

**Robert St. Clair**

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**From:** dave pietka <dpietka@msn.com>  
**Sent:** Friday, October 6, 2023 9:55 AM  
**To:** Planning Group  
**Subject:** Wetland lot of record comment

Dear Planning Commission and City Council: Page 4 of the draft reorganization of chapter 17.43, states that only one structure will be allowed on a wetland lot of record with a type 3 procedure. Please note that the wetland area is protected by the delineation and the buffer, and no further restriction is needed regarding the number of structures. Also, there is a substantial difference between the impact on a 5000 SF site and a 10 acre site with only a small area of wetland land and buffer on either. As written a 10 acre site with 9 acres of upland could be restricted to one house—why? This defies logic. The goal is to protect wetland and nothing is gained by restricting the number of structures.

The foot path definition needs to be clearly stated that it is addressing public access bike and foot paths, otherwise staff could inappropriately apply this to private walkways between a garage and a house.

Please also note the conflict in the draft regarding the FAR limit being based on only the upland portion of a site. As written a 10,000 SF wetland lot of record with 1000 SF of upland could be restricted to .6 times 1000 SF or 600 SF, which is essentially a 100% taking. The FAR limit should be based on the underlying zoning code. The restriction suggested may also be in conflict with page 19 item B regarding “reasonable Use...” the overall goal should be to protect the wetland, any restriction that goes beyond that goal should be eliminated from the draft.

On page 9 of the draft it says that home SHALL be built on piles, with no evidence that piles will be required to protect the wetlands. Each circumstance should be viewed individually regarding whether piling are required. The word SHALL should be replaced with MAY or this issue should be left up to wetland professionals.

I would add a section that says “ any limitation on development resulting from implementation of the code as written, can be overridden by evidence provided by property owner that proposed action will not detrimentally impact the wetland portion of a site.” The goal should be only to protect the wetlands using science as a bases, and so long as it can be demonstrated that this goal can be achieve, human activity should be allowed on a site subject to zoning code. This statement is aligned with the 17.43.010 purpose statement that says the goal is to Protect wetland areas. The city is attempting to protect the wetlands in a complex manner presented in 20 pages of restrictions. If the goal can be achieved by mitigation or proof that wetlands are not impacted, normal zoning restrictions should apply.

Thanks,

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