. The draft text was then reorganized accordingly into the new WO sections without adding or deleting any text.

Step 2 – Preliminary Editing

Following the reorganization, the text was edited primarily to eliminate duplicative language and to identify potential definitions and narrative additions to strengthen the WO chapter. The deletions and additions are shown in the attached discussion draft.

Discussion Draft

The discussion draft shows the proposed reorganization, with notes (highlighted) regarding where the text originated in the committee draft or from other portions of the code. New and deleted text are also shown. The resulting reorganization and preliminary editing are summarized below with explanatory notes.

17.43.010 Purpose

The purpose statement in Section 17.43.010 of the committee draft was retained, and the regulatory portions were relocated elsewhere. The definitions were moved to a new Section 17.43.015.

17.43.015 Definitions

This is a new section.

- Recommend definitions ultimately going to 17.04 as a group of wetland definitions and eliminating this subsection.
- Definitions for wetland, wetland buffer area, and wetland delineation in the Title 17 definitions section were added here.
- New definitions proposed as noted to clarify permitted activities in 17.43.050.
- May need to modify the wetland definition per Department of State Lands.

17.43.020 Mapping

This section is relatively unchanged, but the following amendments are recommended:

- Clarify relationship between city's LWI and subsequent delineations/determinations. We think that a delineation should modify the city's LWI because it's more current and site-specific. The wording proposed by the committee (and we believe in the current CDO) isn't very clear about what happens to the official city map once better information is available.
- Clarify what's meant in Subsection E. re: protected wetlands.

17.43.030 Applicability

This is a new proposed section to clarify when these regulations apply.

17.43.040 Administration

This is a new section to clarify how WO applications will be administered and reviewed. It assumes that Article II will be revised to include a consolidated description of the four basic review procedures currently used. A recommendation from the Code Audit calls for consolidating all procedural requirements in a new Article II and Type IIV procedural categories that correspond to the city's current review procedures. For example, a Planning Commission review would be a Type III process.

17.43.050 Development and Activities Permitted

A table is proposed to simplify the narrative in Sections 17.43.030 – 17.43.045. This removes the reference to conditional use and showing most activities as requiring a Type III Planning Commission review. The following should be considered:

- Definitions for the terms highlighted.
- Determine if we have all development/activities covered and if some need to be added.
- Identify any additional types of development or activities that would be appropriate in buffer areas with a Type I or III review. In particular, minor activities in the buffer area, which will be expanded from 5 to 50 feet, may be appropriate for a Type I staff review.

17.43.060 Application Submittal Requirements

This new section is based on the site design review submittal requirements (17.44.050), and it is modified to coincide with a WO application. The stormwater submittal requirements found in subsection J. of the committee draft was moved here. The submittal requirements should be reviewed and modified as appropriate.

17.43.070 Development Standards

This section is from Section 17.43.050 of the committee draft. The list of standards is quite long, and not all standards apply to any one proposal. The Urbsworks team recommends that the standards in this section be reorganized to coincide more closely the location of a development proposal to help focus on the standards that pertain to a specific application. Such a reorganization could include:

- General standards that would apply in all or most cases regardless of location or magnitude.
- Standards for wetland lot-of-record applications.
- Standards for development and activities within wetlands. Standards for development and activities within wetland buffer areas only.
- Mitigation requirements.

Discussion: Development Standards (17.43.070)

<p>While the draft wetland amendments will be submitted for DLCD consideration by the time of the September 13th public meeting, the technical expert team is testing and refining development standards. The timing of the Joint Commission work session provides an opportunity to discuss several key issues, see below.</p>	
<p>Organization of standards</p>	<p>The proposed organization is:</p> <ul style="list-style-type: none">• General Standards• Residential/Commercial development and accessory structures• Specific standards• Mitigation
<p>General Standards – Considerations</p>	<p>Consider a general standards section similar to that proposed by the committee, which would apply to development in wetlands, wetland lots-of-record, and buffer areas. Criteria could include demonstrating the applicant has first utilized land outside of the wetland and buffer to the extent practicable, and provision of evidence of any necessary state and/or federal permits, etc.</p>
<p>Residential/Commercial development and accessory structures – Considerations</p>	<p>Distinguish between lot coverage for the entire property versus wetland/buffer because coverage in the latter matters most.</p> <p>Include numerical standards instead of terms like “minimize.”</p>

	<p>Current code amendments consider gravel to be an impervious surface, yet compacted gravel is regarded by civil engineers as impervious.</p> <p>Are piles always a better solution than fill?</p> <p>Combine sections (B. - D.) based on impact.</p> <p>Note: The stormwater management portion (subsection J.) mixes submittal requirements and standards, and the proposed draft moves the submittal provisions to 17.43.060.</p>
<p>Specific standards – Consider standards and organization based on impact</p>	<p>In the draft code provided in this packet, wetlands and the 50’ buffer are restricted the same way. Consider that, while the buffers logically need to have restrictions to protect the adjoining wetland, restrictions for the buffer area might be more relaxed compared to those for the wetlands.</p> <p>Consider allowances for the different development activities by wetland, wetland lot-of-record, and buffer area with the wetland requirements being the most stringent, lot-of-record allowing only a house (for example), and buffer being more permissive. As a result the development standards chapter would be organized based on a hierarchy of standards based on impact.</p>
<p>Mitigation – Considerations</p>	<p>Consider standards that provide for mitigation as a way to handle development.</p> <p>Consider LIDA techniques (Low Impact Development Approaches).</p>