



MEMORANDUM

TO: Planning Commission
FROM: Stacy Clauson, Planner
DATE: August 24, 2012
RE: Comprehensive Plan Update, Phase II – Public Comment

Attached are public comments received between August 8th (the day after the deadline for written comments to be included in the Staff Report) and August 24, 2012 at 9:00 am (deadline for written comment).

Attachments:

1. Additional Public Comments

Public Comments

Attachment #	Last Name	First Name	Street Address	City	State	Zip Code	Maplot	Summary of Comment	Staff Response
239	Balderston	Steve & Linda	1720 W 15th Ave	Junction City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.
240	Crum	Gary	25534 Hall Rd	Junction City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.
241	Hughes	Jody	1200 Quince Dr	Junction City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.
242	Wallace	Chuck						Opposition to Wetland Regulations. Claim they did not receive notification.	see document: post notification letter with property owner names
243	Hanavan	Lou & GM						Opposition to Wetland Regulations (included letter they wrote to DeFazio)	Planning Commission and City Council policy decision on how to protect wetlands.
244	Loveall	Edith	1315 Oak Dr	Junction City	OR	97448		Requested Additional Information	
245	Loveall	Edith	1315 Oak Dr	Junction City	OR	97448		2nd Requested Additional Information	
246	Devorak	Jon	120 Timothy St	Junction City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.
247	Lyons	Eric	1275 Nyssa St	Junction City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.
248	Loveall	Edith	1315 Oak Dr	Junction City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.
249	Wallace	Charles & Helen	1120 Quince Dr	Junction City	OR	97448		Opposition to Wetland Regulations. Individual letters addressed to PC, Councilors & Mayor	Planning Commission and City Council policy decision on how to protect wetlands.
250	Loveall	Edith	1315 Oak Dr	Junction City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.
251	Allgood	Claudia & Don	1160 Quince Dr	Junction City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.
252	Crum	Gary	25534 Hall Rd	Junction City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.
253	Crum	Gary	25534 Hall Rd	Junction City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.
254	Kling	Kathy	24039 Hewett Rd	Monroe	OR	97456		Request to clear ditch at 18th Ave	
255	Klingensmith	Nick	375 W 4th Ave., #204	Eugene	OR	97401		Raised concerns regarding a particular area designated as a locally significant wetland	Information provided
256	Wilde	Clarke 'Corky'	1180 Quince St	Junciton City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.
257	Glasser	Cheryl	770 Spruce St	Junction City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.
258	Puderbaugh	Carol	875 Alder St	Junction City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.
259	Nelson	Annie	781 W 9th Ave	Junction City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.
260	Nelson	John	781 W 9th Ave	Junction City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.

Public Comments

Attachment #	Last Name	First Name	Street Address	City	State	Zip Code	Maplot	Summary of Comment	Staff Response
261	Hemmele	Jessie	930 Brenda Ave	Junction City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.
262	Sherman	Sandy	954 Spruce St	Junction City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.
263	Bonner	Erica	1467 W 12th Ave	Junction City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.
264	Kathy	Oleson	24885 Lawrence Rd	Junction City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.
265	Shelly	Dickson	1377 Spring Crt	Junction City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.
266	Gloria	Grant	971 Nyssa St	Junction City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.
267	Margaret	Potterf	1176 Unity Dr	Junction City	OR	97448		Opposition to Wetland Regulations	Planning Commission and City Council policy decision on how to protect wetlands.

RE: wetlands overlay

CLAUSON Stacy A

Sent: Tuesday, August 14, 2012 8:36 AM**To:** Chuck Wallace [chukzon@comcast.net]**Cc:** sumner246@yahoo.com; WATSON KEVIN (LCOG List)

Thank you for your e-mail and chance to clarify. We do know the location of the channel on your property, but determining the precise edge of that feature is something that takes more in-depth site specific review, because of its mixture of soils, water, and vegetation. Since we only want to apply the standards to the wetland itself, that is why we need to know where the precise edge is. This would only apply if you are proposing a development of some sort, such as an addition, because otherwise the proposed standards allow you to continue to use and maintain what you already have (so determining the precise edge of the feature would make no difference).

If you were proposing a development, such as an addition, and it is within the overlay area, we look to see how close you are to the channel. Working with the State's Department of State Lands, we would see if a wetland determination - meaning that the Department of State Lands is comfortable with the proposal moving forward without additional review - could be completed. In some cases, the Department of State Lands will not be, and will require the applicant to hire a wetland scientist to determine the exact edge of the wetland feature and demonstrate that the proposal is located outside of the wetland. Please note that this step in the process would apply whether or not the City adopts local standards.

Thanks again,

Stacy

From: Chuck Wallace [chukzon@comcast.net]
Sent: Monday, August 13, 2012 6:13 PM
To: CLAUSON Stacy A
Cc: sumner246@yahoo.com; WATSON KEVIN (LCOG List)
Subject: Re: wetlands overlay

Thank you for your prompt response, but the content of your latest e-mail has created more concern for me. You stated in your latest e-mail that the overlay may be wider than the current easement and you don't know the exact location of the wetlands on my property. How in the world can you create this overlay if you don't know where the wetlands are???

Since the "intent of the overlay is to trigger the local review process to see if more review is needed"; when can I expect this review to be conducted and by whom? I would like to be notified so I may observe the review process.

The latest link you provided was very informative; thank you

----- Original Message -----

From: CLAUSON Stacy A
To: 'Chuck Wallace'
Cc: WATSON KEVIN (LCOG List) ; sumner246@yahoo.com
Sent: Monday, August 13, 2012 12:18 PM
Subject: RE: wetlands overlay

Please note that I sent the incorrect link before. Please see this flyer for more information on wetlands:
http://www.junctioncityor.govoffice3.com/vertical/Sites/%7BE865F063-52B6-4191-89A3-FB88287BBED%7D/uploads/Wetland_FAQ.pdf

Thank you,

From: CLAUSON Stacy A
Sent: Monday, August 13, 2012 11:40 AM
To: 'Chuck Wallace'
Cc: WATSON KEVIN (LCOG List); sumner246@yahoo.com
Subject: RE: wetlands overlay

Dear Mr. Wallace,

The overlay district may in fact be wider than the current easement. This is because we do not know the exact location of the wetland on your property, so we have drawn the overlay a little larger than the channel boundaries. The intent is that the overlay triggers the local review process to see if more review is needed – basically, it serves as a heads-up for you and the City that if you are proposing work in the overlay we need to think about wetlands. If the area where work is proposed to occur is outside of jurisdictional wetlands, it would not be subject to the standards established in the ordinance. Also, please be aware that the ordinance has broad allowances for you to maintain and replace existing improvements. Thanks again,

Stacy Clauson
Assistant Planner
Lane Council of Governments
859 Willamette Street, Suite 500
Eugene, OR 97401
541-682-3177
Fax: 541-682-4099
sclauson@lcog.org
<http://www.lcog.org>

From: Chuck Wallace [<mailto:chukzon@comcast.net>]
Sent: Monday, August 13, 2012 10:50 AM
To: CLAUSON Stacy A
Cc: WATSON KEVIN (LCOG List); sumner246@yahoo.com
Subject: Re: wetlands overlay

Thank you for addressing my concerns.

I have one more concern and that is how does the overlay compare to the current easement on my property; I have heard it is 20 feet and 50 to 60 feet. These distances could put the wetlands into my in-ground pool and into my neighbors bedroom and that causes me great concern.

Thank you in advance for your answer.

Chuck Wallace
1120 Quince Dr
Junction City

|----- Original Message -----
| **From:** [CLAUSON Stacy A](mailto:sclauson@lcog.org)

To: 'chukzon@comcast.net'
Cc: WATSON KEVIN (LCOG List) ; 'Jack Sumner (sumner246@yahoo.com)'
Sent: Monday, August 13, 2012 10:25 AM
Subject: RE: wetlands overlay

Dear Mr. Wallace,

Thank you for your e-mail. Councilor Sumner has forwarded this to me to see if I can address some of your questions. Under the State and National system of classifying wetlands, wetlands are considered as "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." The process of classifying wetlands is a science-driven process which focuses on three key issues: soils, vegetation, and water. So, while something may look like a ditch, it could actually be a wetland, even if it dries up during certain months of the year. Scientists specializing in wetlands representing both the City and the State have been involved in the local inventory and have determined which areas in the City are wetlands or possible wetlands and are locally significant. The wetland inventory has been approved by the Department of State Lands and is now recognized as the official inventory of the City.

Wetlands provide many functions in a community, but the most obvious and perhaps most critical to Junction City is their flood water storage capacity to prevent and minimize flooding. That is why under the draft proposal, the maintenance of these channels for drainage is expressly permitted. The City will continue to maintain the same drainage ways as it has in the past.

Again, thank you for your e-mail and please contact me if you have additional questions. The following is a link to a flyer that helps address some of these same questions.

http://www.oregonstatelands.us/dsl/WETLAND/docs/fact2_2004.pdf

Stacy Clauson
Assistant Planner
Lane Council of Governments
859 Willamette Street, Suite 500
Eugene, OR 97401
541-682-3177
Fax: 541-682-4099
sclauson@lcog.org
<http://www.lcog.org>

From: Jack Sumner [mailto:sumner5_5@msn.com]
Sent: Sunday, August 12, 2012 7:46 PM
To: Stacie Lauson
Subject: wetlands overlay

Stacey,
Could you get some thing to help me explain this to Mr. Wallace??

Tanks,

Jack

From: chukzon@comcast.net
To: Jack Sumner
Subject: wetlands overlay
Date: Sun, 12 Aug 2012 17:37:08 -0700

I don't know if you're available to relate why the city needs to have wetlands, but I have some questions about what happens if this wetlands overlay is approved (and if you are not at liberty to discuss these items, just let me know).

The Central Canal runs through the back of my property and the city has a 25 foot easement for flood controls. I can agree with the need for this (and other) canals within the city, but don't understand why they are being considered as wetlands. This canal has water in it 8 months out of the year.....but the other 4 months it is dry as a bone; so dry there are open cracks in the soil. How can this be designated wetlands?????

Currently the city Public Works department mows and sprays herbicides to keep weed growth to a minimum within all the canals within the city. Without this effort by the Public Works department, water transport through the city would be greatly deterred.

By designating these as wetlands, it will be encouraging the growth of habitat and vegetation within the canals.

Any help you can give me will be greatly appreciated

Chuck Wallace

Tere Andrews

From: Kristen Karle [kkarle@svdp.us]
Sent: Monday, August 13, 2012 12:00 PM
To: CLAUSON Stacy A; 'JC Planning'
Cc: WATSON KEVIN (LCOG List)
Subject: RE: SVDP Zoning change

Stacy,

Thanks for the zoning clarification and for the wetlands info. This is very helpful.

I will let you know if I have more questions after my team and I review the wetlands info.

Thanks,
kristen

Kristen Karle
St. Vincent de Paul Society of Lane County, Inc.
PO Box 24608
Eugene, OR 97402
P: 541.743.7152
F: 541.683.9423

From: CLAUSON Stacy A [mailto:SCLAUSON@Lcog.org]
Sent: Monday, August 13, 2012 11:53 AM
To: 'Kristen Karle'; 'JC Planning'
Cc: WATSON KEVIN (LCOG List)
Subject: RE: SVDP Zoning change

Dear Kristen,

I apologize for not responding to your request for information. The zoning for the property is not proposed to change. The property is currently zoned R3, and is considered as Medium Density Residential in the City's Comprehensive Plan Map. The City right now only has 2 residential designations in the Comprehensive Plan, low and medium. The City wishes to create 3 designations: low, medium and high. Therefore, properties that are currently medium are being changed to fall into the high density designation. However, the zoning, which implements the Comprehensive Plan, would not change.

The property is proposed to be subject to new local wetland regulations. This is an information sheet on the wetlands: http://www.oregonstatelands.us/dsl/WETLAND/docs/fact2_2004.pdf

If SVDP were to submit an application to develop the property, we would need you to submit a wetland delineation. The wetland, as delineated, would be subject to new proposed local regulations, which are contained here: [http://www.junctioncityor.govoffice3.com/vertical/Sites/%7BE865F063-52B6-4191-89A3-FB88287BBBED%7D/uploads/JMC_17.60 - Draft wetland regulations.pdf](http://www.junctioncityor.govoffice3.com/vertical/Sites/%7BE865F063-52B6-4191-89A3-FB88287BBBED%7D/uploads/JMC_17.60_-_Draft_wetland_regulations.pdf)

Please let me know if you have any questions. Thank you!

From: Kristen Karle [mailto:kkarle@svdp.us]
Sent: Monday, August 13, 2012 11:34 AM
To: 'JC Planning'
Subject: FW: SVDP Zoning change

Hi Stacy,

I am resending this again as I am hoping to understand the implications for the property we own # 15-04-31-44 tax lot 1600. I understand JC is proposing that this be increase to high density and I'd like to find out what the minimum density requirements are prior to the deadline for public comment.

I called Tere Andrews today and she was unable to help. I will call you tomorrow as well as I think this week is the public comment deadline.

thanks,
kristen

Kristen Karle
St. Vincent de Paul Society of Lane County, Inc.
PO Box 24608
Eugene, OR 97402
P: 541.743.7152
F: 541.683.9423

From: Kristen Karle [mailto:kkarle@svdp.us]
Sent: Thursday, August 02, 2012 11:04 AM
To: 'tandrews@ci.junction-city.or.us'
Subject: FW: SVDP Zoning change

Hi Tere,

I sent this to Stacy, but as her response back said to contact you with zoning questions, thought I should send to you too?

Thanks,
kristen

Kristen Karle
St. Vincent de Paul Society of Lane County, Inc.
PO Box 24608
Eugene, OR 97402
P: 541.743.7152
F: 541.683.9423

From: Kristen Karle [mailto:kkarle@svdp.us]
Sent: Thursday, August 02, 2012 10:58 AM
To: 'JC Planning'
Subject: SVDP Zoning change

Hi Stacy,

I've been meaning to email and update you that our application for funding did not get approved this round. Very disappointing. We are meeting with Oregon Housing (the funder) to get feedback on the reasons why and how to strengthen our next application.

Also, I received notice that our parcel is included in the proposal for upzoning. I am wondering if we can chat about what the min/max densities would be required for our site. As a reminder our site is on 1st Ave and Oak Streets, Map # 15-04-31-44 tax lot 1600.

Hope you are having a good summer! Thank you!

Kristen

Kristen Karle

St. Vincent de Paul Society of Lane County, Inc.

PO Box 24608

Eugene, OR 97402

P: 541.743.7152

F: 541.683.9423

FW: Junction City's code

Moore, Ed W [ed.w.moore@state.or.us]

Sent: Wednesday, August 08, 2012 11:33 AM
To: CLAUSON Stacy A
Cc: PUNTON Amanda (OR); MOORE ED (LCOG List)
Attachments: Junction City_001-12_PR_we~1.pdf (502 KB)

Stacy, see e-mail from Amanda Punton below and attachment.

Ed

Ed Moore, AICP | Regional Representative
Community Services Division | Dept. Land Conservation and Development
South Valley Regional Solution Center
University of Oregon, Thompson University Center
720 E. 13th Ave. Suite 304, Eugene, OR 97401-3753
Voice: 971.239.9453 | Skype: ed.moore.dlcd
ed.w.moore@state.or.us | www.oregon.gov/LCD/

"What we count and measure reflects our values as a society and determines what makes it into the policy agendas of governments. They can tell us whether we are better off than we used to be, whether we are leaving the world a better place for our children, and what we need to change." GPI Atlantic

From: edwinmoore@comcast.net [edwinmoore@comcast.net]
Sent: Friday, August 03, 2012 15:37
To: Moore, Ed W
Subject: Fwd: Junction City's code

From: "Amanda Punton" <amanda.punton@state.or.us>
To: "Ed Moore" <edwinmoore@comcast.net>
Sent: Thursday, August 2, 2012 7:58:51 PM
Subject: Junction City's code

Ed,

I was not able to get back to this and I gotta go. Please forward this onto Stacy and tell her that I think it is looking good. I intend my comments to be constructive. As yet I do not see any problems with regards to it being consistent with the rule.

Thanks,
Amanda

Amanda Punton | Natural Resource Specialist
Community Services Division | Oregon Coastal Management Program
Oregon Dept. of Land Conservation and Development
800 NE Oregon, #18 | Portland, OR 97232
Office: (971) 673-0961 | Fax: (971) 673-0911
amanda.punton@state.or.us | www.oregon.gov/LCD/

Chapter 17.60

Wetland Resources Overlay District (WRD)

17.60.010. **Purpose.** The purposes of establishing wetland protection areas are:

- A. To implement the goals and policies of the Junction City Comprehensive Plan;
- B. To satisfy the requirements of Statewide Planning Goal 5;
- C. To protect Junction City's wetland areas, thereby protecting the hydrologic and ecologic functions these areas provide for the community;
- D. To protect water quality and natural hydrology, to control erosion and sedimentation, and to reduce the adverse effects of flooding;
- E. To protect fish and wildlife habitat;
- F. To protect the amenity values and educational opportunities of Junction City's wetlands as community assets;
- G. To improve and promote coordination among local, state, and federal agencies regarding development activities near wetlands.

17.60.020. **Intent.** The Wetland Overlay District (WRD) is intended to conserve locally protected wetlands and Department of State Lands (DSL) approved wetland mitigation sites, consistent with the 2012 Economic, Social, Environmental, and Energy (ESEE) Analysis and the Goal 5 Administrative Rule (OAR Chapter 660, Division 23), while ensuring an economically feasible and beneficial use of property. The City will rely on the DSL to ensure adequate mitigation for development on wetlands lying outside this district.

17.60.030. **Definitions.** For purposes of this Chapter, the following words and phrases shall have the meaning ascribed to them herein:

- A. **ESEE Analysis** – Analysis required of local governments in developing a program to achieve Goal 5 for all significant resource sites. "ESEE consequences" are the positive and negative economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use.
- B. **Feasible.** An action, such as a development project, mitigation, or preservation requirement, that meets all of the following conditions:
 - 1. Can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests that have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
 - 2. Provides a reasonable likelihood of achieving its intended purpose; and
 - 3. Does not physically preclude achieving the project's primary intended legal use or reduce the development potential on the property.

Summary of Comments on DLCD wetlands commented code 08082012.pdf

Page: 1

 Number: 1 Author: puntona Subject: Highlight Date: 8/1/2012 1:19:52 PM

In determining an action's feasibility, the City may weigh the action's relative costs and public benefits, considered in the short- and long-term time frames.

- C. **Jurisdictional Delineation** - A current delineation approved by the Oregon Division of State Lands, and the U.S. Army Corps of Engineers if required, of the wetland boundary. Delineation is a precise map and documentation of actual wetland boundaries on a parcel, whereas a local wetland inventory boundary may only be a rough map with an accuracy target of 5 meters (approximately 16.5 feet).
- D. **Jurisdictional Determination** - Per 141- 90 Oregon Administrative Rules, a written decision by the Department of State Lands that waters of the state subject to regulation and authorization requirements of OAR 141-085, 141-089, 141-0100 and 141-0102 are present or not present on a land parcel. The Jurisdictional Determination may include a determination of the geographic boundaries of the area subject to state jurisdiction. A Jurisdictional Determination may, but does not necessarily, include a determination that a particular activity in a water of this state is subject to authorization requirements.
- E. **Jurisdictional Wetland** - Wetlands regulated by the U.S. Environmental Protection Agency, the Army Corps of Engineers, and the Oregon Department of State Lands. This includes all wetlands on the City of Junction City Local Wetland Inventory map. Activities that may affect these wetlands are subject to agency review and may be restricted or require permits before work may be done.
- F. **Locally significant wetland** - Wetlands that meet significance criteria set forth in OAR 141-086-0350. Locally Significant Wetlands are identified on the City of Junction City Local Wetland Inventory. Locally Significant Wetlands also constitute the Wetland Protection Area (unless otherwise indicated in this Chapter).
- G. **Local Wetlands Inventory (LWI)** – Maps and report entitled LOCAL WETLAND INVENTORY REPORT FOR JUNCTION CITY, OREGON as adopted as Appendix IV of the Comprehensive Plan and any subsequent revisions as approved by the Oregon Division of State Lands.
- H. **Oregon Freshwater Wetland Assessment Methodology (OFWAM)** - A wetland function and quality assessment methodology developed by the Oregon Division of State Lands.
- I. **Other Potentially Jurisdictional Wetlands** – All jurisdictional wetlands, mapped or not, are the jurisdiction of DSL. All wetlands are “potentially jurisdictional wetlands.” Wetlands on the Local Wetland Inventory map which are not identified as Locally Significant are considered “Probable Wetlands.”

¹ These wetlands are not subject to City of Junction City wetland protection area standards, but, like all wetland areas, are subject to DSL notice/review and potentially subject to DSL permitting.

- J. **Probable Wetlands (PW)**- An area noted during the course of LWI field work that appears to meet, or does meet, wetland criteria but is small or of undetermined size, and is mapped as a point rather than a polygon on the LWI maps.
- K. **Wetland** - An area inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
- L. **Wetland protection area** - An area subject to the ²provisions of ~~16-2~~¹⁶⁻² chapter that ¹is constituted by wetlands determined to be locally significant as shown on the Local Wetland Inventory. The wetland protection area extends 20 feet from the mapped LWI boundary unless an onsite or off site determination or wetland delineation allows for a more refined estimation of the wetland boundary (See 17.60.050 and 17.60.080)

17.60.040. Determination of Locally Significant Wetlands and Locally Protected Wetlands. A determination of locally significant wetlands has been made by the City of Junction City in accordance with rules adopted by Division of State Lands (OAR 141-086-3000), and are identified on the LOCAL WETLAND INVENTORY REPORT FOR JUNCTION CITY, OREGON. In addition, a determination of local protection has been made by Junction City in accordance with rules adopted under OAR 660-023-0040(5) and 660-023-0050(1), and wetlands subject to local protection are identified on the City of Junction City's ESEE Analysis as adopted as Appendix IV of the Comprehensive Plan.

17.60.050. Wetland Protection Areas, Applicability. The provisions of this Chapter shall be applied to proposed development located within 20 feet ¹⁸of a locally significant wetland identified for local protection in the City of Junction City's ESEE Analysis, The provisions also apply to Department of State Lands (DSL) approved wetland mitigation sites. The provisions shall apply regardless of whether or not a building permit, development permit, or plan authorization is required. The provisions do not provide any exemption from state or federal regulations. Development impacts and mitigation within jurisdictional wetlands that are not protected by this district shall be reviewed and approved by DSL. These provisions shall not apply to properties that have been designated as within the WRD in error, provided that the claims of map error are verified by DSL.

17.60.060. Relationship to Other Regulations.

- A. These regulations shall apply as an overlay and in addition to zoning and other regulations adopted by the City of Junction City.

T	Number: 1	Author: puntona	Subject: Highlight	Date: 8/1/2012 1:21:24 PM
S	Number: 2	Author: puntona	Subject: Sticky Note	Date: 8/14/2012 2:22:02 PM
	Should the qualifier "identified for protection in the ESEE" be added here?			
T	Number: 3	Author: TRogers	Subject: Highlight	Date: 8/14/2012 2:21:45 PM
T	Number: 4	Author: TRogers	Subject: Highlight	Date: 8/14/2012 2:21:47 PM
T	Number: 5	Author: TRogers	Subject: Highlight	Date: 8/14/2012 2:21:47 PM
T	Number: 6	Author: TRogers	Subject: Highlight	Date: 8/14/2012 2:21:46 PM
T	Number: 7	Author: puntona	Subject: Highlight	Date: 8/1/2012 1:25:57 PM
T	Number: 8	Author: puntona	Subject: Highlight	Date: 8/1/2012 1:26:15 PM

- B. Compliance with the provisions of this Chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required (for example, Department of State Lands Wetland Fill Permits or U.S. Army Corps of Engineers Section 404 permits). The applicant is responsible for complying with these requirements, apart from the process established in this Chapter.

17.60.070. Administrative Procedures.

- A. The administrative procedures followed during the wetland review process shall conform to the standards and requirements of the City of Junction City as contained in Junction City Municipal Code Chapter 17.150. This shall include, but not be limited to, timing, appeals, and fees associated with applications covered by this Chapter.

17.60.080. Application. Applications for development within, or partially within, the WRD shall be filed with City Hall on a form prescribed by the City Administrator. The application shall include:

- A. Fee(s) set forth in the City's fee schedule.
- B. A wetland delineation approved by the Oregon Division of State Lands, or, alternatively, an onsite or offsite determination, conducted or confirmed by Oregon Division of State Lands, that concludes the proposed activities will occur outside the jurisdictional wetland.
- C. A scale drawing that clearly depicts any LWI map wetland boundary within the subject parcel (or any wetland within 20 feet of the development on an adjacent parcel), property boundaries, and proposed site alterations including proposed excavation, fill, structures, and paved areas. If a wetland delineation has been completed, the drawing shall be based upon a professional survey, depicting the wetland boundary on a map of the surrounding area which shows the wetland, as set forth under Section 17.60.100 below.
- D. A written statement responding to the criteria established in 17.60.150.

17.60.090. Designation Criteria. Land and water areas designated within this overlay district include:

- A. Locally significant wetlands that have been identified for local protection consistent with the 2012 ESEE Analysis, together with a 20-foot buffer around the identified wetland to account for margins of error during the inventory process. The development standards contained in Sections 17.60.120 through 180 shall only apply to lands within the wetland boundary as identified by a jurisdictional delineation.
- B. Wetland mitigation sites approved by DSL.

17.60.0100. Survey Requirements. A site-specific topographical survey, prepared by a licensed surveyor, shall be submitted with any development application affecting land within the WRD. This survey shall show two-foot contour lines for the area within this special district, and the following:

-
- Number: 1 Author: puntona Subject: Highlight Date: 8/1/2012 1:35:17 PM
-
- Number: 2 Author: puntona Subject: Sticky Note Date: 8/2/2012 8:27:48 AM
Is this part of the application or a step prior?
-
- Number: 3 Author: puntona Subject: Highlight Date: 8/2/2012 8:27:03 AM
-
- Number: 4 Author: puntona Subject: Sticky Note Date: 8/2/2012 8:35:47 AM
This is not quite accurate. If there is no delineation they apply in the 20 foot uncertainty area as well. I'm not sure if this clarification makes a difference at this point. If an applicant has gotten this far, maybe a delineation is required.
-
- Number: 5 Author: puntona Subject: Highlight Date: 8/2/2012 8:28:47 AM
-
- Number: 6 Author: puntona Subject: Sticky Note Date: 8/2/2012 8:35:32 AM
are these existing sites or sites that will be approved in the future? I am wondering if a plan amendment would be needed to add them, but I think not since they are described seperately from the LWI.
-
- Number: 7 Author: puntona Subject: Sticky Note Date: 8/2/2012 9:00:35 AM
Does this requirement parallel a DSL requirement? It will cost a chunk money so make sure it is needed for al cases. For example consider vegetarian removal with no fill or structures.
-
- Number: 8 Author: puntona Subject: Highlight Date: 8/2/2012 8:57:50 AM
-
- Number: 9 Author: puntona Subject: Highlight Date: 8/2/2012 8:58:10 AM
-
- Number: 10 Author: puntona Subject: Highlight Date: 8/2/2012 8:48:50 AM
-
- Number: 11 Author: puntona Subject: Sticky Note Date: 8/2/2012 8:57:35 AM
At this point we can assume a delineation has been done so the WRD is the same as the wetland locally significant wetland - no extra 20'. (Is there any possibility of a development application permit being requested in a DSL mitigation site?)

A. ³ Delineations of any jurisdictional wetlands on the site.



B. Approved or proposed DSL wetland mitigation sites.

Stopped here. 8/2/12 ⁴

17.60.0110. Exempt Uses and Activities within Wetland Protection Areas. The following developments, activities, and associated uses shall be exempt from the provisions of this Chapter, except for Notification provisions contained in Section 17.60.190, provided that they are otherwise consistent with the provisions of other local, state, and federal laws and requirements:

- A. Temporary emergency procedures necessary for the immediate safety or protection of life or property, including removing hazardous trees and bank stabilization. For trees that pose a hazard due to threat of falling, the tree should be left in the wetland protection area after felling, if possible.
- B. Removal of refuse or any fill that is in violation of local, state, or federal regulation.
- C. Implementation of erosion and sedimentation control measures or flood control measures, such as maintenance dredging, bank protection measures that utilize bio-engineering methods, and other similar measures approved by the City of Junction City and any other applicable local, state or federal regulatory agency.
- D. Maintenance of existing:
 - 1) structures, 2) impervious surfaces, and 3) landscaped areas. This subsection includes, but is not limited to:
 - 1. On-going maintenance of pre-existing landscaped areas, including perimeter mowing, as long as there is no excavation, filling or reduction of the wetland and best management practices are followed. Use of integrated pest management methods is recommended, as is the use of mechanical means (e.g. hand pulling) for removal or control of nuisance plants. Use of federally approved herbicide technology for use in or near open water is permitted. Herbicide applications should follow the label instructions, especially with cautions against use in or near open water.
 - 2. Operation, maintenance, or repair of existing development, such as repair and use of existing buildings, roads, paths, utilities, bridges, railroads, culverts, fences, flood control structures, drainageways or facilities, detention facilities, water quality facilities, and other similar structures and impervious surfaces, provided that the activity does not further alter or increase the impact to, or encroach further within the wetland.
 - 3. Maintenance of existing drainage ways, ditches, or other similar structures shall be designed to maintain flow at original design capacity and mitigate upstream flooding, avoid sedimentation, and ensure that any spoils are placed in uplands.
- E. Replacement of a permanent legal nonconforming structure in existence at the date of adoption of this Chapter with a structure on the same building footprint, if

-
-  Number: 1 Author: puntona Subject: Sticky Note Date: 8/2/2012 9:05:36 AM
If the site is big delineating and surveying a jurisdictional wetland some distance away from the proposed development may add cost for the applicant without a clear benefit.
-
-  Number: 2 Author: puntona Subject: Highlight Date: 8/2/2012 9:04:08 AM
-
-  Number: 3 Author: puntona Subject: Highlight Date: 8/2/2012 9:03:53 AM
-
-  Number: 4 Author: puntona Subject: Text Box Date: 8/2/2012 7:55:29 PM
Stopped here. 8/2/12

Tere Andrews

From: CLAUSON Stacy A [SCLAUSON@Lcog.org]
Sent: Wednesday, August 15, 2012 11:15 AM
To: Tere Andrews
Subject: FW: Wetland Resources Overlay District

From: CLAUSON Stacy A
Sent: Thursday, August 09, 2012 4:33 PM
To: 'themu9@gmail.com'
Subject: FW: Wetland Resources Overlay District

Dear Greg,

Thank you for your e-mail. Please see below.

From: Tere Andrews [<mailto:tandrews@ci.junction-city.or.us>]
Sent: Thursday, August 09, 2012 8:29 AM
To: CLAUSON Stacy A
Subject: FW: Wetland Resources Overlay District

I was going to let Greg know you would be responding to this. Ok?

Regards,

Tere Andrews

Administrative Assistant
City of Junction City
www.junctioncityoregon.gov
541.998.4763 (ph)
541.998.3140 (fax)

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From: themu9@gmail.com [<mailto:themu9@gmail.com>] **On Behalf Of** Greg Swenson
Sent: Wednesday, August 08, 2012 4:47 PM
To: jcplanning@ci.junction-city.or-us; Tere Andrews
Subject: Fwd: Wetland Resources Overlay District

Hello Tere, can you please provide clarification as per my comments and questions below?

Thank you,
Greg Swenson

----- Forwarded message -----

From: Greg Swenson <gswenson@swca.com>
Date: Fri, Aug 3, 2012 at 7:16 PM

Subject: Wetland Resources Overlay District

To: jcplanning@ci.junction-city.or.us

Hello, I read through the Junction City draft WRD ordinance and have a couple of questions.

1. At 17.60.080 it appears that development within the 20-ft. buffer area adjacent to a locally significant wetland would trigger the City's review. Assuming that an impacted buffer area is an upland and not under the jurisdiction of the state or feds, what is the purpose of the City's review? I don't see any ordinances that pertain specifically to the buffer itself—is there some mechanism for requiring buffer mitigation for these impacts (again, if the buffer is an upland)? *The intent of the 20-foot area outside of the locally significant wetlands is to trigger the local review process. Since the local wetland inventory does not show the precise location of the jurisdictional wetlands (in many cases, there is no wetland delineation completed) the 20-foot area would trigger review to see if a wetland determination or wetland delineation is needed. If the area where work is proposed to occur is outside of jurisdictional wetlands, it would not be subject to the standards established in the ordinance.*

2. At 17.60.0160 the Local Mitigation Standard appears to cover only wetlands that don't have a state or federal mitigation requirement. Under these circumstances, a mitigation plan is submitted only to the City. At 17.60.0160(C) a 1:1 mitigation ratio is prescribed and that ratio may be lowered if the “wetland is enhanced or restored...” At 14.60.0160(D)(d) the table allows a smaller ratio for “enhancing” a *Degraded Quality* wetland to *Marginal Quality* but there is no mention of lowering the ratio by “restoring” *Marginal Quality* to *Good Quality*. Am I reading this correctly? Also, the terminology is a little challenging in that the term “restore” represents the lowest possible ratio by state standards (i.e., 1:1). “Restore” at the state and federal level also means to bring wetland hydrology back to a former wetland (upland) that has been drained or filled. To me the table seems to be describing different degrees of enhancement given that the mechanism for receiving City-based credit is vegetation management in an existing wetland. *The intent was to allow a reduction in the mitigation ratio for changes that would result in significant increases in the functions and values of the wetlands. The intent would not be to limit restoration activities to vegetation management. I am not sure if this answers your questions. Please let me know if you have any additional questions.*

Any clarification would be appreciated.

Thanks,

Greg Swenson, PWS

Wetland Scientist

SWCA Environmental Consultants

1220 SW Morrison Street, Suite 700

Portland, OR 97205-2235

phone [\(503\) 224-0333 ext. 6339](tel:(503)224-0333)

fax [\(503\) 224-1851](tel:(503)224-1851)

www.swca.com

Eldon J. Letsom
33127 E. Saginaw Road
Cottage Gove, OR 97424
Phone: (541) 767-0174

August 14, 2012

Junction City Council
and Junction City Planning Commission
680 Greenwood Street
Junction City, OR 97448

RE: Request for Zoning Change
1701 Juniper Street, Junction City, OR 97448
Map 15-04-32-22 TL #601

“Junction City Mini Storage”

Dear City Councilors and Planning Commissioner Members:

I own the property located at 1701 Juniper Street, Junction City (TL601 of Map 15-04-32-22). I acquired this property in January, 1997 and it was improved at that time with a new 75 unit mini storage facility. The property was zoned “light industrial”.

In 1998 and 1999, I hired a Contractor to complete the balance of the mini storage complex at that site. The completed complex consisted of 244 mini storage units.

Facts That Bear On This Complex:

1. On August 20, 1996 a Zoning Ordinance Amendment #96-02 Mustoe was approved by the Junction City Planning Commission and City Council indicating that “mini storage facilities have a complimentary relationship with multi-family dwellings”. It was built as a legal and confirming use and consistent with the Junction City Comprehensive Plan and Ordinance #950.
2. A building permit was issued by Junction City in 1998 to allow construction and completion of my complex.
3. Unbeknownst to me, at some point the zoning was changed from Light Industrial to Residential. The Residential Use does not recognize the current use as mini storage unit as a legal allowed use. Additionally at this time we are being informed that the residential use is being changed to High Density Residential Use which also precludes the current use as a mini storage facility.

Issue of Concern:

I have just been informed by letter that my property is being considered for rezoning to “high density residential”.

In meeting with Stacy Clawson it appears that the current zoning and high density residential would define the current use of my property as a legal non-confirming use. Given that this complex is only 15 years old I am very concerned that the modern and very functional mini storage facility would somehow be viewed as unacceptable in the future for either 1) bank financing and/or 2) rebuild able in the event it became damaged by fire or natural causes.

Proposal:

I request that the Planning Commission and City Council consider a zone change back to "M-1 or Light Industrial" for these reasons:

- 1) It is adjacent to existing M-1 Light Industrial zoning and its existing warehouse building. This has a substantial industrial application.
- 2) Such zoning would allow my use as a legal, confirming use
- 3) It would be complimentary to the adjacent residential uses to the immediate West of my property

Please let me know what I need to do to cause this zone change and allowable use as mini storage facility to become part of your proposed zone changes for Junction City. I appreciate your cooperation in this issue. It was obviously that this was an oversight in the past that we are attempting to correct.

Sincerely,



Eldon J. Letsom

Property Owner

Cc: Milton Gifford

Cc: Robert W. Nelson, CCIM Real Estate Broker

To: City Planner, City of Junction City OR,97448.

August 1, 2012

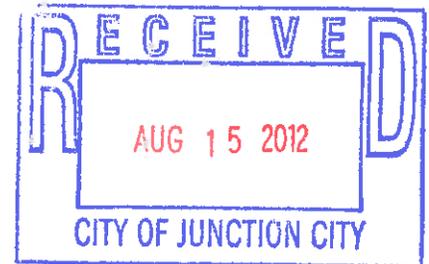
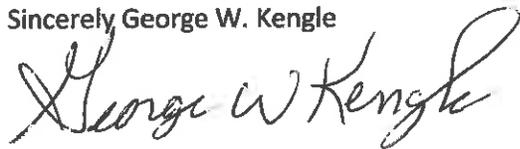
From George W.Kengle, 953 West 17th Ave. Junction City, 97448

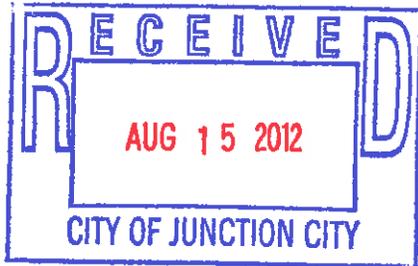
Reference Public Hearing for August 16th, 2012.

As a citizen and property owner in Junction City I want to comment on the changes to the amendments to the Zoning Changes as proposed on your letter that outlined the changes.

1. Housing: The idea to adopt new Housing goals and policies. As shown on the attachment is not necessary or needed for existing owner occupied homes.—This type of zoning would only promote more rental property that isn't needed. Public housing should only be built only where existing jobs are located. Only privately owned homes should be encouraged. "Neighborhoods" constituted of home owners are safer and less crime ridden, because the owners take pride in keeping their property in good repair, Rental property is allowed to (run down) and destroy home values. Only property owner are qualified to apply for and propose zone changes and not by planners that have no interest on for the people that live there. The size and density should be left to the property owner by a public vote.

Sincerely, George W. Kengle





1686 West 13th Avenue
Junction City, Oregon 97448
8 August, 2012

Randy Nelson, City Council Member
Junction City - City Hall
680 Greenwood/PO Box 250
Junction City, Oregon 97448

Randy,

Thank you for the updated information concerning the designation of wetlands within the City of Junction City. It does help to clarify our concerns.

Our property is located at 1686 West 13th Ave, Junction City, Oregon. The lot was purchased in the fall of 1994, and we moved into the newly completed house in July, 1995. The deed for this property had two easements at the time of purchase. The first was a temporary easement for an emergency turnaround. The city abandoned this easement when West 13th was extended to intersect with Oaklea, eliminating the need for an emergency turnaround. The permanent structure built as an emergency turnaround was removed at that time. The second easement on the property is for 12 feet on the west side of the property for drainage only. There is no easement concerning access to the culvert pipes beneath West 13th, because they did not exist when the property was purchased.

At the time of purchase and until the development of the property between our house and Oaklea, the ditch used for drainage was located completely within our property lines, and we had a fence line and existing white oak trees on our property. With the adjacent development, the City of Junction City required the developer, Larry VanNortwick, to widen the ditch to its current dimensions, doing away with our fence line, the oak trees that shaded our west facing window, and removing landscaping along the east bank of the ditch. All of this was done without giving us, the landowners, any options or compensation. In addition, we now have a service box at the corner of our property without permission or easement.

We are the landowners. The easement is for drainage, and nothing more. The area of the drainage ditch on our property and adjacent to our property is and always has been properly mowed and maintained. As the legal owners of the property, the City of

Junction City cannot spray or mow without our permission. In addition, the easement as written in our deed does not grant access.

The update we received this evening (August 8, 2012) has information on the whys and wherefores of classifying a wetland. It states that the process of classifying a wetland is a science driven process which focuses on three key issues: soils, vegetation and water. The vegetation in the ditch between West 13th and West 15th consists of grass and thistles of the type that occurs in any yard not regularly mowed and cared for. The soil is the same as any of the adjacent yards. The ditch does not include cattails or other vegetation that is found exclusively in a wetland. In addition, the current configuration of the drainage ditch is manmade, and provides drainage for sub developments that did not exist when the property was purchased. Again, a man made convenience for the management of runoff, which did not exist when the property was purchased. This is not a wetland. It holds water for a limited number of months, and functions solely as a drainage ditch. It is dry and part of our front lawn for the remainder of the year.

To clarify our rights concerning the easement on our property--We maintain and will continue to maintain the ditch within our property line and adjacent to our property line. The city does not have our permission to access the ditch from our property, mow our property, or spray our property. The city has no easement on our property for the maintenance of the culvert pipes adjacent to our property, and does not have access from our property. The City of Junction City may request permission in writing should the need arise with adequate notice for our consideration, but be advised that it does not guarantee our approval for access. In addition, any city worker found on our property without our written permission will be charged with trespass.

Thank you for your time and interest.



Michele M Mishler



Michael D Mishler
August 8, 2012

Tere Andrews

From: Kevin Watson
Sent: Wednesday, August 15, 2012 2:58 PM
To: Tere Andrews
Cc: JC Planning
Subject: support phone call

Mary Jamison is in support of the commercial expansion along HWY 99.

Kevin Watson
City Administrator
City of Junction City
541.998.2153

Tere Andrews

To: CLAUSON Stacy A
Subject: RE: CPA-012-01 additional information needed

From: Moore, Ed W [<mailto:ed.w.moore@state.or.us>]

Sent: Thursday, August 16, 2012 9:11 AM

To: JCPlanning@ci.junction-city.or.us

Cc: PUNTON Amanda (OR); LEE BOBBY (LCOG List); MOORE ED (LCOG List); Howard, Gordon; Jim Johnson; Jinings, Jon; CLEARWATER Karen; JARVIE Kirk; WATSON KEVIN (LCOG List); CAMARATA Mary; Crall, Matthew; HALLYBURTON Rob (OR); CRAWFORD Savannah; CLAUSON Stacy A; Stevens Sean; HOGUE Thomas (OR)

Subject: CPA-012-01 additional information needed

Stacy,

Thank you for giving us the opportunity to review CPA-012-01 related to amendments to Junction City's comprehensive plan and development code to adopt:

- Local Wetlands Protection Program under Goal 5,
- Expand the city's UGB to meet identified residential, parkland, and commercial land need,
- Re-designate properties to achieve residential efficiencies,
- Adopt supporting documents including a revised EOA, RBLI, HNA, Parks and Open Space Plan, and Plan policies, and
- Repeal outdated Plan text.

After reviewing the documents that were submitted with the city's Proposed Post Acknowledgement Plan Amendment (PAPA) Form 1 Notice, we noted the following, which we would encourage the city to address either prior to or concurrent with submitting the above along with supporting material to the department as required under your approved Periodic Review Work Program:

1. Incorporate the city's 2009 Water Master Plan (WMP) into the comprehensive plan (including the required elements as identified in 660-011-0045). Since this was not part of the city's PR Work Program, this can be accomplished by following the PAPA process outlined in division 18. Based on a quick review, it appears that the 2009 WMP used the county's adopted coordinated population forecast and the planning horizon appears to match that of the city's PR work. The WMP will need to be amended to include the areas proposed for UGB expansion,
2. Update the 2006 Wastewater Facility Plan (WFP) using the county's coordinated population forecast and the proposed UGB, and incorporate it into the comprehensive plan (including the required elements as identified in 660-011-0045). Again, since this was not part of the city's PR Work Program, this can be accomplished by following the PAPA process outlined in division 18. Based on a quick review, and discussions with the Department of Environmental Quality (DEQ), the preferred alternative identified in the 2006 WFP can no longer be used for planning purposes. Consequently, until an updated WFP is accepted by DEQ and adopted into the city's comprehensive plan, the city can expand its UGB to meet identified urban land needs, designate those lands appropriately on the comprehensive plan map, but will not be able to rezone those lands for urban use until this is done,
3. Include the city's Urban Growth Management Agreement (UGMA) as required in 660-011-0015, and

4. As part of the city's UGB alternatives boundary analysis, include findings that address 660-024-0060(8) (a-c). However, as allowed under 660-012-0060, the city can defer making the finding required under 660-024-0060(8)(c) to a later date if the city leaves the county's zoning in place.

If you have any questions please call or send me a e-mail.

Regards,

Ed

Ed Moore, AICP | Regional Representative
Community Services Division | Dept. Land Conservation and Development
South Valley Regional Solution Center
University of Oregon, Thompson University Center
720 E. 13th Ave. Suite 304, Eugene, OR 97401-3753
Voice: 971.239.9453 | Skype: ed.moore.dlcd
ed.w.moore@state.or.us | www.oregon.gov/LCD/

"What we count and measure reflects our values as a society and determines what makes it into the policy agendas of governments. They can tell us whether we are better off than we used to be, whether we are leaving the world a better place for our children, and what we need to change." GPI Atlantic

LAW OFFICE OF BILL KLOOS, PC

OREGON LAND USE LAW

375 W. 4TH AVE, SUITE 204
EUGENE, OR 97401
TEL: (541) 912-5280
FAX: (541) 343-8702
E-MAIL: NKLINGENSMITH@LANDUSEOREGON.COM

August 16, 2012

Junction City Planning Commission
680 Greenwood St.
P.O. Box 250
Junction City, OR 97448

A Corrected Version of this letter
was sent by Mr. Klingensmith. See
Below, 4 Letters Down.

Re: Wetlands component of periodic review
Application of WRD overlay zone to Oaklea site

Dear members of the Planning Commission:

With this letter I want to identify a discrete but serious problem with the wetlands part of this package and propose a simple fix, which will avoid an appeal. We have reviewed this issue with the city's consultant and have his agreement as to both the problem and the fix.

This firm represents the owners of the property commonly known as the Oaklea site, which includes a large amount of undeveloped residential land west of Oaklea Drive and north of the city's wastewater ponds. The new Wetlands Resources District (WRD) is proposed to apply to portions of the Oaklea site. The overlay zone appears to have been erroneously proposed for a small portion of the Oaklea site, on the mistaken assumption that any areas designated as Open Space in the Junction City Comprehensive Plan diagram are locally significant wetlands that warrant the extra protections afforded by the WRD overlay zone. However, and as described in more detail below, some of the areas that were designated as Open Space were originally planned for a bike path, and they are not suitable to be regulated as locally significant wetlands. We request the Planning Commission to remove the WRD overlay from the small areas described below, as the Open Space plan designation will continue to accomplish the planning objectives for the bike path without a need for the ill-fitting wetland-specific regulations.

For context, an enlarged detail from the proposed zoning map is included as Attachment A. It shows an irregular blob on the north side of the Oaklea site; that is the shape of a delineated wetland.¹ The map also shows straight-edged strips of land that we have outlined in red, which follow the western and southern boundaries of the Oaklea site, just north of the sewage treatment ponds, and which also appear on the northeastern boundary of the site; the straight-edged strips are in the shape of a planned path. The Ordinance that initially applied the Open Space designation to portions of the subject property included a map (included here as Attachment B) that shows the planned route of the bike path as a dotted line.²

¹ This map detail was taken from the city's website at:
http://www.junctioncityoregon.gov/vertical/Sites/%7BE865F063-52B6-4191-89A3-FB88287BBED%7D/uploads/Proposed_Zoning_Map.pdf

² Ord. No. 1094 is available at: <http://www.codepublishing.com/or/junctioncity/html/pdfs/1094.pdf>

A Corrected Version of this letter
was sent by Mr. Klingensmith. See
Below, 4 Letters Down.

When the Oaklea site was redesignated in 2001 from mostly Professional Technical (PT) to a mix of residential, 59 acres were designated Open Space. See Ord. No. 1094.³ Both the delineated wetlands on the north side of the property and the artificially straight-edged strips along the boundary of the property were plan-designated as Open Space. It appears that lumping the wetlands and the bike paths together in the city's Open Space plan designation is what led to the current confusion that they might all be wetlands.

The recently-approved Local Wetlands Inventory (LWI) shows that the Oaklea wetlands (known as wetland site FC-01) have approximately 213.76 acres of wetlands. Some of those wetlands have been delineated, others are assumed. See, e.g., the Wetland Characterization Sheet for FC-01 at page 44 of the LWI.⁴

After completion of the LWI, the city's consultant performed an ESEE analysis to identify which wetlands were locally significant and deserving of the additional protections provided by the new WRD overlay zone. See *Proposed* JMC 17.60.050, which provides that the new wetlands regulations are intended to apply to locally significant wetlands identified in the city's ESEE analysis.⁵ The ESEE analysis, in turn, specifies that wetlands in the Oaklea site (referred to as FC-01) should be considered as relatively high-value wetlands because they had previously been given an Open Space designation. See Page 6 of the ESEE analysis, which provides:

“These wetlands are considered relatively high value because they have some combination of the following characteristics:

- “• Diverse wildlife habitat – due to the presence of multi-layered, native vegetation (Wetlands CC-01 and CC-04);
- “• Intact water quality and hydrologic control (Wetlands CC-04, EC-01, EC-02);
- “• Educational value (Wetland CC-01); or have an existing
- “• Junction City Open Space designation (Wetland FC-01).”

(Emphasis added.)

In other words, the wetlands (both delineated and assumed) at the Oaklea site were identified as locally significant because they had an Open Space designation. This opened the door for the assumption that any areas on the Oaklea site that were designated as Open Space must be locally significant wetlands, and that resulted in the application of the new overlay zone to areas that were originally planned for bike paths and that were never intended to be designated as locally significant wetlands. The heart of the matter is that the proposed overlay zone is intended to apply only to locally significant wetlands identified in the ESEE analysis, but the assumption that Open Space makes a wetland locally significant has led to inclusion of unintended areas.

Even if there were jurisdictional wetlands along the boundaries of the subject property, that alone does not establish that they are locally significant. The state wetlands program envisions that

³ Ord. No. 1094 is available at: <http://www.codepublishing.com/or/junctioncity/html/pdfs/1094.pdf>

⁴ The LWI is available at: [http://www.junctioncityoregon.gov/vertical/sites/%7BE865F063-52B6-4191-89A3-FB88287BBED%7D/uploads/Appendix II - Junction City LWI - Final.pdf](http://www.junctioncityoregon.gov/vertical/sites/%7BE865F063-52B6-4191-89A3-FB88287BBED%7D/uploads/Appendix%20II%20-%20Junction%20City%20LWI%20-%20Final.pdf)

⁵ The proposed regulations for the WRD overlay are available at: [http://www.junctioncityoregon.gov/vertical/sites/%7BE865F063-52B6-4191-89A3-FB88287BBED%7D/uploads/JMC 17.60 - Draft wetland regulations.pdf](http://www.junctioncityoregon.gov/vertical/sites/%7BE865F063-52B6-4191-89A3-FB88287BBED%7D/uploads/JMC%2017.60%20-%20Draft%20wetland%20regulations.pdf)

local zoning regulations will provide protection for locally significant wetlands. Locally significant wetlands are measured according to their functional attributes as governed by OAR 141-86-0180 through 0240. An Open Space plan designation is not one of the defining characteristics for locally significant wetlands.

The designation criteria found in *Proposed JMC 17.60.090(A)(2)* clarify that the substantive development standards apply only within a wetland boundary as identified by a jurisdictional delineation. So, in a sense, application of the WRD overlay to the portions of the Oaklea site that were intended for bike paths would likely have little practical effect, because a wetland delineation would show that the land along the perimeter of the property is relatively dry and well-suited to uses such as a bike path. However, even with this provision in the proposed overlay regulations that excludes lands that are not jurisdictional wetlands, one has to wonder what the point is in burdening the non-wetland Open Space with the administrative headache that comes with this overlay. For instance, if the property owner wanted to develop access to the portion of the property that is west of Flat Creek (and fully surrounded by a planned bike path) it would require an application and a survey just to establish that the proposed access would be crossing an area planned for a bike path that is not a jurisdictional wetland, and that the WRD development standards don't apply there. This is particularly troublesome when the area that is isolated by the perimeter strip of Open Space is part of the city's inventory of buildable housing lands governed by Statewide Planning Goal 10.

The description above is consistent with how the city's consultant understands the situation. In personal communication with Greg Winterowd of Winterbrook Planning, it was agreed that the ESEE analysis his firm prepared did not intend to designate anything as a Locally Significant Wetland except for land that was identified in the Local Wetland Inventory (LWI) as possessing the functional attributes defined by the Oregon Freshwater Wetland Assessment Methodology (OFWAM).⁶ Specifically, it was never intended that land that originally was planned for a bike path would be burdened with such wetland-specific regulation. Mr. Winterowd's recollection was that the land planned for a bike path was chosen in part because it avoided jurisdictional wetlands as much as possible and thereby involved a minimum amount of wetlands that would need to be filled in order to build the path.

This confusion has been a long time in the making, as the current Streamside Corridor and Wetlands District overlay (SCWD) has been applied to both the delineated wetlands on the property and to the bike path strips. However, a review of Ord. No. 1094 makes it clear that the original intent was not to treat the bike paths as wetlands. The SCWD was not an ideal mechanism by which to regulate the bike path; The WRD overlay zone that is proposed to replace the SCWD overlay zone is even less well-suited to implementing the original intent in designating the bike paths as Open Space.

⁶ Mr. Winterowd is particularly well-acquainted with the subject property, as he acted as the applicant's consultant when the Open Space designation was first applied to the Oaklea site in 2001. In our personal communication, Mr. Winterowd also invited the Planning Commission or city staff to confirm with him that we have accurately represented his views here.

In our initial conversation with city planning staff there was some concern that, without the WRD overlay, current and future owners and neighbors of this property might not have notice of the public purpose that was intended when the bike path strips were designated as Open Space. However, the Open Space plan designation will remain in effect for the bike path strips, putting everyone on notice and preventing any uses that are inconsistent with that plan designation. For instance, any effort to develop single family housing on top of the Open Space designated areas could not be approved because it would be contrary to the underlying plan designation. The bike path strips don't need a wetlands-specific overlay in addition to the Open Space designation to accomplish the planned public purpose of providing a bike path.

For these reasons, we believe that an amendment to the WRD overlay zone regulations clarifying that the WRD does not apply to the Open Space designated areas on the perimeter of the Oaklea site would prevent headaches for both the property owner and the city. The following language (or something to this effect) would provide the needed clarification:

17.60.090. **Designation Criteria.** Land and water areas designated within this overlay district include:

- A. Locally significant wetlands that have been identified for local protection consistent with the 2012 ESEE Analysis, together with a 20-foot buffer around the identified wetland to account for margins of error during the inventory process.
 1. The following areas that have an Open Space designation in the Junction City Comprehensive Plan Diagram, and that have not been included in a previously approved wetland delineation, were not identified for local protection in the 2012 ESEE analysis:
 - a. The portions of taxlot 15-05-36-00-01000 that are adjacent to the west and south parcel boundaries, and;
 - b. The portion of taxlot 15-04-31-00-04203 that is adjacent to the north parcel boundary.
 2. The development standards contained in Sections 17.60.120 through 180 shall only apply to lands within the wetland boundary as identified by a jurisdictional delineation.
- B. Wetland mitigation sites approved by DSL.

We appreciate the helpful and thoughtful feedback we have received from City staff and Winterbrook Planning. We think that untangling this issue now will prevent headache and hassle for all parties down the road.

Thank you for your consideration,

Junction City Planning Commission

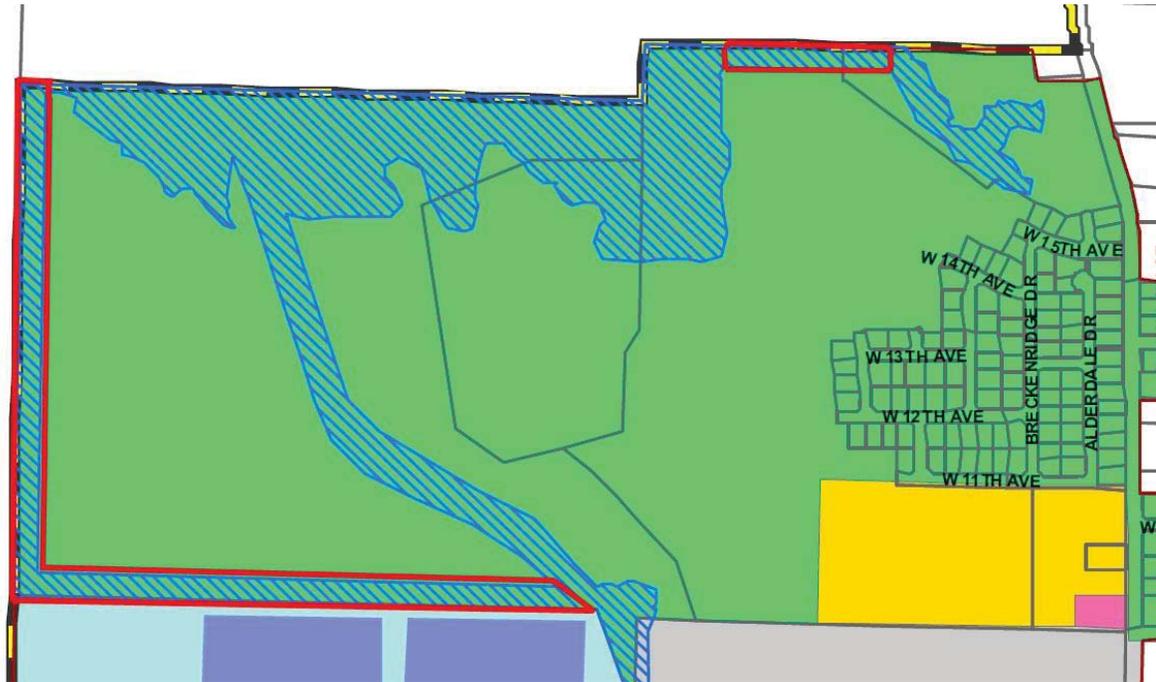
August 16, 2012

Page 5

//S//
Nick Klingensmith

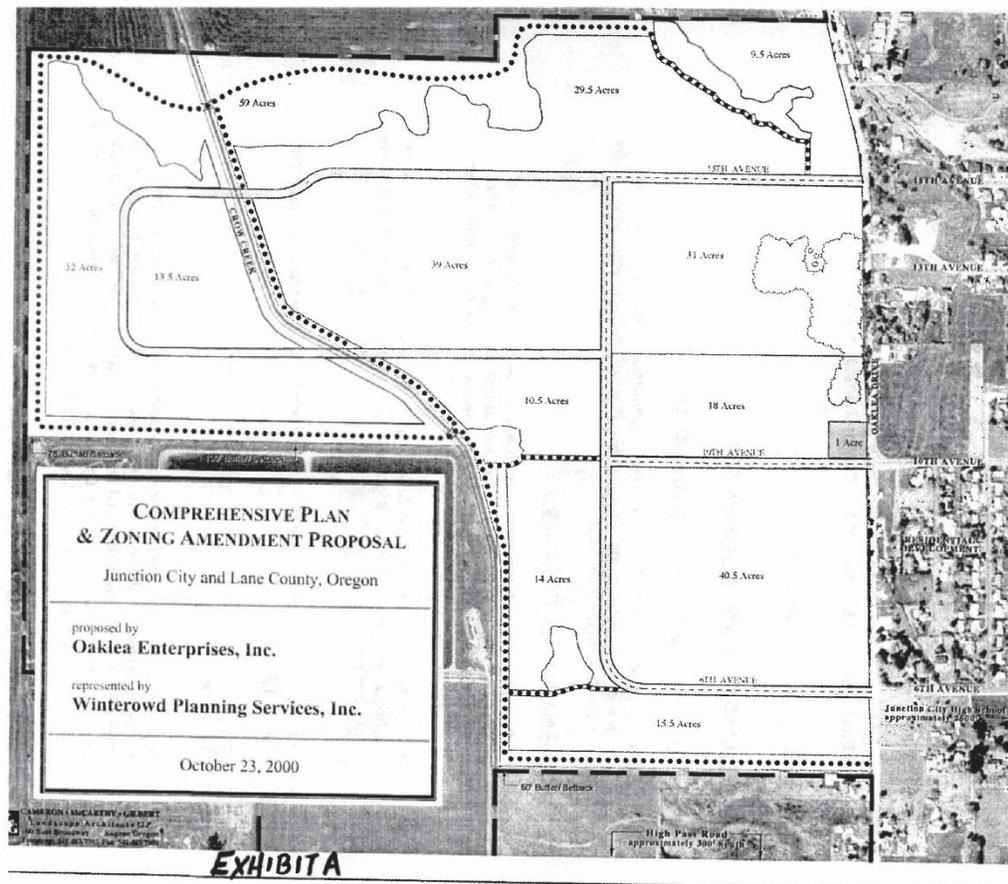
Cc: Client
Greg Winterowd, Winterbrook Planning

Detail from proposed Junction City zoning map. The portions of the Oaklea site that were plan designated Open Space for the purpose of accommodating a bike path have been outlined in red.



The original, full-sized version of this map that does not have the red outlining is available at:
http://www.junctioncityoregon.gov/vertical/Sites/%7BE865F063-52B6-4191-89A3-FB88287BBED%7D/uploads/Proposed_Zoning_Map.pdf

This map was included as Exhibit A to the Ordinance that initially applied the Open Space designation to the subject property. The route of the planned bike path is shown as the dotted line.



The full text of Ord. No. 1094 is available at:
<http://www.codepublishing.com/or/junctioncity/html/pdfs/1094.pdf>

Tere Andrews

From: Kevin Watson
Sent: Thursday, August 16, 2012 11:58 AM
To: Oldcarsforu@comcast.net
Cc: sclauson@lcog.org; Tere Andrews
Subject: RE: Wal Mart
Attachments: 001.jpg

Jeff, We will add this to the record. Provide names of all the supporters you know. It should all be in the record and up for consideration by the PC and CC.

Kevin Watson
City Administrator
City of Junction City
541.998.2153

From: Oldcarsforu@comcast.net [<mailto:Oldcarsforu@comcast.net>]
Sent: Thursday, August 16, 2012 11:52 AM
To: Jason Theisfeld; Kevin Watson; "Sandra "; "Karen Leach"; "Bernardy, Donna"; "Iemhouse, brad"; "Wheeler, Jenna
Subject: Fwd: Wal Mart

Kevin,
please include Hazel Niensens letter, and my response to her in the public record. I can not get my computer to recognise stacys e mail address.
Thanks,Jeff
p.s.
If you would like the names of at least two dozen more, Just ask!

From: Oldcarsforu@comcast.net
To: "Hazel Nielsen" <hisgin@msn.com>
Sent: Thursday, August 16, 2012 11:26:33 AM
Subject: Re: Wal Mart

Hi Hazel.

I loved your list, and I can think of two dozen more, without blinking.
There is no "secret plan" to bring Wal-Mart to Junction City. That mysterious mailer is apparently someones attempt to further disrupt the Urban Growth Boundary process. There was a similar "sky is falling " anti Wal-Mart e mail generated during the phase 2 CCPC process. That letter urged people to show up in mass and oppose Wal-Mart at all costs. Not a single person showed up at the meetings.

Not even the person that sent the e mail.

Personally, I am glad to know there are open minded people in the community that would love an opportunity to shop locally, and the proposed UGB expansion would open the doors to New business, and allow that to happen.

The first public hearing on Urban Growth Boundary Proposals is tonight, at City Hall, at 6:30 P.M. I hope you, or George will be there to voice your support of all of our hard work.

I will forward your comments to the Planning Commission, and Staff, and ask that they be included in the record.

Thanks for taking time to get involved in a positive way.

Sincerely
Jeff Haag

From: "Hazel Nielsen" <hisgin@msn.com>
Sent: Thursday, August 16, 2012 10:42:24 AM
Subject: Wal Mart

Jeff I have attached a letter regarding Wal Mart.

Although we will be in a heavier traffic pattern I for one would jump for joy to see it come in!!

I have talked to several people who feel the same way.

I don't know if you agree or not but would be nice if you would forward to your e-mail list.

I did send this to Bill Boresek.

Sincere thanks;

Hazel Nielsen

BLAST FROM THE PAST

We recently received a letter from Junction City Residents for Local Economy.

I really wonder how long the creators of this group have resided in Junction City?

Do you have any idea how many businesses have left Junction City for lack of community support? Before Bi Mart Junction City—many went to River Road Bi Mart.

Where was the community support for :

Ray's Pharmacy	Ralph's Pharmacy	Max Strauss Furniture
Eric's (Dean's) Market	10 O'Clock Market	Chapman's Grocery
Tracer's Jewelry	J.C. Implement	Hands (Men's Clothing)
Kaiser's Clothing & Shoes	Bev McKay's Clothing	Doc Fixit
Ben Franklin (Ditto's)	Speer's Grocery	Huey & Son's Cutlery
Fries Hardware	Tom Meador's Hardware	Dairy Lunch
"Y" Café	Bowling Alley	Junction House
Miller's Bakery	Movie Theater	Drive in Movies
Schulz Studio's	Nielsen's TV	Office Supply
Wild Tulip	Eddie Amundson's Restaurant	Candy Store
Penny Royal	Fabric Store	Quilt shops (2)
Acorn Tree	Connie's Deli	Ice Cream Store

There are many more—but I feel a large majority of these businesses shut their doors due to a lack of community support.

So I propose "Let Wal Mart come to town". It is time for Safeway's to have some stiff competition .. Those of us "loyal " to Bi Mart will remain loyal..

I for one drive to West 11th Wal Mart for groceries saving many dollars over Safeway but would be delighted if it goes in two blocks from us and I could save gas also!!

Hazel Nielsen

93390 Hwy 99. S

Junction City, OR Same location since 1961

Wetland Designation

ISAIAS PADILLA [tandipadilla@msn.com]

Sent: Thursday, August 16, 2012 1:20 PM

To: jcplanning@ci.junction-city.or.us

Mayor Bruncheon, City Councilors and Planning Commission,

In regards to the Wetland Designation....I would like to go on record that my husband and I strongly **OPPOSE** this proposal. My husband and I bought our home at 1140 Quince Drive with the knowledge that behind our home was a "**DRAINAGE DITCH**". To my understanding, the "**DRAINAGE DITCH**" behind my home was man-made to keep water flowing and prevent flooding in my neighborhood.

It is, also, my understanding that a "WETLAND" is a land area that is saturated with enough water to contain characteristics of a "*distinct ecosystem*". Meaning: wetlands....true....legitimate....wetlands support aquatic plants. To my knowledge, there are no signs of a true....legitimate wetland behind my home. Behind my home is a "**DRAINAGE DITCH**".

If a wetland existed behind my home I would be the first person to want to protect it. I would not only want to protect it, I would want it used for the outdoor classroom it could be and educate young children about the ecosystem that exists in a true wetland. If the "**DRAINAGE DITCH**" behind my home was a wetland I'm sure that the local schools would be behind my home educating their students about wetland ecosystems. However, there are no groups of any kind behind my home learning/studying or protecting the ecosystem of a wetland. That is because behind my home is a "**DRAINAGE DITCH**".

I believe that the "**DRAINAGE DITCH**" behind my home is actually located on my property and that the city has already confiscated part of my property for this "**DRAINAGE DITCH**". Now, the city wants to confiscate more of my property by trying to designate a ditch as a wetland. It's time that the Junction City Planning Commission and the Junction City Council protected the property owners on Quince Drive rather than protect a ditch. Vote against the Wetland Designation.

Sincerely,

Theresa Padilla
Isaias Padilla

FW: wetlands overlay

CLAUSON Stacy A

Sent: Thursday, August 16, 2012 3:08 PM
To: chukzon@comcast.net
Attachments: SKMBT_C55212081615000.pdf (65 KB)

Dear Mr. Wallace,

Thank you for your e-mail. The City provided notice of the wetlands findings in January, 2012. Attached is a copy of the notice that was sent. Thank you,

From: Chuck Wallace [mailto:chukzon@comcast.net]
Sent: Wednesday, August 15, 2012 7:10 PM
To: sclauson@lcog.org
Cc: sumner246@yahoo.com; Kevin Watson
Subject: Re: wetlands overlay

In 1979 we purchased this property with a 25 foot easement for water control. Some time between then and now this easement has been classified as a wetlands. When did this happen and why weren't we notified? Having wetlands on ones property decreases the value of the property as the seller is required to inform the buyer of the wetlands. Now on top of that, Junction City is creating a wetlands overlay which I'm sure will affect the selling price of our property too.

I look forward to the answer of my questions.

Thank you

Chuck Wallace

----- Original Message -----

From: [CLAUSON Stacy A](#)
To: [Chuck Wallace](#)
Cc: [sumner246@yahoo.com](#) ; [WATSON KEVIN \(LCOG List\)](#)
Sent: Tuesday, August 14, 2012 8:36 AM
Subject: RE: wetlands overlay

Thank you for your e-mail and chance to clarify. We do know the location of the channel on your property, but determining the precise edge of that feature is something that takes more in-depth site specific review, because of its mixture of soils, water, and vegetation. Since we only want to apply the standards to the wetland itself, that is why we need to know where the precise edge is. This would only apply if you are proposing a development of some sort, such as an addition, because otherwise the proposed standards allow you to continue to use and maintain what you already have (so determining the precise edge of the feature would make no difference).

If you were proposing a development, such as an addition, and it is within the overlay area, we look to see how close you are to the channel. Working with the State's Department of State Lands, we would see if a wetland determination - meaning that the Department of State Lands is comfortable with the proposal moving forward

without additional review - could be completed. In some cases, the Department of State Lands will not be, and will require the applicant to hire a wetland scientist to determine the exact edge of the wetland feature and demonstrate that the proposal is located outside of the wetland. Please note that this step in the process would apply whether or not the City adopts local standards.

Thanks again,

Stacy

From: Chuck Wallace [chukzon@comcast.net]
Sent: Monday, August 13, 2012 6:13 PM
To: CLAUSON Stacy A
Cc: sumner246@yahoo.com; WATSON KEVIN (LCOG List)
Subject: Re: wetlands overlay

Thank you for your prompt response, but the content of your latest e-mail has created more concern for me. You stated in your latest e-mail that the overlay may be wider than the current easement and you don't know the exact location of the wetlands on my property. How in the world can you create this overlay if you don't know where the wetlands are???

Since the "intent of the overlay is to trigger the local review process to see if more review is needed"; when can I expect this review to be conducted and by whom? I would like to be notified so I may observe the review process.

The latest link you provided was very informative; thank you

----- Original Message -----

From: [CLAUSON Stacy A](#)
To: 'Chuck Wallace'
Cc: [WATSON KEVIN \(LCOG List\)](#) ; sumner246@yahoo.com
Sent: Monday, August 13, 2012 12:18 PM
Subject: RE: wetlands overlay

Please note that I sent the incorrect link before. Please see this flyer for more information on wetlands:
http://www.junctioncityor.govoffice3.com/vertical/Sites/%7BE865F063-52B6-4191-89A3-FB88287BBED%7D/uploads/Wetland_FAQ.pdf

Thank you,

From: CLAUSON Stacy A
Sent: Monday, August 13, 2012 11:40 AM
To: 'Chuck Wallace'
Cc: WATSON KEVIN (LCOG List); sumner246@yahoo.com
Subject: RE: wetlands overlay

Dear Mr. Wallace,

The overlay district may in fact be wider than the current easement. This is because we do not know the exact location of the wetland on your property, so we have drawn the overlay a little larger than the channel boundaries. The intent is that the overlay triggers the local review process to see if more review is needed – basically, it serves as a heads-up for you and the City that if you are proposing work in the overlay we need to think about wetlands. If the area where work is proposed to occur is outside of jurisdictional wetlands, it would not be subject to the standards established in the ordinance. Also, please be aware that the ordinance has broad allowances for you to maintain and replace existing improvements. Thanks again,

Stacy Clauson
Assistant Planner
Lane Council of Governments
859 Willamette Street, Suite 500
Eugene, OR 97401
541-682-3177
Fax: 541-682-4099
sclauson@lcog.org
<http://www.lcog.org>

From: Chuck Wallace [<mailto:chukzon@comcast.net>]
Sent: Monday, August 13, 2012 10:50 AM
To: CLAUSON Stacy A
Cc: WATSON KEVIN (LCOG List); sumner246@yahoo.com
Subject: Re: wetlands overlay

Thank you for addressing my concerns.

I have one more concern and that is how does the overlay compare to the current easement on my property; I have heard it is 20 feet and 50 to 60 feet. These distances could put the wetlands into my in-ground pool and into my neighbors bedroom and that causes me great concern.

Thank you in advance for your answer.

Chuck Wallace
1120 Quince Dr
Junction City

----- Original Message -----

From: CLAUSON Stacy A
To: 'chukzon@comcast.net'
Cc: [WATSON KEVIN \(LCOG List\)](mailto:WATSON KEVIN (LCOG List)) ; '[Jack Sumner \(sumner246@yahoo.com\)](mailto:Jack Sumner (sumner246@yahoo.com))'
Sent: Monday, August 13, 2012 10:25 AM
Subject: RE: wetlands overlay

Dear Mr. Wallace,

Thank you for your e-mail. Councilor Sumner has forwarded this to me to see if I can address some of your questions. Under the State and National system of classifying wetlands, wetlands are considered as "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." The process of classifying wetlands is a science-driven process which focuses on three key issues: soils, vegetation, and water. So, while something may look like a ditch, it could actually be a wetland, even if it dries up during certain months of the year. Scientists specializing in wetlands representing both the City and the State have been involved in the local inventory and have determined which areas in the City are wetlands or possible wetlands and are locally significant. The wetland inventory has been approved by the Department of State Lands and is now recognized as the official inventory of the City.

Wetlands provide many functions in a community, but the most obvious and perhaps most critical to Junction City is their flood water storage capacity to prevent and minimize flooding. That is why under the draft proposal, the maintenance of these channels for drainage is expressly permitted. The City will continue to maintain the same drainage ways as it has in the past.

Again, thank you for your e-mail and please contact me if you have additional questions. The following is a link to a flyer that helps address some of these same questions.

http://www.oregonstatelands.us/dsl/WETLAND/docs/fact2_2004.pdf

Stacy Clauson
Assistant Planner
Lane Council of Governments
859 Willamette Street, Suite 500
Eugene, OR 97401
541-682-3177
Fax: 541-682-4099
sclauson@lcog.org
<http://www.lcog.org>

From: Jack Sumner [mailto:sumner5_5@msn.com]

Sent: Sunday, August 12, 2012 7:46 PM

To: Stacic Lauson

Subject: wetlands overlay

Stacey,

Could you get some thing to help me explain this to Mr. Wallace??

Tanks,

Jack

From: chukzon@comcast.net

To: Jack Sumner

Subject: wetlands overlay

Date: Sun, 12 Aug 2012 17:37:08 -0700

I don't know if you're available to relate why the city needs to have wetlands, but I have some questions about what happens if this wetlands overlay is approved (and if you are not at liberty to discuss these items, just let me know).

The Central Canal runs through the back of my property and the city has a 25 foot easement for flood controls. I can agree with the need for this (and other) canals within the city, but don't understand why they are being considered as wetlands.

This canal has water in it 8 months out of the year.....but the other 4 months it is dry as a bone; so dry there are open cracks in the soil. How can this be designated wetlands????

Currently the city Public Works department mows and sprays herbicides to keep weed growth to a minimum within all the canals within the city. Without this effort by the Public Works department, water transport through the city would be greatly deterred.

By designating these as wetlands, it will be encouraging the growth of habitat and vegetation within the

canals.

Any help you can give me will be greatly appreciated

Chuck Wallace

LAW OFFICE OF BILL KLOOS, PC

OREGON LAND USE LAW

375 W. 4TH AVE, SUITE 204
EUGENE, OR 97401
TEL: (541) 912-5280
FAX: (541) 343-8702
E-MAIL: NKLINGENSMITH@LANDUSEOREGON.COM

August 16, 2012

Junction City Planning Commission
680 Greenwood St.
P.O. Box 250
Junction City, OR 97448

Re: Wetlands component of periodic review
Application of WRD overlay zone to Oaklea site

Dear members of the Planning Commission:

With this letter I want to identify a discrete but serious problem with the wetlands part of this package and propose a simple fix, which will avoid an appeal. We have reviewed this issue with the city's consultant and have his agreement as to both the problem and the fix.

This firm represents the owners of the property commonly known as the Oaklea site, which includes a large amount of undeveloped residential land west of Oaklea Drive and north of the city's wastewater ponds. The new Wetlands Resources District (WRD) is proposed to apply to portions of the Oaklea site. The overlay zone appears to have been erroneously proposed for a small portion of the Oaklea site, on the mistaken assumption that any areas designated as Open Space in the Junction City Comprehensive Plan diagram are locally significant wetlands that warrant the extra protections afforded by the WRD overlay zone. However, and as described in more detail below, some of the areas that were designated as Open Space were originally planned for a bike path, and they are not suitable to be regulated as locally significant wetlands. We request the Planning Commission to remove the WRD overlay from the small areas described below. If the city feels that it is still necessary to retain the Open Space designation for the bike path strips, it can do so, but regulating them as wetlands doesn't make any sense.

For context, an enlarged detail from the proposed zoning map is included as Attachment A. It shows an irregular blob on the north side of the Oaklea site; that is the shape of a delineated wetland.¹ The map also shows straight-edged strips of land that we have outlined in red, which follow the western and southern boundaries of the Oaklea site, just north of the sewage treatment ponds, and which also appear on the northeastern boundary of the site; the straight-edged strips are in the shape of a planned path. The Ordinance that initially applied the Open Space designation to portions of the subject property included a map (included here as Attachment B) that shows the planned route of the bike path as a dotted line.²

¹ This map detail was taken from the city's website at:
http://www.junctioncityoregon.gov/vertical/Sites/%7BE865F063-52B6-4191-89A3-FB88287BBED%7D/uploads/Proposed_Zoning_Map.pdf

² Ord. No. 1094 is available at: <http://www.codepublishing.com/or/junctioncity/html/pdfs/1094.pdf>

When the Oaklea site was redesignated in 2001 from mostly Professional Technical (PT) to a mix of residential, 59 acres were designated Open Space. See Ord. No. 1094.³ Both the delineated wetlands on the north side of the property and the artificially straight-edged strips along the boundary of the property were plan-designated as Open Space. It appears that lumping the wetlands and the bike paths together in the city's Open Space plan designation is what led to the current confusion that they might all be wetlands.

The recently-approved Local Wetlands Inventory (LWI) shows that the Oaklea wetlands (known as wetland site FC-01) have approximately 213.76 acres of wetlands. Some of those wetlands have been delineated, others are assumed. See, e.g., the Wetland Characterization Sheet for FC-01 at page 44 of the LWI.⁴

After completion of the LWI, the city's consultant performed an ESEE analysis to identify which wetlands were locally significant and deserving of the additional protections provided by the new WRD overlay zone. See *Proposed* JMC 17.60.050, which provides that the new wetlands regulations are intended to apply to locally significant wetlands identified in the city's ESEE analysis.⁵ The ESEE analysis, in turn, specifies that wetlands in the Oaklea site (referred to as FC-01) should be considered as relatively high-value wetlands because they had previously been given an Open Space designation. See Page 6 of the ESEE analysis, which provides:

“These wetlands are considered relatively high value because they have some combination of the following characteristics:

- “• Diverse wildlife habitat – due to the presence of multi-layered, native vegetation (Wetlands CC-01 and CC-04);
- “• Intact water quality and hydrologic control (Wetlands CC-04, EC-01, EC-02);
- “• Educational value (Wetland CC-01); or have an existing
- “• Junction City Open Space designation (Wetland FC-01).”

(Emphasis added.)

In other words, the wetlands (both delineated and assumed) at the Oaklea site were identified as locally significant because they had an Open Space designation. This opened the door for the assumption that any areas on the Oaklea site that were designated as Open Space must be locally significant wetlands, and that resulted in the application of the new overlay zone to areas that were originally planned for bike paths and that were never intended to be designated as locally significant wetlands. The heart of the matter is that the proposed overlay zone is intended to apply only to locally significant wetlands identified in the ESEE analysis, but the assumption that Open Space designation makes a wetland locally significant has led to inclusion of unintended areas.

³ Ord. No. 1094 is available at: <http://www.codepublishing.com/or/junctioncity/html/pdfs/1094.pdf>

⁴ The LWI is available at: [http://www.junctioncityoregon.gov/vertical/sites/%7BE865F063-52B6-4191-89A3-FB88287BBED%7D/uploads/Appendix II - Junction City LWI - Final.pdf](http://www.junctioncityoregon.gov/vertical/sites/%7BE865F063-52B6-4191-89A3-FB88287BBED%7D/uploads/Appendix%20II%20-%20Junction%20City%20LWI%20-%20Final.pdf)

⁵ The proposed regulations for the WRD overlay are available at: [http://www.junctioncityoregon.gov/vertical/sites/%7BE865F063-52B6-4191-89A3-FB88287BBED%7D/uploads/JMC 17.60 - Draft wetland regulations.pdf](http://www.junctioncityoregon.gov/vertical/sites/%7BE865F063-52B6-4191-89A3-FB88287BBED%7D/uploads/JMC%2017.60%20-%20Draft%20wetland%20regulations.pdf)

Even if there were jurisdictional wetlands along the boundaries of the subject property, that alone does not establish that they are locally significant. The state wetlands program envisions that local zoning regulations will provide protection for locally significant wetlands. Locally significant wetlands are measured according to their functional attributes as governed by OAR 141-86-0180 through 0240. An Open Space plan designation is not one of the defining characteristics for locally significant wetlands.

The designation criteria found in *Proposed JMC 17.60.090(A)(2)* clarify that the substantive development standards apply only within a wetland boundary as identified by a jurisdictional delineation. So, in a sense, application of the WRD overlay to the portions of the Oaklea site that were intended for bike paths would likely have little practical effect, because a wetland delineation would show that the land along the perimeter of the property is relatively dry and well-suited to uses such as a bike path. However, even with this provision in the proposed overlay regulations that excludes lands that are not jurisdictional wetlands, one has to wonder what the point is in burdening the non-wetland Open Space with the administrative headache that comes with this overlay. For instance, if the property owner wanted to develop access to the portion of the property that is west of Flat Creek (and fully surrounded by a planned bike path) it would require an application and a survey just to establish that the proposed access would be crossing an area planned for a bike path that is not a jurisdictional wetland, and that the WRD development standards don't apply there. This is particularly troublesome when the area that is isolated by the perimeter strip of Open Space is part of the city's inventory of buildable housing lands governed by Statewide Planning Goal 10.

The description above is consistent with how the city's consultant understands the situation. In personal communication with Greg Winterowd of Winterbrook Planning, it was agreed that the ESEE analysis his firm prepared did not intend to designate anything as a Locally Significant Wetland except for land that was identified in the Local Wetland Inventory (LWI) as possessing the functional attributes defined by the Oregon Freshwater Wetland Assessment Methodology (OFWAM).⁶ Specifically, it was never intended that land that originally was planned for a bike path would be burdened with such wetland-specific regulation. Mr. Winterowd's recollection was that the land planned for a bike path was chosen in part because it avoided jurisdictional wetlands as much as possible and thereby involved a minimum amount of wetlands that would need to be filled in order to build the path.

This confusion has been a long time in the making, as the current Streamside Corridor and Wetlands District overlay (SCWD) has been applied to both the delineated wetlands on the property and to the bike path strips. However, a review of Ord. No. 1094 makes it clear that the original intent was not to treat the bike paths as wetlands. The SCWD was not an ideal mechanism by which to regulate the bike path; The WRD overlay zone that is proposed to replace the SCWD overlay zone is even less well-suited to implementing the original intent in designating the bike paths as Open Space.

⁶ Mr. Winterowd is particularly well-acquainted with the subject property, as he acted as the applicant's consultant when the Open Space designation was first applied to the Oaklea site in 2001. In our personal communication, Mr. Winterowd also invited the Planning Commission or city staff to confirm with him that we have accurately represented his views here.

In our initial conversation with city planning staff there was some concern that, without the WRD overlay, current and future owners and neighbors of this property might not have notice of the public purpose that was intended when the bike path strips were designated as Open Space. However, if the Open Space plan designation remained in effect for the bike path strips, it would put everyone on notice and would prevent any uses that are inconsistent with that plan designation. For instance, any effort to develop single family housing on top of the Open Space designated areas could not be approved because it would be contrary to the underlying plan designation. The bike path strips don't need a wetlands-specific overlay in addition to the Open Space designation to accomplish the planned public purpose of providing a bike path.

For these reasons, we believe that an amendment to the WRD overlay zone regulations clarifying that the WRD does not apply to the Open Space designated areas on the perimeter of the Oaklea site would prevent headaches for both the property owner and the city. The following language (or something to this effect) would provide the needed clarification:

17.60.090. **Designation Criteria.** Land and water areas designated within this overlay district include:

- A. Locally significant wetlands that have been identified for local protection consistent with the 2012 ESEE Analysis, together with a 20-foot buffer around the identified wetland to account for margins of error during the inventory process.
 1. The following areas that have an Open Space designation in the Junction City Comprehensive Plan Diagram, and that have not been included in a previously approved wetland delineation, were not identified for local protection in the 2012 ESEE analysis:
 - a. The portions of taxlot 15-05-36-00-01000 that are adjacent to the west and south parcel boundaries, and;
 - b. The portion of taxlot 15-04-31-00-04203 that is adjacent to the north parcel boundary.
 2. The development standards contained in Sections 17.60.120 through 180 shall only apply to lands within the wetland boundary as identified by a jurisdictional delineation.
- B. Wetland mitigation sites approved by DSL.

We appreciate the helpful and thoughtful feedback we have received from City staff and Winterbrook Planning. We think that untangling this issue now will prevent headache and hassle for all parties down the road.

Thank you for your consideration,

Junction City Planning Commission

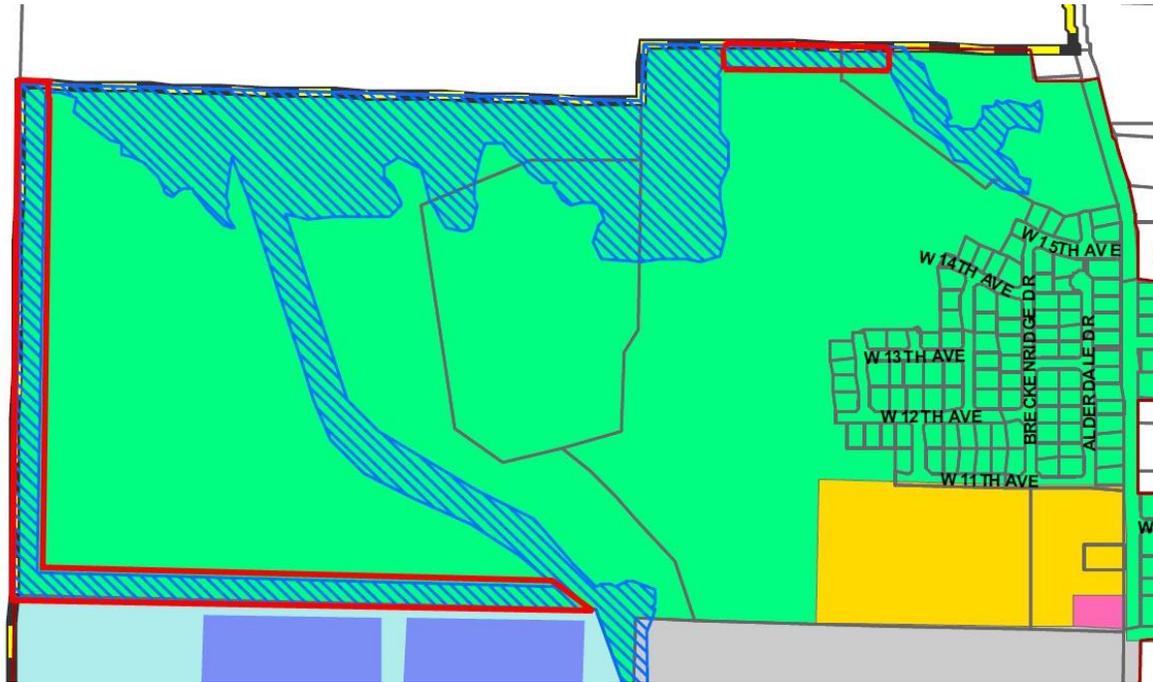
August 16, 2012

Page 5

//S//
Nick Klingensmith

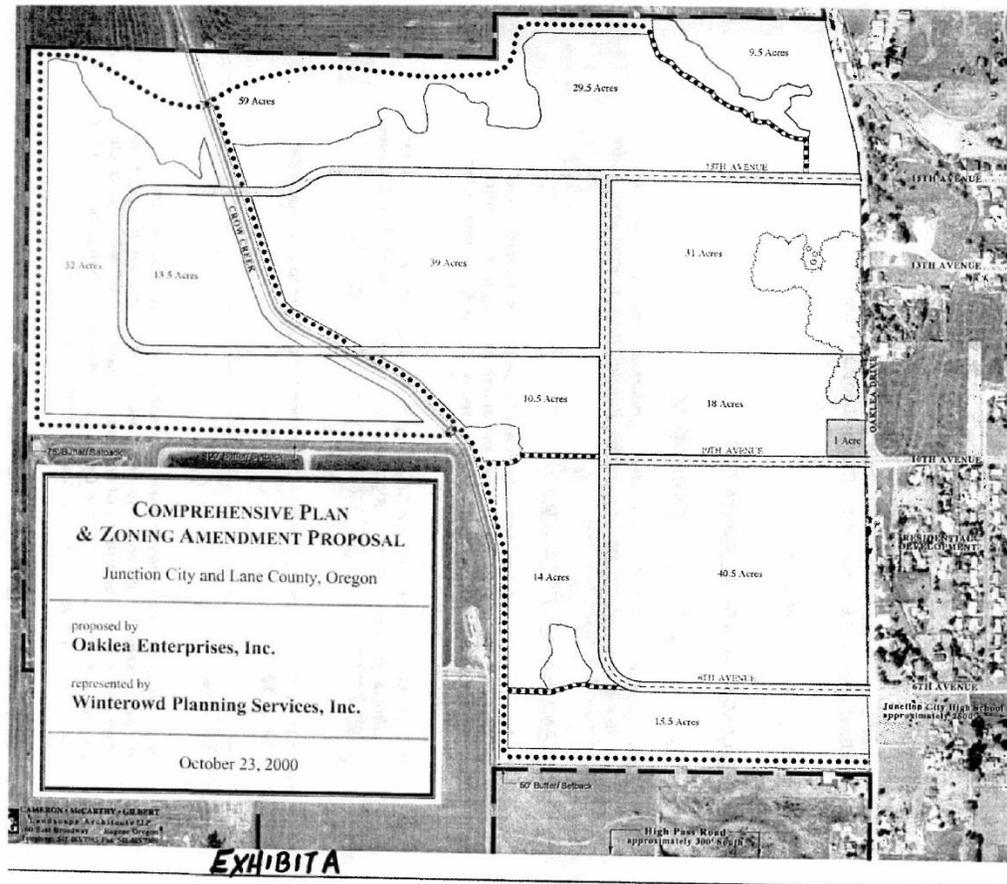
Cc: Client
Greg Winterowd, Winterbrook Planning

Detail from proposed Junction City zoning map. The portions of the Oaklea site that were plan designated Open Space for the purpose of accommodating a bike path have been outlined in red.



The original, full-sized version of this map that does not have the red outlining is available at:
http://www.junctioncityoregon.gov/vertical/Sites/%7BE865F063-52B6-4191-89A3-FB88287BBED%7D/uploads/Proposed_Zoning_Map.pdf

This map was included as Exhibit A to the Ordinance that initially applied the Open Space designation to the subject property. The route of the planned bike path is shown as the dotted line.



The full text of Ord. No. 1094 is available at:
<http://www.codepublishing.com/or/junctioncity/html/pdfs/1094.pdf>

August 15, 2012

Junction City's City Council and Planning Commission,

We are totally against Wal-mart coming to Junction City. We don't like their business practices, the way they pay their employees and other employee relations.

They're coming to town, would jeopardize the businesses that we have in town already such as B & I Hardware, Bi mart, Safeway, four banks, the beauty salons and the restaurants.

Please consider our opinions as registered voters in Junction City and don't change the boundaries for Wal-Mart.

Thank you,

Anne E. Lee

Anne E. Lee

Dean and Kathleen Huston

Dean and Kathleen Huston

Dianna Rhodes

Dianna Rhodes

John and Nancy Hamilton

John and Nancy Hamilton

Rec'd 8-16-12
6:32pm FAA

Petition to Oppose the Proposed Junction City, OR

Wetland Resources Overlay District

Petition summary and background
 People who own and pay real estate taxes for land that has an easement through it for a flood control ditch, which benefits the entire population of Junction City, should not be subjected to additional regulatory controls without compensation. The Oregon Division of State Lands currently has sufficient authority to mitigate any fill affecting the 20 ft. wide ditch easement under the Clean Water Act. The approval of a 50 to 60 ft wide wetlands designation is an unnecessary "taking" of privately owned land. The wetland designation infringes on the property owners use of their property, decreases the property's market value, and obligates the owner to incur more fees and permits for potential projects within the designated wetland area.

Action petitioned for
 We, the undersigned, are citizens petitioning our Council members to act now to protect property rights by voting "NO" on the proposed Junction City, OR Wetland Resources Overlay District.

Printed Name	Signature	Address	Comments	Date
T. W. McRae Jr.		2553 W 12th Ave JC 97448		8/8/2012
Kathleen McRae		2503 W 12th Ave 97448		8/8/2012
ROSALIE HARRINGTON		145 River Rd #3		8/8/12
Glen Harrington		" " " "		8/8/12

Rec'd 8.16.12
 dp
 PUF

Information for Junction City Counselors on PROPOSED WETLANDS.

Prepared by Edith Loveall, resident at 1315 Oak Dr. Junction City, OR

<u>Page #</u>	<u>TITLE</u>
1.	Photo of water flowing into ditch from pipe.
2.	Photos of ditch filled with weeds and a sprouted tree.
3.	Photos of ditches located at Oak Dr and 10 th Street
4.	Photos of ditches located on 6 th across from BiMart and Ditch between Westford and Greenwood Streets.
5.	Two photos of ditch at 8 th and L Streets, Notice pool of water.
6.	Photos of Ditch at 3 rd and Maple Streets, And Oak Dr, with houses.
7.--10.	Photo of Reed Canary Grass growing, and article about the grass.
11.	Article on West Nile Virus, Mosquito risk.
12.	Photos of my house , garden, and fruit trees, that are in danger.
13.	Copy of my property description with subject to a 15' easement for Drainage and utilities.
14.	E-Mail received in response to my questions re: EPA rules
15 & 16	Questions I would appreciate answers to.
17 -- 22	J C wetland inventory, listing the ditch along my property, and comments.
23 -- 26	J C "Frequently asked questions" and my comments.
27 -- 28	My notes for you Counselors to think about.
29 -- 35	Living with Wildlife: NUTRIA
A - B	My speech, if allowed to talk, and have the time.

Rec'd 8.16.12
8:27 am



← WATER

WATER FLOWING FROM PIPE, CORNER
OF HANAMAN + SCHOOL PROPERTIES

WHY ARE WE USING Junction City
WELL WATER TO WATER THE WEEDS?



SCHOOL PROPERTY SIDE of Ditch, showing uncut weeds with SEEDS
AND A TREE GROWING IN THE DITCH



ROAD GRASSY SIDE OF DITCH



Ditch @ OAK DR AND 80TH STREET



NORTH ALLIEN AND TIMOTHY STREET



DITCH ON
6TH STREET
ACROSS FROM
BR MART STORE.



Ditch
BETWEEN
WESTFORD &
GREENWOOD
streets.
DOWNTOWN
AREA.

Notice BRIGHT
GREEN GRASS
GROWING.
JAKEN. 8/6/2012



TWO VIEWS OF DITCH @ 8TH & L STREETS - SOUTH VIEW

NOTICE POOL OF WATER

RIARIVE VIEW





Ditch @ 3RD & MAPLE

BACKDR - DITCH ON LEFT - Will be FLOODED too



Water resources

Topics: drinking water, watershed, fisheries



REED CANARY GRASS GROWING ON DITCH EDGE
PROPERTY NORTH OF MINE

Invasive Species

Reed Canary Grass (*Phalaris arundinacea*)

DESCRIPTION: Reed canary grass is a large, coarse grass that reaches 2 to 9 feet in height. It has an erect, hairless stem with gradually tapering leaf blades 3 1/2 to 10 inches long and 1/4 to 3/4 inch in width. Blades are flat and have a rough texture on both surfaces. The leaf ligule is membranous and long. The compact panicles are erect or slightly spreading (depending on the plant's reproductive stage), and range from 3 to 16 inches long with branches 2 to 12 inches in length. Single flowers occur in dense clusters in May to mid-June. They are green to purple at first and change to beige over time.

7.

This grass is one of the first to sprout in spring, and forms a thick rhizome system that dominates the subsurface soil. Seeds are shiny brown in color.

Both Eurasian and native ecotypes of reed canary grass are thought to exist in the U.S. The Eurasian variety is considered more aggressive, but no reliable method exists to tell the ecotypes apart. It is believed that the vast majority of our reed canary grass is derived from the Eurasian ecotype. Agricultural cultivars of the grass are widely planted.

Reed canary grass also resembles non-native orchard grass (*Dactylis glomerata*), but can be distinguished by its wider blades, narrower, more pointed inflorescence, and the lack of hairs on glumes and lemmas (the spikelet scales). Additionally, bluejoint grass (*Calamagrostis canadensis*) may be mistaken for reed canary in areas where orchard grass is rare, especially in the spring. The highly transparent ligule on reed canary grass is helpful in distinguishing it from the others. Ensure positive identification before attempting control.



Reed Canary Grass

DISTRIBUTION AND HABITAT: Reed canary grass is a cool-season, sod-forming, perennial wetland grass native to temperate regions of Europe, Asia, and North America. The Eurasian ecotype has been selected for its vigor and has been planted throughout the U.S. since the 1800's for forage and erosion control. It has become naturalized in much of the northern half of the U.S., and is still being planted on steep slopes and banks of ponds and created wetlands.

Reed canary grass can grow on dry soils in upland habitats and in the partial shade of oak woodlands, but does best on fertile, moist organic soils in full sun. This species can invade most types of wetlands, including marshes, wet prairies, sedge meadows, fens, stream banks, and seasonally wet areas; it also grows in disturbed areas such as berms and spoil piles.

LIFE HISTORY AND EFFECTS OF INVASION: Reed canary grass reproduces by seed or creeping rhizomes. It spreads aggressively. The plant produces leaves and flower stalks for 5 to 7 weeks after germination in early spring, then spreads laterally. Growth peaks in mid-June and declines in mid-August. A second growth spurt occurs in the fall. The shoots collapse in mid to late summer, forming a dense, impenetrable mat of stems and leaves. The seeds ripen in late June and shatter when ripe. Seeds may be dispersed from one wetland to another by waterways, animals, humans, or machines.

This species prefers disturbed areas, but can easily move into native wetlands. Reed canary grass can invade a disturbed wetland in less than twelve years. Invasion is associated with disturbances including ditching of wetlands, stream channelization, deforestation of swamp forests, sedimentation, and intentional planting. The difficulty of selective control makes reed canary grass invasion of particular concern. Over time, it forms large, monotypic stands that harbor few other plant species and are subsequently of little use to wildlife. Once established, reed canary grass dominates an area by building up a tremendous seed bank that can eventually erupt, germinate, and recolonize treated sites.

CONTROLLING REED CANARY GRASS

Reed canary grass is difficult to eradicate; no single control method is universally applicable. In

natural communities, mechanical control practices are recommended. In buffer areas and in severely disturbed sites, chemical and mechanical controls may be used. If herbicide is used, care should be taken to prevent contact with non-target species. Any control technique to reduce or eliminate reed canary grass should be followed by planting native species adapted to the site.

As reed canary grass can enter a wetland area from eroding hillslopes, erosion control and catch-basins around a preserved wetlands are appropriate preventative measures.

Mechanical Control: Small, discrete patches may be covered by black plastic for at least one growing season; the bare spot can then be reseeded with native species. This method is not always effective and must be monitored because rhizomes can spread beyond the edge of the plastic.

Prescribed burns in late spring or late fall may help reduce the reed canary grass population if repeated annually for 5 to 6 years. However, these fires are difficult to conduct due to water levels and/or the greenness of the grass at the time of burning. The application of 1.5% active ingredient solution of glyphosate will "brown off" reed canary grass enough to conduct prescribed burns. Burning is also ineffective in dense stands of reed canary grass that lack competition from native, fire-adapted species in the seed bank. A late-spring burn followed by mowing or wick-applying glyphosate to the emerging flowering shoots will eliminate reed canary grass seed production for that year.

Mowing twice yearly (early to mid-June and again in early October) may help control reed canary grass by removing seed heads before the seed matures and exposing the ground to light, which promotes the growth of native wetland species. Discing the soil in combination with a mowing or burning regime may help by opening the soil to other species. Hand-pulling or digging may work on small stands in the early stages of invasion. Grazing can enhance diversity, although it will not control reed canary grass. A bulldozer can be used to remove reed canary grass and rhizomes (12-18" deep), after which native species should be seeded. Discing or plowing can also be employed in this manner.

In small areas with few natives, another method involves repeated cultivation for one full growing season followed by dormant seeding near the first-frost date. Disrupting the plant roots every two to three weeks weakens the remaining plants and depletes the seed bank. When combined with spot herbicide application in sections too wet for early or late cultivation, results after two years have been good. Frequent and continued cultivation is important since one or two cultivations would simply cut the roots up and increase the number of individual plants.

Chemical Control: Small, scattered clones (2 feet in diameter) can be controlled by tying the stems together just before flowering, cutting them, and applying glyphosate in a 33% active ingredient (a.i.) solution to cut stems.

A formulation of glyphosate designed for use in wetlands will kill reed canary grass (especially young plants) when applied to foliage. Apply in early spring when most native plant species are dormant. Any herbicide application should be done only after removing dead leaves from the previous year in order to maximize growing shoot exposure and to minimize herbicide use.



Reed Canary Grass
(c) Barry A. Rice/The Nature Conservancy

A 5% a.i. solution of glyphosate formulated for use over water applied as a foliar spray will kill reed canary grass. Two herbicidal applications may be necessary to ensure complete coverage. Herbicide applied with a wick applicator attached to a tractor affects taller stands of reed canary grass without impacting the shorter vegetation.

A late mowing in mid-September, followed by the application of 5% glyphosate a.i. in October (after big bluestem is dormant) can help to control reed canary grass.

Because reed canary grass productivity is reduced by shade, planting native shrubs or wetland trees in areas of chemically-treated grass may be effective.

While herbicide kills reed canary grass, the seed bank may germinate and recolonize the site. Several herbicidal application may be necessary to inhibit seed bank recolonization. After the first application of herbicide has killed living plants, disturbance of the soil can encourage seed bank germination. When this occurs, the site can again be treated with herbicide to deplete the seed bank.

An alternative method involves wick application of glyphosate in the first to third weeks of June, followed by a late June to mid-July burn. This technique reduces reed canary grass cover, depletes the seed bank, and stimulates native seed banks.

In non-aquatic environments, Dalpon™ and Trichloroacetic (TCA)™ effectively treat reed canary grass when applied in late fall or early winter. Both are soil sterilizing herbicides that must be sprayed on dried foliage in a rate of 20 to 40 lbs. per acre. Aquatic systems may also be treated with Dalpon™ for control up to two years. Dalpon™ is weakly cationic and is not absorbed by substrates the way most herbicides are.

More Information on the Web (links exit DNR)

[Reed Canary Grass - Wisconsin State Herbarium](#)

[Mapping Wisconsin Wetlands Dominated by Reed Canary Grass, Phalaris arundinacea L.: A landscape level assessment \[PDF 3.7MB\]](#)

[Back to Top](#)

Last Revised: January 8, 2009

101 S. Webster Street . PO Box 7921 . Madison, Wisconsin 53707-7921 . 608-266-2621



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10

Hot, dry weather heightens West Nile virus risk

Updated 7/28/2012 4:10 PM

9

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CHICAGO (AP) – Hot, dry weather in the Midwest has created the perfect conditions for mosquitoes that carry West Nile virus.



By Michael Szyska, Northwest Mosquito Abatement District, via AP

Lab assistant Carter Sharp sorts mosquitoes Thursday that were collected from Chicago's northwest suburbs for West Nile virus testing.

Sponsored Links

The Culex mosquito breeds in still-damp ditches and underground storm water basins.

Indiana, Ohio and Illinois are reporting higher rates of infected mosquitoes compared with past years. More infected mosquitoes means a higher West Nile risk for humans. Illinois and Oklahoma report earlier-than-usual cases of human infection.

What's more, the dry weather means the pesky floodwater mosquito is scarce. That makes people think mosquitoes aren't a problem and gives the Culex mosquito a chance to sneak up and bite.

Health officials urge people to wear insect repellent though they may not be noticing biting mosquitoes.

West Nile virus spreads faster

By Elizabeth Weise, USA TODAY

Updated 22h 2m ago

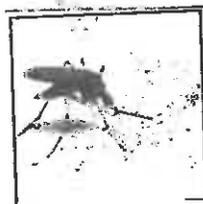
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25



Reprints & Permissions

West Nile virus is spreading faster than it has in years, and the pace of the mosquito-borne disease is getting worse, health officials report.



Northwestern Mosquito Abatement District via AP

A *Culex pipiens*, left, is the primary mosquito that can transmit West Nile virus to humans. The *Aedes vexans* is primarily a nuisance mosquito.

States are reporting more cases than usual, says Marc Fischer, a specialist in mosquito-borne diseases with the Centers for Disease Control and Prevention (CDC) in Fort Collins, Colo. "There's been a lot of mosquito activity in most states" this year, Fischer says.

Texas is getting the worst of it.

Sixteen people have died of West Nile virus this summer in Texas. That's out of 381 cases of the illness. "We're on track to have the worst year ever," says Christine Mann, spokeswoman for the Department of State Health Services in Austin.

Nationwide there have been at least 693 cases and 28 deaths, according to the CDC and state numbers released Tuesday. That's up from 390 cases and eight deaths last week.

A mild winter and ample spring rains allowed the mosquito population to build up early. Heat and scant rainfall are creating stagnant water pools, which make great breeding grounds, says Michael Merchant, an entomologist at the Texas AgriLife Extension Service in Dallas.



MY VEGETABLE GARDEN AND MY HOUSE BACKYARD
THE HOUSE SITS 45 FEET FROM WEST BOUNDARY LINE
I WAS TOLD WETLANDS WOULD HAVE TO APPROVE ANY ADDITIONS TO IT



12

WARRANTY DEED
RAYNE L. CLARK and NORMA M. CLARK
conveys and warrants to: MARVIN W. ADER and MARY JEAN ADER, Husband and Wife

Grantee, the following described property free of encumbrances, except as specifically set forth herein:
Lot 5, Block 6, THIRD ADDITION TO GILMORE PARK, as platted and recorded at Page 10, Volume 34, Lane County Oregon Plat Records, in Lane County, Oregon.

Also beginning on the line common to Lot 4 and Lot 5 in Block 6, THIRD ADDITION TO GILMORE PARK, as platted and recorded in Book 34, Page 10, Lane County Oregon Plat Records, distant thereon North 51° 00' West 27.82 feet from the most Southerly corner of said Lot 6; thence North 39° 00' East 9.10 feet; thence North 51° 00' West 39.00 feet; thence South 39° 00' East 9.10 feet to the Southwesterly line of said Lot 4; thence South 51° 00' East 39.00 feet to the point of beginning in Lane County, Oregon.

- SUBJECT TO:
- 1. Taxes for the fiscal year 1975-76, which are a lien, but not yet payable.
 - 2. Declaration of Covenants and Restrictions recorded February 19, 1963, as Recorder's Reception No. 116 in Lane County Oregon Deed Records.
 - 3. Fifteen foot drainage and utility easement along the West line as set forth on the recorded plat (affects Lot 5).

EASEMENT
15' NOT
20'

BY REMITTAL HERE, CONTINUE DESCRIPTION ON ADDITIONAL PAGES

The said property is free from all encumbrances except as set forth above.

Consideration for this conveyance is \$ 26,000.00
Date Aug 21 19 75
Rayne L. Clark
Norma M. Clark

STATE OF OREGON, County of Lane, ss. Personally appeared the above named
Rayne L. Clark and Norma M. Clark Attorney in fact
I, MARYLYN V. DYSON, Notary Public, State of Oregon, do hereby certify that the foregoing instrument is the voluntary act and deed of the said parties before me.
Date Aug 21 AD. 19 75
Marylyn V. Dyson
Notary Public Oregon
CASCADIE TITLE COMPANY 1075 Oak Street, Eugene Form No. 107

Subject: RE: (217155446) ECHO Comment, Idea or Question
From: echo (echo@abtassoc.com)
To: edith.4557@yahoo.com;
Date: Tuesday, August 7, 2012 7:45 AM

Hello Edith-

Thank you for taking the time to email us. I regret to inform you that this inbox is officially for matters related to the EPA-ECHO website (not general EPA inquiries), but even so I would like to help if I can.

EPA maintains this page on Water Quality standards for wetlands, which may contain the answer to your question regarding continued spraying for bugs and diseases:
<http://water.epa.gov/lawsregs/guidance/wetlands/quality.cfm#7.2%20Wildlife%20Criteria>

Although I am not an expert in the matter, my own personal hunch is that it is illegal to spray for bugs and diseases in a wetland, as the ecosystem as a whole is what is being protected, and this includes insects and other natural wildlife (such a nutria).

In terms of how you might go about preventing this, I would recommend that you start with your local mayor's office or Department of Environmental Protection, as any complaints addressed to EPA on the federal level must be transferred to the appropriate local representative. This will take time and get you no further along than if you had contacted the local DEP to begin with.

Good luck in this endeavor,
Jesse Smith

ECHO Support
 Abt Associates Inc. (EPA Contractor)
 Cambridge, MA
 617-520-3000
 echo@abtassoc.com

-----Original Message-----

From: id...

Comments

Junction City, OR 97448 planning commission wants to make my back yard plus all other propertys abutting the towns water control ditches, into a WETLAND DESIGNATION.

I have fruit trees on that property, would I still be able to spray them for bugs and diseases?

Will nutria wild animals be protected also? I belive they are trying to change our flood control ditches into wetlands that will eventually cause flooding of my and others property. It appears from the lack of clearing the brush out of the ditch, that this process has already begun, even though the town council has not approved the plan yet. How can I and others affected stop this disasterous action?

submit

Send

Categories

14

QUESTIONS FOR MEETING WITH J C PLANING COMMISSION

1. According to the "Frequently asked questions" found on your web site;

A: The City will continue to maintain drainage ways. This is not being done, at any of the ditches I visited. Water is being pumped into the ditch so that the weeds and their seeds can continue to grow and flourish

WHERE IS THE WATER COMING FROM TO WATER THE WEEDS IN THE DITCHES. We've had NO RAIN for months, WILLAMETTE IS REALY LOW, SO IT MUST BE FROM THE CITY WELLS.

WHO AUTHORIZED THE USE OF OUR CITY WELLS TO WATER THE WEEDS IN THE DITCHES?

B: My property purchase contract states J C has a 15 foot easement along my 153. + border, for drainage and utilities. Stacy at the City hall said that 20 feet was already considered part of the J C wetlands inventory. So you have already stolen a 5 foot wide, 153+ foot long piece of my property, WITHOUT DUE PROCESS. Caroline Simon of DSL said that you could not take any more of my land without filing a petition with her, and that has not happened. HOW CAN YOU JUSTIFY STEALING LAND FROM THE PROPERTY OWNERS LIKE THAT?

C; When the winter rains & snow come, and the ditches are full of weeds, trees, debris and berry vines, HOW DO YOU PROPOSE TO KEEP THE DITCHES FROM OVER FLOWING ONTO ALL THE BACKYARDS THAT LINE THE DITCHES??

ISN'T THIS THE REASON YOU NOW WANT TO DEEM OUR BACKYARD PROPERTY AS A "WETLAND" SO JUNCTION CITY WILL NOT BE HELD RESPONSIBLE FOR THE FLOOD DAMAGE THAT IS CAUSED. ????

D: IF THE DITCHES ARE ALL CONSIDERED WETLANDS, AND YOU SAY WE WILL NOT EXPERIENCE ANY FLOODING OF OUR PROPERTIES, THEN WHY DO YOU NEED TO INCLUDE OUR BACKYARDS AS PART OF THE WETLANDS.???

E: I CHECKED WITH A LOCAL REAL ESTATE AGENT, WHO SAID MY PROPERTY VALUE WOULD BE REDUCED SIGNIFICANTLY (20%) JUST BEING LISTED AS A WETLAND. IN ADDITION, THERE ARE SO MANY DITCHES IN J C.

HOW CAN YOU JUSTIFY DEVALUING SO MUCH OF JUNCTION CITY RESIDENTIAL AND BUSINESS PROPERTY. ?????

OTHER ISSUES:

A; By pumping water into all the ditches, you are creating an environment to encourage increased breeding of mosquitoes. Mosquitoes carry the west Nile virus. **HOW ARE YOU GOING TO CONTROL THE MOSQUITOES, WHEN EPA FORBIDS ANY SPRAYING IN WETLANDS.????**

B; When I asked about spraying my fruit trees, I was told I can use an HERBICIDE that can be used near open water. **WHAT HERBICIDE IS THAT????? WHY WOULD YOU WANT TO USE A HERBICIDE ON FRUIT TREES, It would kill the trees.**

C: Growing in the ditches is a plant called REED CANARY GRASS. It is a large coarse grass that grows up to 9 feet in height. Nutria love to eat it. It forms large stands that harbor few other plant species and are little use to wild life. It is very invasive, the seeds landing in gardens and lawns are hard to kill and remove. **SO WHY ARE YOU ENCOURAGING ITS GROWTH????**

D: HOW CAN YOU JUSTIFY SAVING OBNOXIOUS WEEDS AND NUTRIA, OVER THE NEEDS OF HUMANS, AND THE RIGHTS OF PROPERTY OWNERS USE OF THE LAND THEY PAID FOR.????

Junction City Local Wetland Inventory



Wetland Characterization Sheet

GENERAL INFORMATION

Wetland Code:	CC (Central Canal)	Method:	Onsite
Wetland Size:	3.82 acres	Field Date(s):	3/12, 4/21, 6/2/09
Cowardin Class:	PEMCx	Data Plot #s:	12, 13; 22, 23, 31, 38-40
HGM Class:	RFT	Investigators:	ACS, TB

LOCATION

Street/landmark:	West of Hwy. 99S near Bryant Rd., north to 2 nd Ave., west to Timothy St., then north near Spruce, Oak and Rose St. to 18 th Ave.
Legal description:	multiple lots within 16s04w0522, 15s04w3233, 15s04w3144, 15s04w3143, 15s04w3142, 15s04w3141, 15s04w3114, and 15s04w3111
Sub-basin code:	Central Canal

WETLAND CHARACTERISTICS

Description: The "central canal" is a trapezoidal channel for much of its length. The canal flows northwest from Highway 99S near Bryant Road, through commercial, residential and institutional areas, until it leaves the northern study limits at 18th Street and Rose Ave. The substrate is generally soil with little gravel, and much of the canal is unvegetated for a significant portion of the year due to routine spraying. Vegetation is limited to pasture grasses and reed canarygrass in most areas. Occasional tree groves provide limited habitat and thermal cover; the most notable is an Oregon ash grove south of 10th Avenue along Rose Street.

Soils: Coberg silty clay loam, Conser silty clay loam

Hydrologic Source: canal flow, direct precipitation, local runoff

Dominant Vegetation:

Trees	Shrubs	Vines/Herbs
		<i>Phalaris arundinacea</i> (reed canarygrass) <i>Alopecurus pratensis</i> (meadow foxtail) <i>Polygonum amphibium</i> (water smartweed) <i>Alisma plantago-aquatica</i> (water plantain)

Potential Enhancement Opportunities: Current functions are low. Conveyance and flood storage functions are maximized and vegetation is routinely sprayed. Opportunities include:

- modify vegetation management approach to improve water quality/habitat functions
- eliminate noxious weeds and replace with native emergent species
- where space exists, plant native trees, shrubs to provide thermal cover, add structural diversity, and improve habitat
- treat stormwater prior to discharge

Junction City Wetlands Inventory

OFWAM Functions and Conditions Summary Sheet

Wetland Assessment Unit: CC

Wildlife Habitat:	Provides habitat for some wildlife species	
Rationale:	One Cowardin class with >5 species	Surface water connection to other wetland
	Dominated by emergent vegetation and ponding	No adjacent Water Quality limited streams
	Low interspersions	Adjacent land is primarily developed uses YES
	More than 1 acre of open water	Wetland buffer is less than 10%
	Surface water connection to water body	
Fish Habitat:	Impacted or degraded	
Rationale:	Less than 50% of stream is shaded	No adjacent Water Quality Limited streams
	Stream banks are extensively modified	Adjacent land use is primarily developed uses
	<10% of stream has instream structures	No fish present in stream NOTE - th
Water Quality:	Impacted or degraded	
Rationale:	Primary water source is surface flow	Wetland is 0.5 to 5 acres, or <0.5 and connected
	Wetland floods or ponds	Adjacent land use is primarily developed uses YES
	Low wetland vegetation cover	No adjacent Water Quality Limited streams
Hydrologic Control:	Intact	
Rationale:	Wetland is within 100 year floodplain	Dominated by emergent vegetation and ponding
	Wetland floods or ponds	Development downslope of wetland
	Wetland is 0.5 to 5 acres, or <0.5 and connected	Urban uses upslope of wetland
	Wetland has minor flow restrictions	
Education:	Potential for education uses	
Rationale:	Wetland is open to the public	Other habitats can be observed not accessed
	One or two visible hazards to public	Maintained public access point exists
	No intact fish or wildlife, but both functions not lost	Wetland is not limited mobility accessible

Yeah we will grow Nutria
since they love Reed Canary
GRASS!

Table 6. OFWAM Wetland Assessment and LSW Results

Wetland Code	Acres	Exclusion?	OFWAM Thresholds (diverse wildlife habitat, intact fish habitat, intact water quality or intact hydrologic control function)				Mandatory Criteria					Optional Criteria			Locally Significant Wetland?	
			Wildlife	Fish	Water Quality	Hydrologic Control	% Mile of WQL Stream	Rare Plant Community	Listed Species	Connects to Salmon Habitat	Local Unique Native Community	Public With Educational Use				
BC	1.20	No					No	No	N/D	No	No	No	No	No	No	No
CC	3.82	No				Intact	No	No	N/D	No	No	No	No	No	No	No
CC-01	0.48	No	Diverse		Intact		No	No	N/D	No	No	No	No	Yes	Yes	Yes
CC-02	0.73	No				Intact	No	No	N/D	No	No	No	No	No	Yes	Yes
CC-03	0.52	No				Intact	No	No	N/D	No	No	No	No	No	Yes	Yes
CC-04	14.45	No	Diverse		Intact		No	No	N/D	No	No	No	No	No	Yes	Yes
EC	3.38	No				Intact	No	No	N/D	No	No	No	No	No	Yes	Yes
EC-01	1.95	No			Intact		No	No	N/D	No	No	No	No	No	Yes	Yes
EC-02	0.87*	No			Intact		No	No	N/D	No	No	No	No	No	Yes	Yes
FC-01	213.76	No				Intact	Yes	No	N/D	Yes	No	No	No	No	Yes	Yes
FC-02	19.85	No				Intact	No	No	N/D	No	No	No	No	No	Yes	Yes
FC-03	3.32	No				Intact	Yes	No	N/D	Yes	No	No	No	No	Yes	Yes
WC	1.36	No				Intact	No	No	N/D	No	No	No	No	No	Yes	Yes
WC-01	0.76	No				Intact	No	No	N/D	No	No	No	No	No	Yes	Yes

* Total area of wetland; area within UGB is 0.06 acre.

WQL: Water quality limited (per DEQ)

N/D: None Detected (based on incidental observation during inventory; a formal sensitive species survey was not completed for this project).



Chapter 2: Environmental Element

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I. Physical Geography

Junction City is situated in the Willamette Valley plain between the Willamette and Long Tom Rivers.

A. Soils. Area soils consist predominantly of silty clay loam. Much of the areas south and east of Junction City has a seasonally high water table and soils with moderately slow permeability. Ribbons of gravelly silt loam are typical along the banks of the drainageways. Engineering constraints included soils with high shrink-swell potential and low permeability.

B. Groundwater. The water table is generally within 20 feet of the land surface at most times of the year and extends above the ground surface in some local areas, particularly in winter along the minor streams and seasonal wetlands. Recharge for these aquifers is from precipitation, while discharge is to the alluvial water body and to streams. Movement is generally in the northerly direction, with a small component flowing toward the center of the valley. Both permeability and flow rates in the alluvium tend to decrease with depth. A broad groundwater divide within the older alluvium occurs along the line of the Southern Pacific Railroad from Junction City to Eugene. East of the rail line much of the groundwater flows northward and slightly eastward into the permeable younger alluvium, eventually discharging into the Willamette River during periods of low water. West of the rail line, the principal flow direction is northwestward along the Amazon Drain and then northward - eventually entering the younger alluvium and the river at a point somewhere between Junction City and Monroe. The drain also receives groundwater inflow from the Coast Range foothills to the west.

C. Flooding. Historically, flooding was common in the Junction City area. Two significant changes are decreasing the frequency of major flooding. First, increasing numbers of reservoirs have been built along the main tributaries of the Willamette River. Second, channel degradation, the lowering of the mean river bed elevation, has been taking place along the Willamette River and the lower reaches of the major tributaries. The effect of degradation has been to lower the water level of the major floods. The city has adopted a Flood Hazard Area Management Plan which prohibits construction of buildings within floodway channels. Junction City Ordinance No. 1063 protects life and property from flood hazards.

D. Air Quality. Air quality in the Junction City area is monitored and regulated by the Lane Regional Air Pollution Authority (LRAPA). Local air quality impacts created by slash and field burning and by intrusion of malodorous substances from the Eugene-Springfield area. Junction

Recharge this year is from JO WATER WELLS

How can you Deliberately Flood our BACKYARDS then?

City addresses noise pollution by implementing noise standards developed by the Department of Environmental Quality and included in the City's nuisance ordinance.

E. Natural Vegetation. Natural vegetation within the city's urban growth boundary consists of three separate categories: riparian communities, grasslands, and oak woodlands. Riparian vegetation most frequently occurs along streams and rivers and usually forms a dense narrow bend near an old shore line. Willow, cottonwood, and alder trees are most prevalent in these areas. This vegetative habitat is very valuable in that it provides food, cover, and resting opportunities for a great variety of animal species. The grassland habitat includes irrigated and non-irrigated agricultural foliage and croplands. Local grasslands are used to graze domestic livestock. Oak woodlands consist of white and black oak groves. Two large groves are located on public property.

II. Wetlands and Stream Corridors

Surface waters include minor streams, wetlands and natural or artificial lakes. The minor streams include two seasonal channels for Flat Creek and two seasonal channels for Crow Creek, both flowing in a northwesterly direction. Flat Creek is an overflow channel of the Willamette River with the two branches that flow through the City: Channels F1 and F1b.

Junction City has completed a Local Wetland Inventory (August 2011) for land within its Urban Growth Boundary. The Junction City area has high concentrations of hydric soils that are highly indicative of wetlands, especially west and south of the City. Because Junction City's wetlands are so widespread, the City has chosen to provide local protection (beyond the requirements of state and federal law) to defined channels within the City and to several high quality wetlands as identified in the City's economic, social, environmental and energy consequences (ESEE) analysis. Junction City is, however, committed to working closely with developers and the Department of State Lands (DSL) to identify and mitigate for impacts from wetland development.

III. ESEE Consequences Analysis

In 2000, as part of a plan amendment and master planning process for the 320-acre Oaklea site, the City applied a new Open Space plan designation and Stream Corridor and Wetland District to protect Crow Creek and delineated wetland areas. Areas identified on the master plan and Comprehensive Plan map as protected wetlands and agricultural buffer areas shall remain protected by the Open Space plan designation and the terms of the approved master plan.

The 2009 Economic Opportunities Analysis described the site requirements of targeted types of employment and compared these requirements with suitable employment sites within and immediately outside the Junction City UGB. Based on this analysis, it became clear that some of Junction City's best employment sites (i.e., those located along Highway 99W) were highly constrained by land by wetlands. Evidence provided by the Department of State Lands (DSL) confirmed a high correlation between hydric soils and delineated wetlands in and around Junction City. Moreover, the areas without hydric soils (land to the north and east of the existing UGB) are more likely to have higher value agricultural soils because these areas are relatively well-drained.

AND
STOLE MY
SIX 153
CHUNK OF
PROPERTY
WITH OUT
DUE
PROCESS

MY DITCH
LAWD IS
NOT AND
NEVER HAS
BEEN A
QUALITY
WETLAND

After considering economic, social, environmental and energy (ESEE) consequences of alternative policy options, the City decided to protect defined channels within the City, several high quality wetlands, as well as approved wetland mitigation sites from most development impacts. However, in order for Junction City to provide suitable employment sites and buildable residential land within the existing UGB, the City determined that local protection was not appropriate for three relatively low quality wetlands identified in the 2012 ESEE analysis. The City would then rely on DSL and Army Corps of Engineers programs to mitigate for adverse development impacts.

ESEE Conclusion: The 2012 ESEE Analysis concluded that local protection should be afforded to five relatively high quality wetlands. However, only portions of Wetland FC-01 (Oaklea) that are now protected by the Open Space plan designation (or by conditions of land use approval) are included in this recommendation. The remaining wetlands west of Oaklea Road and east of Flat Creek would be subject only to DSL regulation. In addition, the ESEE analysis concluded that local protection should be afforded to five relatively low quality wetlands to protect the open water aesthetic and flood control qualities. Because of identified adverse economic impacts, the 2012 ESEE Analysis recommended relying solely on DSL to review impacts from filling and removing the remaining three relatively low quality wetlands identified on the Local Wetlands Inventory.

IV. Environmental Policies

A. Junction City shall rely on its Floodplain Ordinance to ensure that most types of construction are prohibited in the floodway and strictly limited within the 100-year flood plain.

B. Junction City will coordinate with the Department of Environmental Quality to ensure that state and federal air, water and land resource quality is maintain and enhanced.

C. The Open Space Comprehensive Plan Map designation is intended to apply to stream corridors and relatively high quality wetlands that will remain in long-term open space use – regardless of whether the land is privately or publicly owned.

1. The boundaries of the Open Space designation may be adjusted to reflect the actual location of the protected space.

2. The Open Space designation shall continue to apply to the Oaklea property as called for in the Oaklea Master Plan (2000).

D. Prior to the issuance of a land development permit for any site listed on the City's Local Wetland Inventory, the City shall refer the request to DSL and the Army Corps of Engineers for their review and comment.

E. Following adoption of the LWI, Junction City shall apply the Wetland Resources Overlay District (WRD) to wetlands identified for local protection in the 2012 ESEE Analysis and to wetland mitigation sites approved by the Division of State Lands.

F. Junction City shall provide no local protection for three relatively low quality wetlands and a portion of the FC-01 wetland as identified in the 2012 ESEE Analysis and will rely on DSL to regulate wetland development within locally significant wetlands that are not protected by the WRD.

EPA
Rules →
Regulation
ARE HARMFUL
TO THE LAND
OWNERS

Frequently Asked Questions

Comprehensive Plan Update as it relates to wetlands

What does this mean for me as a property owner?

Since 1973, Oregon has maintained a statewide program for land use planning. The foundation of that program is a set of 19 Statewide Planning Goals.

The goals express the state's policies on land use and related topics, such as citizen involvement, housing, and natural resources (including wetlands).

Oregon's statewide goals are achieved through local comprehensive planning, such as through the City of Junction City's Comprehensive Plan and Zoning Ordinance. State law requires each city and county to adopt a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect.

Local comprehensive plans must be consistent with the Statewide Planning Goals and are reviewed and approved by the State in order to ensure consistency with the goals.

Wetlands



The wetland regulations being considered by the City are in response to **Goal 5**; "To protect natural resources and conserve scenic and historic areas and open spaces."

The State has also established procedures, standards, and definitions that local governments like the City of Junction City are required to follow to demonstrate compliance with State Goals. For example, in the case of Goal 5 the State has identified what procedures, standards, and definitions the City needs to apply in determining which wetlands are important locally and to develop a local wetland protection program to demonstrate compliance with Statewide Planning Goal 5.

CC - Hammerman & Local
Budget property - late Spring or Early fall
otherwise is dry.

How long has the City been considering new rules?

The City began this process back in 2008 by contacting many of the property owners with areas that contained potential wetlands. The City held a number of Open Houses to allow property owners to learn more about the process and to gain input from property owners about local lands. Public information meetings addressing the Wetland Inventory project were held on October 29, 2008, March 25, 2009, October 14, 2010, March 16, 2011, November 18, 2011, and December 20, 2011. When the inventory of wetlands was completed in late 2011, the City sent notices to property owners with identified wetlands, noticing them about this finding and encouraging them to participate in meetings that would establish new wetland regulations. The Planning Commission has had many public meetings over the last six months to discuss what wetlands would be protected and the content of the wetland regulations.

Why is my part of my property considered wetlands?

Under the State and National system of classifying wetlands, wetlands are considered as "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." The process of classifying wetlands is a science-driven process which focuses on three key issues: soils, vegetation, and water. So, while something may look like a ditch, it could actually be a wetland. Scientists specializing in wetlands representing both the City and the State have been involved in the local inventory and have determined which areas in the City are wetlands or possible wetlands and are locally significant. The wetland inventory has been approved by the Department of State Lands and is now recognized as the official inventory of the City. Wetlands provide many functions in a community, but the most obvious and perhaps most critical to Junction City is their flood water storage capacity to prevent and minimize flooding.



What Activities are Subject to review by the City of Junction City?

Many activities are not subject to a permit requirement (also known as 'exempt' activities). For those activities that require review by the City, the review will take place concurrent with any land use application or building permit. Activities subject to review by the City include:

- Land divisions
- New structures, or exterior expansion of any structure within 20 feet of the wetland mapped on the Local Wetland Inventory

Why would you have 2 to APPROVE ADDITIONS TO my house, it is 45' FROM BOUNDARY LINE on the WEST?

- Increases in impervious surfaces within 20 feet of the wetland mapped on the Local Wetland Inventory
- Site modifications, including grading, excavation, or fill within 20 feet of the wetland mapped on the Local Wetland Inventory
- Installation of utilities within 20 feet of the wetland mapped on the Local Wetland Inventory
- Construction of roads, driveways or paths within 20 feet of the wetland mapped on the Local Wetland Inventory

*Phone
line Barriers
Along
MY PROPERTY
ALREADY*

Why is the City of Junction City proposing to regulate wetlands locally when Oregon Department of State Lands (DSL) and the US Army Corps of Engineers already regulate them?

The State of Oregon requires protection of locally significant wetlands. State and federal regulations do not always prevent filling of wetlands, and many of the wetlands in the City are important, primarily because of potential flooding issues if wetland areas are reduced. The City is proposing to establish a review system to ensure that these local community values are protected.

*not doing
this -
pictures*

Will the City continue to maintain drainage ways?

The City will continue to maintain the same drainage ways as it has in the past. In addition, the new regulations will not increase the amount of water in drainage ways.

How will the wetland regulations affect what I can do with my property?

The proposed regulations are intended to balance the protection of significant resources with reasonable economic use of property. They represent the minimum level of protection to meet our Goal 5 natural resource protection requirements. The impact of the proposed regulations on existing development is as limited as possible.

Many normal residential activities are not affected from the regulations. The following table overviews how the regulations might affect the use of your property:

Proposal	Can Improvements be Made?
Maintenance and repair of existing structures	Yes
Interior remodels	Yes
Structural Additions	Yes, provided the addition is not located directly in the wetland
Replacement of existing structure	Yes, with no additional disturbance to wetland (This would not be an issue if the structure is not located in a wetland)
Mow lawn	Yes
Replace existing vegetation	Yes
Herbicide application	Yes, using herbicide designed for use in or near open water
Division of property	Yes, provided lots have enough area outside of wetland to be built upon

*What is that
any?*

There are also provisions to address situations where the lot would become unbuildable or when a use that could be reasonably expected to occur in the current zoning district would not be allowed. And there are provisions for changing the overlay boundary, if a mapping error is identified.

The City's Public Works Department will continue to maintain channels that have been maintained for flood control in the past.

NOT BEING
DENE
TOO WET

Why is a wetland delineation or determination needed?

The wetland overlay does not show the precise locations of the wetlands – if you are proposing activities close to the mapped wetland (within 20 feet) we need to have a wetland determination or wetland delineation to determine if the activities you are proposing will impact the wetlands. If you believe you are potentially impacting wetlands, the first step to explore would be to contact the Department of State Lands (DSL) and request an Off-Site Determination (off-site in this case means that DSL will review records they have available at their office, and will not visit the property).



This is a free service that DSL offers. If the DSL representative is comfortable that the proposed activities will not affect the wetland, then the representative may issue a Wetland Determination, and no further review would be required. In some cases, the DSL representative may be available to conduct a site visit.

If the DSL representative determines that additional review is needed, then a DSL-approved delineation would be required. This would require a property owner to hire a wetland scientist who would need to visit the property and determine the precise location of the wetland, which would need to be verified by DSL.

Why isn't documentation of wetland permits from the state/feds enough to protect the resource?

The state, through Goal 5, requires local regulations for protection of significant resources.

NOTES FOR COUNSELORS, J C WETLAND MEETING AUGUST 16, 2012

Years ago, in the 1940's and 50's we had a booming logging industry, providing jobs in logging, making shakes and shingles, providing lumber & plywood to build our homes, and paper to use and sell to other cities, towns and countries.

Then the environmentalists had this idea, that we should not log the beautiful forest trees in our state, we should instead keep them growing for everyone to enjoy. Putting most of Oregon's forests into Federal lands, and with EPA rules and regulations to preserve them. This way any one could go into the forests to hike and camp, and enjoy the wonderful trees, lakes and rivers.

Now, because the economy has slowed down, with millions of people out of work, and low tax revenues coming in, we are still gripped in the claws of these government agencies, who will preserve the forests against all comers....except such yearly disasters that occur, such as lightning strikes, careless campers who leave a fire, careless smokers who toss out of their cars a lit cigarette, which invariably causes a forest fire, that destroys MILLIONS OF ACRES OF TREES, BRUSH AND ANIMALS IN ITS PATH, AND ALSO ANY BODY'S HOME THAT GETS BUILT NEARBY. So, how have you been enjoying our national forest ashes lately??????

We are now buying most of the lumber we use from Canada. Canadians don't care about saving their forests, they want to use them, and make money from the sale of the products they create from them. Kleenex is made in Canada. How many of you buy Kleenex to use in your homes?

Now, our men would welcome a job logging, driving a log truck, working in a sawmill, making lumber and shingles, working in a paper mill creating paper for so many uses. They would welcome bringing home a paycheck to buy groceries and pay their living expenses, sending their kids to college, even paying taxes. Businessmen would welcome the chance to start up production mills again, to create products to sell, earning a reasonable return, even paying taxes.

Our cities, towns, counties would welcome the additional taxes this forest industry would create. Our children would have enough room in schools (Oregon State University is over crowned, per Register Guard, 8/12/12 newspaper article). Our police forces would be strong enough to investigate crime, and our jails would have enough money to keep the offenders in, instead of letting them out to crime their crimes all over again. Oregon would welcome back the forest jobs, because thousands of jobs were lost, when the Federal government took over our forests.

THIS IS WHAT HAPPENS WHEN YOU GIVE OVER THE INTERESTS OF OUR CITY RESIDENTS TO EPA OR DSL AND YES, EVEN THE JUNCTION CITY PLANNERS.

They will take away the RIGHTS OF THE PROPERTY OWNERS, who paid their hard-

earned money for the property, to do what we (the property owners) want to do on our own land, and turn that right over to a bunch of environmentalists and government agencies, who can care less what happens to the land. Just so long that the WILD WEEDS, BUGS AND ANIMALS (INCLUDING NUTRIA) ARE PROTECTED. They could care less what happens to the people.

The property owners are **paying property taxes, which fund schools, fire dept, police dept, jail, library and city hall.** Lowering the value of our property by deeming it a wetland, will in turn lower the amount of property taxes we will pay. It was raise the cost of living, as we will have to buy flood insurance.

IF YOU ENACT THIS LAW, TAKING AWAY OUR PROPERTY FROM US, AND DECLARING THE PROPERTY TO BE A WETLAND, you are in truth saying, "**We only care about the weeds, the reed canary grass, the mosquitoes, and the nutria, and to hell with the humans and property we will be destroying.**"

How can you justify that???? DON'T WE PEOPLE DESERVE BETTER THAN THAT????

Living with Wildlife

Nutria

Nutria (*Myocastor coypus*, Fig. 1) are semi-aquatic rodents native to southern parts of South America. In the 1930s, they were sold throughout North America to fur farmers and as a means of controlling unwanted aquatic vegetation. Various associations, magazine and newspaper articles, and demonstrations at county fairs promoted the sale of nutria in Washington.

More than 600 nutria farms existed in Oregon and Washington from the 1930s to the 1950s. Flooding and storms damaged holding structures, allowing nutria to escape. Farmers also released their stock when nutria farming became uneconomical. By the 1940s, nutria had been captured by trappers on both sides of the Cascade Mountains in Washington.

Adult nutria average 24 inches long from the nose to the base of the tail. The tail itself is 12-16 inches long, round, and nearly hairless. Males are slightly larger than females; males weigh 12-20 pounds and females weigh 10-18 pounds.

Depending on the nutria's ancestry and current habitat, its fur will vary from light yellowish brown to dark reddish brown, and black. Their hind legs are much larger than the forelegs. When moving on land, a nutria may drag its chest and appear to hunch its back.

Nutria are found in lakes, wetlands, sloughs, drainage ditches, and irrigation canals along the Columbia River and north to Skagit County. Cold temperatures seem to reduce the distribution of nutria, as they don't live in areas where water surfaces freeze for long periods.

Facts about Nutria

Foods and Feeding Habits

- Nutria are herbivores and consume approximately 25 percent of their weight daily.
- Succulent, lower portions of plants being preferred food.
- Roots, rhizomes, tubers, and tree bark are important during winter when the green parts of plants aren't available.
- Nutria also eat crops and lawn grasses found next to water.
- Because their forepaws are small and dexterous, nutria can excavate soil and handle small food items.

Reproduction and Family Structure

- Males reach sexual maturity between 4 and 9 months, whereas, females reach sexual maturity between 3 and 9 months.

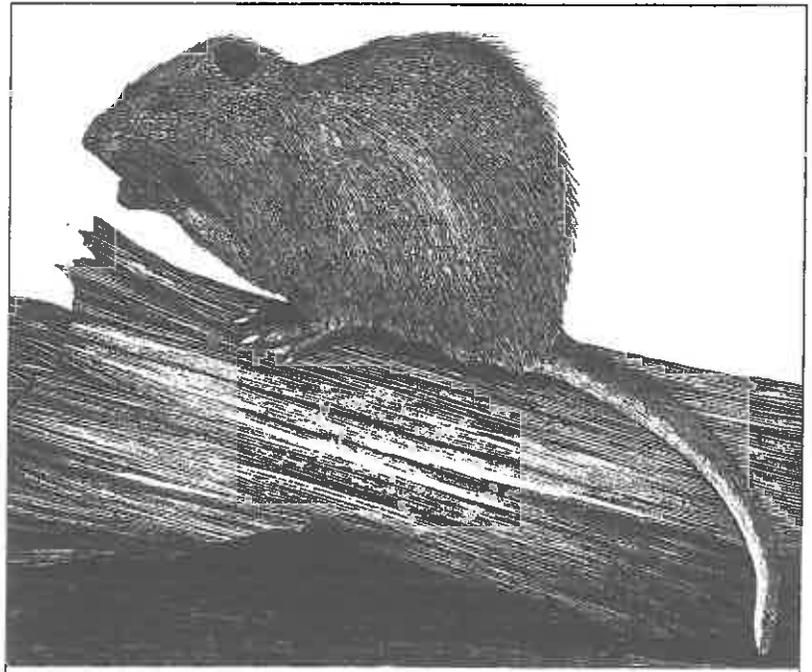


Figure 1. A nutria is three times the size of a muskrat and its tail is round, not flattened vertically, as is the muskrat's. Nutria and beaver are similar in size, but the beaver has a large tail, which is flattened horizontally.

(From Christensen and Larrison, *Mammals of the Pacific Northwest: A Pictorial Introduction*.)

- With a gestation period of only 130 days, in one year, adult nutria can produce two litters and be pregnant for a third.
- Litter size averages 5 young. Females can breed within a day of having a litter.
- Newborn nutria feed on vegetation within hours and will nurse for 7-8 weeks.
- A rather unusual characteristic of the female nutria is that her teats are so high on her sides the babies can nurse even while their mother is lying on her stomach or swimming in the water.



Figure 2. Nutria have large incisors that are yellow to orange-red on the outer surface. The head of the nutria is large and almost triangular. The whiskers are obvious, about 4 inches in length and numerous.

(Photo from U.S. Geological Survey.)

Family Structure

- Nutria are thought of as colonial because the same den is shared by the dominant male with two or three females and their offspring.
- Two to 13 individual nutria form a group. Adult males are sometimes solitary.

Burrow and Den Sites

- Nutria will dig their own burrow, or use an abandoned burrow or lodge of a beaver or muskrat.
- Burrow entrances are often a foot or two beneath the water's surface and as much as two feet in diameter.
- Burrows range from a simple, short tunnel with one entrance to complex systems with several tunnels and entrances at different levels. Tunnels are usually 3 to 18 feet long.
- Young are born in a grass-lined den within the burrow or sometimes on a floating platform nest made of vegetation.

Right into the sides of the ditches
 & UNDER - LAWN'S
 MINE → HOUSES

Mortality and Longevity

- Predators of adult nutria include coyotes, domestic dogs, and humans. Great horned owls, foxes, great blue herons, hawks, eagles, and raccoons prey on the young.
- In the early 1990s, 5,300 to 7,700 nutria were taken per year in Oregon, with prices for pelts ranging from \$2.00 to \$4.00 apiece.
- Nutria are sensitive to low temperatures. Cold winter temperatures are believed to be the main limiting factor preventing nutria from becoming established in much of eastern Washington and at high elevations in western Washington.
- In the wild, most nutria live less than three years.

Viewing Nutria

Nutria are active throughout the year. Although they may be seen at any time, they are most active at twilight and throughout the night. They may be seen feeding during the day when food is scarce, or basking in the sun when temperatures are low.

Nutria generally occupy a small area throughout their lives. Daily travel distances for most nutria are less than 600 feet, although some individuals may travel much farther. Rarely will nutria be seen very far from water, and they are usually seen swimming. They tend to swim with their narrow, pointed tails snaking in the water behind them, or arched out of the water; you never see a beaver's rounded tail as it swims.

NOTE
THIS

When startled, nutria enter the water with a loud splash, and, being strong swimmers, they may swim long distances underwater before surfacing. (Nutria can remain submerged for as long as 10 minutes.) They can also remain motionless under sparse vegetation, with only their noses and eyes above water.

When cornered or captured, nutria are aggressive biters and scratchers and can seriously injure pets and humans.

Feeding Areas

Evidence of nutria feeding includes rushes, sedges and other plants gnawed to a stubble, floating cattail roots or other vegetation that has been clipped, and piles of clipped vegetation under overhanging vegetation or in a well-concealed spot at the water's edge.

Nutria often build flattened circular feeding platforms of vegetation in shallow water. Constructed of coarse emergent vegetation, these platforms are also used for loafing, grooming, and birthing and are often misidentified as muskrat houses. Feeding platforms measure 3 to 6 feet across and there may be travel channels through the mud leading to them.

Tracks

Nutria tracks can be found in mud or sand along shorelines (Fig. 3). The mark of a dragging tail is sometimes apparent.

Nutria have five clawed toes on each foot; the front feet are not webbed. Nutria tracks are easily confused with beaver tracks when the beaver's fifth toe webbing does not print.

Droppings

Nutria droppings are dark green, brown, or almost black. Nutria droppings are 2 inches long and 1/2 inch in diameter (Fig. 3). The droppings are unique in that they have distinct parallel grooves along their entire length, making them distinguishable from droppings of muskrat and beaver.

Nutria droppings can be found floating in the water, along shorelines, on objects protruding out of the water, and at feeding sites. The animals may repeatedly use these spots, and more than one nutria may use the same spot.

MAKES DITCH WATER FILTHY & DISEASED

Slides

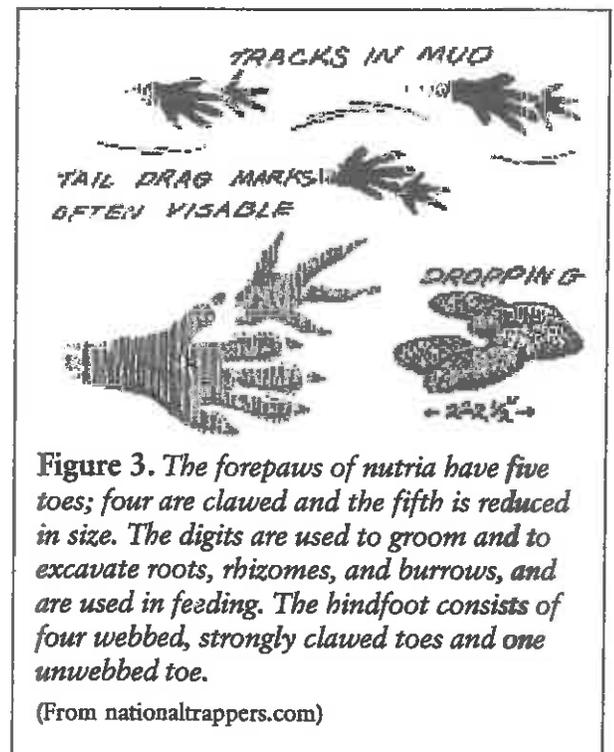
Slides are the narrow trails nutria make where they enter and leave the water. Nutria slides are twice the width of a hand. (Beaver slides can be up to 20 inches wide.) Slides look like muddy trails and may be slicked down from the animals' sliding down them on their bellies.

Calls

Where large numbers of nutria are present at dusk, a chorus of pig-like grunts may be heard.

Preventing Conflicts

Nutria damage is related to burrowing and feeding. Nutria construct burrows in the banks of rivers, sloughs, and ponds, sometimes causing considerable erosion. Burrows can weaken roadbeds, stream banks, dams, and dikes, which may collapse when the soil is saturated by rain or high water. Rain action can wash out and enlarge collapsed burrows and compounds the damage.



Their large size makes it possible for nutria to girdle orchard trees, landscape trees, and ornamental shrubs.

Nutria numbers may increase to the point where an area is denuded of aquatic vegetation. After foraging on entire plants, including the roots, they leave the area pitted with digging sites and deep swimming canals. This feeding behavior can destroy existing root mats that bind and secure a wetland together, and the area can be quickly eroded by wind and wave action. In parts of southern Washington, nutria may be out-competing muskrats for food and places to live.

The following suggestions will help to reduce conflicts. You can do the work yourself or hire a company to do all or part of the work (see the "Hiring a Wildlife Damage Control Company" handout for information.) In cases where these methods are not practical, contact your local County Extension Agent or Department of Agriculture's Wildlife Services for further information.

Fences and Other Barriers

Nutria are not climbers. A properly designed and maintained 3-foot tall wire fence will exclude them. The fence must be taller if snow or other materials are likely to build up near it. Because nutria are diggers, the fence will need to extend at least 12 inches below ground. Alternately, a tight fit to the ground and an L extension that runs 24 inches out on the soil surface toward the animal will also prevent entering from underneath (See Figures 4-6 for samples of barriers).

NO FENCE STOPS THEM FROM DIGGING UNDER.
THEY DO THAT TO INVADDE MY YARD & GARDEN.

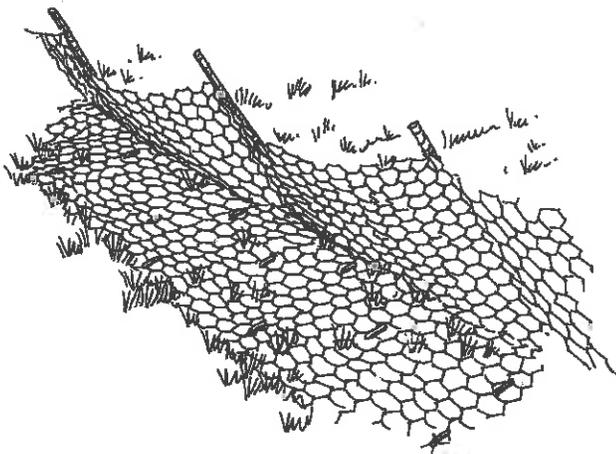


Figure 4. A mini floppy fence constructed of 1-inch mesh wire or heavy plastic needs to be at least 2 feet high and staked so that it's wobbly. The fence should not be pulled tight between the stakes, but rather there should be some "give" so that when the nutria tries to climb the fence, it will wobble, discouraging further climbing. Constructing the fence so that it leans slightly toward the nutria's side will increase its effectiveness.

To prevent nutria from digging under the fence, keep a 2-foot wide wire apron on top of the ground on the animal's side of the fence. Keep the apron flush to the ground with rocks and/or stakes, or young nutria will shimmy under it.

(Drawing by Jenifer Rees.)

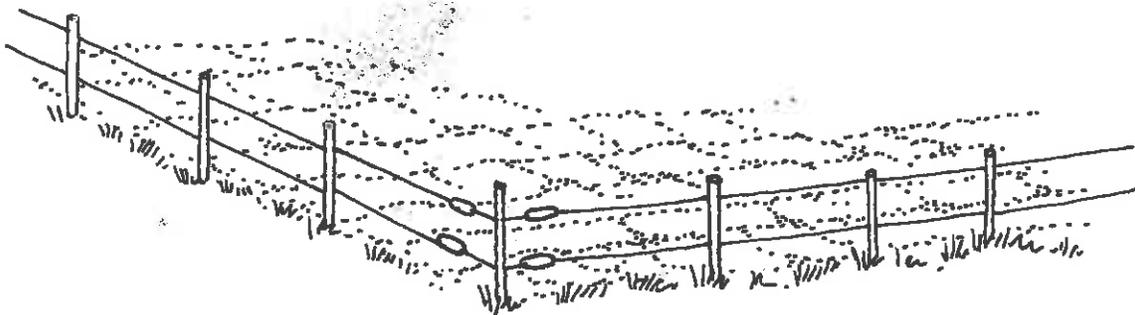


Figure 5. A single strand of electric wire set alone, or placed 6 inches above the ground and the same distance outside the fence will also help prevent nutria from burrowing and climbing. Vegetation near any electric fence should be removed regularly to prevent the system from shorting out.

(Drawing by Jenifer Rees)

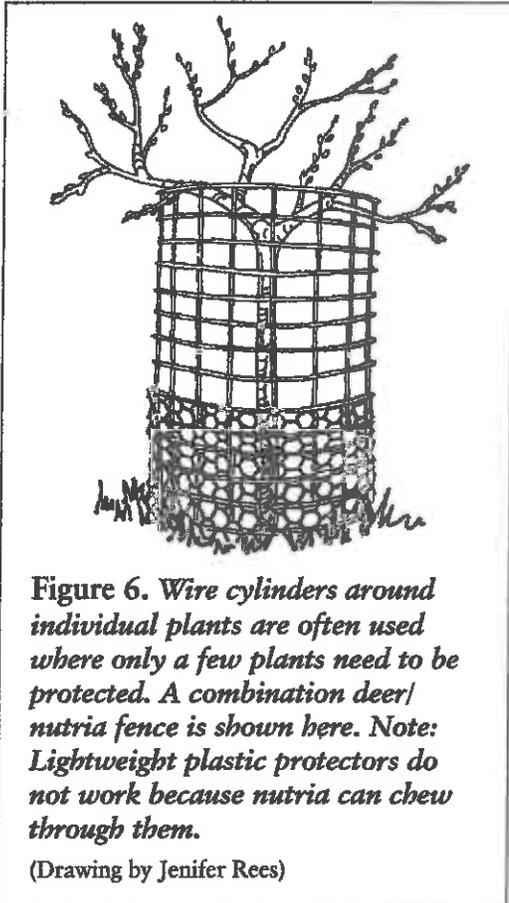


Figure 6. Wire cylinders around individual plants are often used where only a few plants need to be protected. A combination deer/nutria fence is shown here. Note: Lightweight plastic protectors do not work because nutria can chew through them.

(Drawing by Jenifer Rees)

Water-Level Management

Nutria (and muskrats and Old World rats) burrow into dams, dikes, and other embankments to make dens (Fig. 7). Typically dens have 2 feet or more of earth above them. However, when fluctuating water levels flood their initial den, nutria burrow farther into the bank or dig new, higher den chambers close to the surface. In such cases this can weaken the bank, or livestock and other large animals can pierce holes in the bank, starting the erosion process.

To prevent nutria from tunneling higher in an embankment, keep fluctuations in water levels to a minimum. This can require frequently monitoring the spillway to ensure an unobstructed flow, or widening the spillway to carry off surplus water so that it never rises more than 6 inches on the dam.

Water-level manipulation can also be used to force nutria to other suitable habitat. Raising the water level in the winter to a near-flood level, and keeping it there, will force the animals out of their dens. Similarly, dropping water levels during the summer will expose nutria dens to predators, forcing them to seek a more secure area.

Slope Management

Nutria prefer to burrow on steep slopes covered with vegetation. Hence, they can be discouraged by keeping side slopes to a 3:1 or less ratio, and by controlling vegetation growth. Managing vegetation by hand can be difficult in large areas, but routine mowing or cutting with a weed whacker can be effective. Only herbicides registered for use next to water should be used, and then only per the manufacture's

recommendations.

If possible, keep livestock off embankments to avoid the chance that an animal will put a hoof through a den chamber. If a roof is pierced, immediately fill in the cavity with soil, rocks, or a mudpack (see below).

Embankment Barriers

A wire or stone barrier installed 1 foot above to 3 feet below normal water level can prevent nutria from burrowing into an earth embankment.

A barrier can be made from 1-inch mesh hardware cloth (aluminum and stainless steel are also available), or heavy-duty plastic or fiberglass netting. The barrier should be placed flat against the bank and anchored every few feet along all edges. To extend the life of galvanized hardware cloth, spray it with automobile undercoat paint or other rustproof paint before installation. Since the wire will eventually corrode, do not use this material where people are likely to swim.

Riprapping areas with stone creates an effective barrier and protect slopes from wave action. Stone should be at least 6 inches thick.

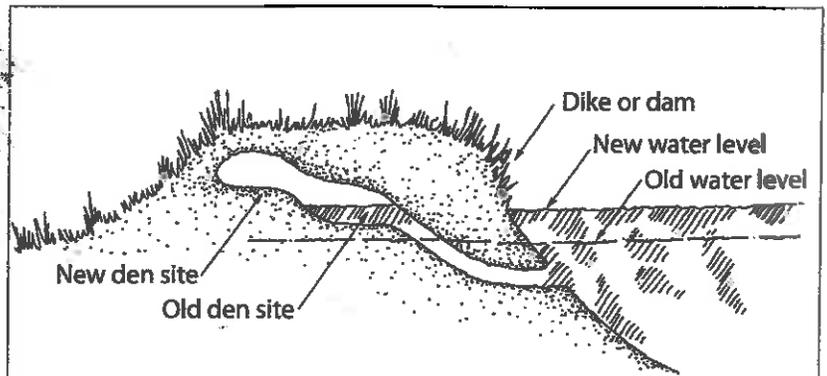


Figure 7. In dams, dikes, and banks, nutria tunnel upward from below the water surface into the soil to make dens that remain dry. When fluctuating water levels flood their initial den, they burrow farther into the bank or dig new, higher den chambers close to the surface.

(Drawing by Jenifer Rees. Adapted from Hygnstrom, et al. *Prevention and Control of Wildlife Damage.*)

Where a burrowing problem is extreme, use a gas-powered trenching machine (available at rental stores) to dig a narrow trench along the length of the embankment. Hand digging will be required to dig to the recommended depth—3 feet below the high-water level. Next, fill the trench with a mudpack. A mudpack is made by adding water to a 90 percent earth and 10 percent cement mixture until it becomes a thick slurry. The resulting solid core will prevent nutria from digging through the embankment.

Harassment and Repellents

Nutria are wary animals and will try to escape when threatened. When new burrows are discovered early on, the entry holes can be stuffed with rocks, balled-up window screen, and/or rags sprinkled with predator urine (mink, coyote, or bobcat—available from trapper supply outlets and over the Internet). Some people have had success using old cat litter in this way. Exposing their tunnels from above may also work. The success of this type of control depends on persistence from the harasser and thus is often short-lived.

Loud noises, high-pressure water sprays, and other types of harassment have been used to scare nutria from lawns and golf courses. However, the success of this type of control is usually short-lived and problem animals soon return. Large dogs that are awake during the night can be effective at keeping nutria out of areas. Bold nutria often intimidate small dogs.

Crop Location

Unfenced crops and gardens located close to water will be more attractive to nutria than those further from water. If you have a choice of where to locate your garden, consider nutria damage. Natural vegetation buffers next to water bodies can provide feeding areas and reduce the attractiveness of vegetation further from the water.

Trapping and Lethal Control

Nutria are easily captured in single door three or four foot long live traps. Bait live traps with sweet potatoes or carrots and place them along active trails or wherever nutria or their sign are seen. A small amount of bait leading to the entrance of the live trap will increase capture success.

Due to its classification as a Prohibited Aquatic Animal Species (see “Legal Status”), all live-trapped nutria should be euthanized and not returned to the wild.

When cornered or captured, nutria are aggressive and can inflict serious injury to pets and humans. Extreme care should be taken when handling captured nutria.

Trapping may not be legal in some urban areas; check with local authorities. See the handout “Trapping Wildlife” for additional information, including euthanization.

Since nutria are usually found in waterways, there is often an unlimited supply of replacement animals upstream and downstream from where the damage is occurring. Rapid immigration coupled with a high reproductive rate makes ongoing lethal control a “high-effort” method of damage control that is often ineffective. (Lethal control can be effective in areas where the local population of nutria is still small.) The methods described and referenced in “Preventing Conflicts” are the best long-term solution.

Shooting has been an effective in eliminating small isolated groups of nutria. For safety considerations, shooting is generally limited to rural situations and is considered too hazardous in more populated areas, even if legal. No fumigants are currently registered for nutria control.

Public Health Concerns

Nutria, rabbits, hares, voles, muskrats, and beavers are some of the species that can be infected with the bacterial disease tularemia. Tularemia is fatal to animals and is transmitted to them by ticks, biting flies, and via contaminated water. Animals with this disease may be sluggish, unable to run when disturbed, or appear tame.

Tularemia may be transmitted to humans if they drink contaminated water, eat undercooked, infected meat, or allow an open cut to contact an infected animal. The most common source of tularemia for humans is to be cut or nicked by a knife when skinning or gutting an infected animal. Humans can also get this disease via a tick bite, a biting fly, ingestion of contaminated water, or by inhaling dust from soil contaminated with the bacteria.

A human who contracts tularemia commonly has a high temperature, headache, body ache, nausea, and sweats. A mild case may be confused with the flu and ignored. Humans can be easily treated with antibiotics.

Nutria are among the few animals that regularly defecate in water, and their droppings (like those of humans and other mammals) may cause a flu-like infection when contaminated water is ingested. The technical name for this illness is "giardiasis." It is more commonly referred to as "giardia"—derived from *giardia*, the single-cell protozoa that causes the disease. Another popular term, "beaver fever," may be a misnomer. It has never been demonstrated that the type of giardia beavers carry causes giardiasis in humans. Giardia has been found in many animal species, including pets, wildlife, and livestock.

Anyone handling a dead or live nutria should wear rubber gloves, and wash his or her hands well when finished.

Legal Status

The nutria is classified as a Prohibited Aquatic Animal Species (WAC 220-12-090). Due to this classification, all live-trapped nutria should be euthanized and not returned to the wild.

No special trapping permit is necessary for the use of live traps. However, a special trapping permit is required for the use of all traps other than live traps (RCW 77.15.192, 77.15.194; WAC 232-12-142). There are no exceptions for emergencies and no provisions for verbal approval. All special trapping permit applications must be in writing on a form available from the Department of Fish and Wildlife (WDFW).

It is unlawful to transport nutria, and all other wildlife, anywhere within the state without a permit to do so (RCW 77.15.250; WAC 232-12-271).

Additional Information

Books

Verts, B. J., and Leslie N. Carraway. *Land Mammals of Oregon*. Los Angeles: University of California Press, 1998.

Internet Sites

USDA National Invasive Species Information Center:

<http://www.invasivespeciesinfo.gov/aquatics/nutria.shtml>

Virtual Dirt Time: An Adventure in Tracking Online:

<http://dirttime.ws/Notebook/Nutria.htm>

Adapted from "Living with Wildlife in the Pacific Northwest" (see <http://wdfw.wa.gov/wlm/living.htm>)

Written by: Russell Link, Wildlife Biologist, Linkrel@dfw.wa.gov

Design and layout: Peggy Ushakoff, ITAS2

Illustrations: As credited

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This program receives Federal financial assistance from the U.S. Fish and Wildlife Service. It is the policy of the Washington State Department of Fish and Wildlife (WDFW) to adhere to the following: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972. The U.S. Department of the Interior and its bureaus prohibit discrimination on the bases of race, color, national origin, age, disability and sex (in educational programs). If you believe that you have been discriminated against in any program, activity or facility, please contact the WDFW ADA Coordinator at 600 Capitol Way North, Olympia, Washington 98501-1091



I have a packet of information for you, of some of the problems that will occur if the planning commissions proposal to enlarge the flood control ditches area to include the back yards of everyone who lives along one of these ditches is approved.

I own a pie shaped wedge of land, with the widest portion abutting a ditch, which runs along Oak Dr. Presently J City has a 15 foot easement for the purpose of drainage and utilities along that border. I have heard that 20 ft is already considered a wetland, however I was never notified that J C was taking another 5 foot easement.

A city employee said that they had heard the wetlands were to be enlarged to 30 or 40 feet wide, each side. So if you approve this proposal to increase the wetlands which would include my back yard, you would be taking about 80% of my property. HOW CAN THAT BE FAIR?

Our back yards are part of our living space. My great great grandchildren play there. I have fruit trees and a big vegetable garden where I grow food for myself, my sister, a niece and my granddaughter and her family.

EPA says I can't spray my fruit trees or bugs in my garden, as they don't allow any spraying in a wetland. They also protect nutria.

The frequently asked questions blurb on the Junction City website states:
"The city will continue to maintain the drainage ways as it has in the past"

If you turn in your packet to pages 1-6 you can see by the photos of all the ditches that I visited and took pictures, that that statement is not true.

Every ditch has weeds still growing. In Photo # 2 you can even see a little tree has sprouted. The fallen limbs are still laying there and the **reed canary grass**, which appears as that green grass in most of the photos, appears to have been sown. Every ditch has water being pumped into it, to keep all the weeds growing. I have a sample of the reed canary grass here. I am 5' 5" and it is taller than I am, and grows quite thickly where ever it is left to grow.

I was informed that the reason the ditches were not being cleaned, was because they are wet, water is flowing into them. Now, where does the water come from???? IT HASN'T RAINED IN MONTHS. The ditches along hwy 99 are dry. THE WILLAMETTE RIVER IS REALLY LOW, YOU CAN SEE THE SAND BARS IN THE MIDDLE. THAT ONLY LEAVES the City Wells! So ONE OR MORE OF THE CITY WELLS ARE BEING used to PUMP WATER INTO THE DITCHES, to keep them wet! Who ever authorized that, should be fired. The wells are suppose to be used for our drinking water, the water we use in our households, and lawns and gardens. WHY IS IT BEING USED TO WATER THE WEEDS IN THE DITCHES NOW?

Do you really want the ditches full of weeds, trees and debris? If left to grow they will fill the drainage ditches, leaving little room for this winters rain and other water run off.

Where will the water go then? In our back yards of course. That is the reason they are to be designated **wetlands**, so when our property gets flooded, hey! Junction City won't be held liable for the property damage that occurs. How convenient!



Since the Nutria live in and around the ditches, and we are growing a lot of their favorite food, the Reed Canary grass, they will multiply. Did you know that the female nutria can have up to two or three litters of five to seven babies every year????

Taking our property just to save weeds and nutria, is just wrong. Why are they so much more important than we humans? How can you justify taking away our right to do what we wish with the property we bought and paid for with our hard earned money and that we pay property taxes on just to protect a bunch of obnoxious weeds and nutria?

How can you justify approving the wetlands proposal? How can you justify tearing our lives apart, just for some weeds?

PLEASE DO NOT PASS THIS WETLANDS PROPOSAL INTO LAW

Petition to Oppose the Proposed Junction City, OR

Wetland Resources Overlay District

<p>Petition summary and background</p>	<p>People who own and pay real estate taxes for land that has an easement through it for a flood control ditch, which benefits the entire population of Junction City, should not be subjected to additional regulatory controls without compensation. The Oregon Division of State Lands currently has sufficient authority to mitigate any fill affecting the 20 ft. wide ditch easement under the Clean Water Act. The approval of a 50 to 60 ft wide wetlands designation is an unnecessary "taking" of privately owned land. The wetland designation infringes on the property owners use of their property, decreases the property's market value, and obligates the owner to incur more fees and permits for potential projects within the designated wetland area.</p>
<p>Action petitioned for</p>	<p>We, the undersigned, are citizens petitioning our Council members to act now to protect property rights by voting "NO" on the proposed Junction City, OR Wetland Resources Overlay District.</p>

Printed Name	Signature	Address	Comments	Date
Tamey Reinken	<i>Tamey Reinken</i>	30747 Hayes, Jct City, OR	No, I do not agree with taking the extra footage which belongs to homeowners	8-8-2012
Darren Fenton	<i>Darren Fenton</i>	30747 Hayes Ln, Jct City, OR	It's a drain ditch	8-9-2012

Rec'd 8.10.12
JRM
SP

Below are statements which accompanied an oral testimony at the Planning Commission's August 16, 2012 Public Hearing.

Public Works-

See Jason Knopke

Edith Lovell

Edith Loveall

1315 Oak Dr

QUESTIONS FOR MEETING WITH J C PLANING COMMISSION

1. According to the "Frequently asked questions" found on your web site;

A: The City will continue to maintain drainage ways. This is not being done, at any of the ditches I visited. Water is being pumped into the ditch so that the weeds and their seeds can continue to grow and flourish

WHERE IS THE WATER COMING FROM TO WATER THE WEEDS IN THE DITCHES. We've had NO RAIN for months, WILLAMETTE IS REALY LOW, SO IT MUST BE FROM THE CITY WELLS.

WHO AUTHORIZED THE USE OF OUR CITY WELLS TO WATER THE WEEDS IN THE DITCHES?

B: My property purchase contract states J C has a 15 foot easement along my 153. + border, for drainage and utilities. Stacy at the City hall said that 20 feet was already considered part of the J C wetlands inventory. So you have already stolen a 5 foot wide, 153+ foot long piece of my property, **WITHOUT DUE PROCESS.** Caroline Simon of DSL said that you could not take any more of my land without filing a petition with her, and that has not happened. **HOW CAN YOU JUSTIFY STEALING LAND FROM THE PROPERTY OWNERS LIKE THAT?**

C; When the winter rains & snow come, and the ditches are full of weeds, trees, debris and berry vines, **HOW DO YOU PROPOSE TO KEEP THE DITCHES FROM OVER FLOWING ONTO ALL THE BACKYARDS THAT LINE THE DITCHES??**

ISN'T THIS THE REASON YOU NOW WANT TO DEEM OUR BACKYARD PROPERTY AS A "WETLAND" SO JUNCTION CITY WILL NOT BE HELD RESPONSIBLE FOR THE FLOOD DAMAGE THAT IS CAUSED. ????

D: IF THE DITCHES ARE ALL CONSIDERED WETLANDS, AND YOU SAY WE WILL NOT EXPERIENCE ANY FLOODING OF OUR PROPERTIES, **THEN WHY DO YOU NEED TO INCLUDE OUR BACKYARDS AS PART OF THE WETLANDS.???**

Rec'd 8.16.12
@ [Signature]

E: I CHECKED WITH A LOCAL REAL ESTATE AGENT, WHO SAID MY PROPERTY VALUE WOULD BE REDUCED SIGNIFICANTLY (20%) JUST BEING LISTED AS A WETLAND. IN ADDITION, THERE ARE SO MANY DITCHES IN J C.

HOW CAN YOU JUSTIFY DEVALUING SO MUCH OF JUNCTION CITY RESIDENTIAL AND BUSINESS PROPERTY. ?????

OTHER ISSUES:

A; By pumping water into all the ditches, you are creating an environment to encourage increased breeding of mosquitoes. Mosquitoes carry the west Nile virus. HOW ARE YOU GOING TO CONTROL THE MOSQUITOES, WHEN EPA FORBIDS ANY SPRAYING IN WETLANDS.????

B; When I asked about spraying my fruit trees, I was told I can use an HERBICIDE that can be used near open water. WHAT HERBICIDE IS THAT???? WHY WOULD YOU WANT TO USE A HERBICIDE ON FRUIT TREES, It would kill the trees.

C: Growing in the ditches is a plant called REED CANARY GRASS. It is a large coarse grass that grows up to 9 feet in height. Nutria love to eat it. It forms large stands that harbor few other plant species and are little use to wild life. It is very invasive, the seeds landing in gardens and lawns are hard to kill and remove. SO WHY ARE YOU ENCOURAGING ITS GROWTH????

D: HOW CAN YOU JUSTIFY SAVING OBNOXIOUS WEEDS AND NUTRIA, OVER THE NEEDS OF HUMANS, AND THE RIGHTS OF PROPERTY OWNERS USE OF THE LAND THEY PAID FOR.????

JUNCTION CITY PLANNING COMMISSION PUBLIC HEARING AUGUST 16, 2012

The WRD proposal “takes” privately owned property into the public domain, paramount to a public condemnation.

Junctions City’s “drainage channel easements”, created and PAID FOR in the mid 1960’s, were devised for the purpose of draining rain and flood waters away from neighborhoods, schools, and business establishments. The system worked then and it continues to work! We can imagine what those original property owners would think today of their decision to sell an easement right for drainage that is now considered by EPA as fair game for “public taking”.

Landowners have hoped that culverts would be placed in the drainage ditches. Culverts would eliminate landowners’ unprotected water liability, and give landowners use of their land, even though there would still be some restrictions on building in the easement area. Under the proposed WRD, even though culverts would meet the objective of water drainage, they can never be installed in the ditches because they would not meet EPA’s objective of returning the site to its native state for public benefit.

Our objection to this proposal is that the original goal or objective of drainage across PRIVATE property is the polar opposite of a “wetlands” goal or objective of returning an area to its native state of vegetation and habitat for the benefit of the PUBLIC. I emphasize the PRIVATE to PUBLIC objective.

EPA and its operational agent, the Army Corp of Engineers, have become interchangeable. Together they have asserted regulatory control over virtually all US waters. The Army Corp of Engineers has filed a map with the Oregon Division of State Lands that labels all land subject to our drainage channel

JUNCTION CITY PLANNING COMMISSION PUBLIC HEARING AUGUST 16, 2012

easements as wetlands, which became the basis for this proposed WRD. But this WRD proposal goes way beyond just a label on a map; it has the stated purpose of “publicly taking” labeled wetlands as community assets. And, this proposal doesn’t just “publicly take” the easement land, it would triple the lands under EPA control.

The language of this proposal not only “publicly takes” privately owned property without compensation for a community asset but requires the affected landowners to continue paying real estate taxes, liability insurance premiums, and to suffer the financial impact of the decreased use and market value of their property.

If you approve EPA’s “publicly taking” of this land, the Junction City community is taking on the future obligation of public liability, EPA regulation compliance, and lost real estate taxes, because after the present landowners are financially forced off the land, EPA doesn’t then come in with money to pay for its objectives, it will just pass the financial obligation on to the named community “benefitted” in the WRD proposal.

In 2006 the US Supreme Court held that the term “waters of the United States includes only those relatively permanent, standing or continuously flowing bodies of water forming geographic features that are described in ordinary parlance as streams, oceans, rivers, and lakes”. But EPA has obviously created its own definitions that can include seasonal dry ditches.

In March of this year, the US Supreme Court granted landowners in Idaho the right to sue the EPA. The landowners had a vacant lot near a lake between two

JUNCTION CITY PLANNING COMMISSION PUBLIC HEARING AUGUST 16, 2012

other homes that were built before EPA regulations. They obtained building permits and had started construction when EPA told them they were on wetlands and must restore the lot to its original state. They appealed the decision to EPA, were denied, and told they could not sue EPA. But they persevered through the state courts, at their cost, and finally to the US Supreme Court.

Justice Alito wrote "The position taken in this case by the Federal Government – a position that the Court now squarely rejects – would have put the property rights of ordinary Americans entirely at the mercy of Environmental Protection Agency (EPA) employees." He further wrote that the law on wetlands is "uncertain", the EPA's penalties are "draconian" and "leaves most property owners with little practical alternative but to dance to the EPA's tune." But with this decision, he wrote "At least, property owners will have the right to challenge the EPA's jurisdictional determination".

A "yes" vote on this WRD proposal not only acquiesces to EPA's "public taking" of the easement, but adds to their "public taking" of another 40 ft and more in places along the easement, and justifies EPA regulations that expands their authority well beyond the fill restrictions of the Oregon Division of Lands.

If Junction City needs wetlands we should hire an independent engineering geologist to first find wetlands on publicly owned lands, or be prepared to buy privately owned land rather than "publicly taking" the land through EPA's regulatory controls.

JUNCTION CITY PLANNING COMMISSION PUBLIC HEARING
AUGUST 16, 2012

This WRD proposal is a major game changer. It does not fit our community of Junction City. Regulatory agencies “take” private property because they convince us that they can. We need you to represent us and protect our property rights against the unjust “public taking” of our land. Please, just say NO.

8/16/2012

TO: JUNIOR CITY PLANNING COMMISSION AND CITY COUNCIL

WETLANDS

WE ARE OPPOSED TO THE DESIGNATION OF ANY DITCHES THROUGH RESIDENTIAL PROPERTIES AS A "WETLAND RESOURCE" OR "LOCALLY SIGNIFICANT WETLANDS." THESE MAN-MADE DITCHES/DRAINAGEWAYS WERE CONSTRUCTED FOR THE CONVEYANCE OF STORMWATER AND FLOOD CONTROL AND WERE NEVER INTENDED FOR REGULATION AS PROPOSED, PARTICULARLY SINCE ~~THEY SETBACKS OR DIVERTED AREA IS NOT SPECIFIC~~ PROTECTING WETLANDS IS REASONABLE, BUT REGULATING EVERYTHING THAT DRAINS TO THEM (AS FAR AWAY AS BERTINE) IS TOO MUCH AND EXISTING WATER QUALITY LEGISLATION SHOULD BE PROTECTIVE ENOUGH. PLEASE RESPECT PRIVATE PROPERTY BOUNDARIES AND RIGHTS!

ECONOMIC DEVELOPMENT:

NOT OPPOSED TO DESIGNATION OF ADDITIONAL LAND FOR COMMERCIAL EXPANSION; HOWEVER, THE PROPOSAL IS LIKELY TO RUN AWAY WITH ODOT CHAPTER 51 OF OAR'S (OREGON ADMINISTRATIVE RULES) IN TERMS OF ACCESS MANAGEMENT ALONG HWY. 99 POSTED FOR 55 MPH TRAFFIC.

HOUSING:

OPPOSED TO INCREASING ANY DENSITY DESIGNATION ON PITNEY LANDS - THIS NARROW, UNIMPROVED, COUNTY ROADWAY IS INADEQUATE TO SERVE EXISTING TRAFFIC, LET ALONE ACCOMMODATING ANY INCREASE IN VOLUME - THE ROAD MUST HAVE ADD'L. R/W AND PAVING WIDTH PRIOR TO ANY NEW HDR, LDR TO MDR RE-DESIGNATION OR MDR EXPANSION. ISSUES SUCH AS COMPETITIVITY ARE NOT ADDRESS'G BY THE PROPOSAL - ONLY 1 ROADWAY EXISTS R/T I-5/HIGHWAY PASS ABOVE HWY. 36.

Gary + LYNN McWIGG

310 PITNEY LN. UNIT 33

JUNIOR CITY, OR 97448

Rec'd 8/16/12 @ 7:40 PM

To: Junction City Planning Commission

Junction City Council

From: Gary Crum, member Junction City Citizens Comprehensive Planning Committee member

And Community resident

Re: 1000 Friends of Oregon letter addressing Junction City UGB proposal

You have received an eleven page document from 1000 Friends of Oregon, signed by Mia Nelson for the organization. I've been a member of the JC CCPC throughout the UGB process and have attended countless meetings regarding the proposal. I've been at meetings with Ms Nelson, listened to her comments and contributions to the discussions and have had several conversations and meetings with her outside those regular meetings. Based on that background of experience, I find her letter expressing "concerns" with the UGB proposal disconcerting. May I offer contextual, procedural and substantive response to her letter?

First, 1000 Friends Of Oregon, like all special interest groups in today's contentious political atmosphere, attempts to capture the "moral high ground" with its branding. Calling themselves 1000 'Friends' implies, of course, that their positions represent what's "best" for Oregon. Their ideas are "good things" and any opposition to those ideas is, by definition, bad.....after all, what are Friends for? I find such self-serving branding presumptuous and offensive. May I submit that I love America just as much as Rush Limbaugh or Sean Hannity (even though I may disagree with their positions) and I'm just as much a "Friend" of Oregon as anyone wearing a 1000 Friends badge, even though I may disagree with specific positions the organization might take.

We know, of course, that 1000 Friends uses a "shotgun" approach to consideration of UGB proposals...they oppose virtually every one of them, regardless of the merits or weaknesses of a specific community's submission. They often cost communities tens of thousands in additional legal and consultant fees, and, not uncommonly, their delaying tactics cause communities to miss opportunities for sensible, sustainable development. They have, of course, every legal right to take these actions. However, it's important to remember their opposition is predictable and, as I've mentioned, in itself does not reflect on the quality of the UGB proposal. In fact, in my opinion, their "oppose everything" approach undermines their credibility.

The specific 'concerns' raised by Ms Nelson in her letter further demonstrate that "shotgun" approach to opposition.....throw everything at the wall and hope something sticks. Ms Nelson throws eleven pages at the wall, and, in my opinion, absolutely nothing sticks.

I speak as one member of the CCPC, a body made up of the entire council, the entire planning commission and appointed community members such as me. I don't pretend to speak for the body or for any other members and invite other members to respond to my statements regarding the CCPC as it functioned throughout the Phase II procedure.

Rec'd 8/16/12
@ 8 pm PA

First, we are all familiar with the fiasco of the Phase I process.....I won't dwell on that dismal history. Suffice to say, the Phase II process was developed to insure that it was everything Phase I wasn't. I feel we succeeded. The Phase II process represented the most open, transparent, inclusive process I've seen in my more than forty years of involvement in public affairs. We included visioning sessions, public input at each meeting (both specific input on "non agenda" items and provision for public comment and involvement as agenda items were addressed).

Oregon's former Senator and Constitutional scholar, Wayne Morse phrased it very well: "you can't have substantive due process without procedural due process." Our goal was to insure that procedural due process and I feel we achieved that goal. The work product of the CCPC, the UGB proposal, and the unanimous vote to approve that proposal and forward it to the Planning Commission, reflects that process.

Ms Nelson was provided with agendas, all the same supporting materials we as members received, and was involved in several specific meetings and well as meetings with several committee members (including me) to address her concerns and elicit her input and ideas. We made every effort to work with her, to seek her expertise and advice, and to address her concerns as we processed the proposal. It's not inaccurate to say Ms Nelson was, outside of committee members, staff members and stakeholders, the most involved and included individual during the UGB process.

None of Ms Nelson's concerns address "new" issues. She had every opportunity to question the EOA numbers during their development. She had all the materials, she had direct access to EcoNorthWest, the consulting firm who generated those numbers, and she was present at numerous meetings wherein the EOA (Economic Opportunity Analysis) was discussed before its "recommendation for approval" by both the CCPC and the Planning Commission, its adoption by the City and County and its subsequent approval by DLCD. She has now, apparently, decided that those numbers are "wrong" and is, (to use her phrase) "returning for another bite at the apple". Ms Nelson has granted herself a "Mulligan" and suggests the City must now reconsider an EOA which has already been processed, considered, co-adopted by the City and Lane County, and approved by the Oregon DLCD. While the City may have the consultant revisit his computations to verify them, I would suggest this tactic of challenging an already adopted and approved EOA, if accepted, might re-open every EOA ever adopted in the State for the approach, might cost cities tens of thousands of dollars in legal and consultant fees, and would further delay what is already a long, difficult process.....Frankly, it's difficult not to believe that this is fact the purpose of such action.

Ms Nelson, under her bullet 2), addresses concerns with Site Characteristics and flowers her presentation with cliché's regarding balancing commercial development with the preservation of farm and forestry lands. She additionally repeats her assertion that the 40 acre EFU parcel included in the UGB expansion is "prime farmland." First, as a CCPC we worked extremely hard to achieve that balance between preservation of rural farmlands and timberlands and support of a sustainable local economy. This was a primary consideration in our choice of the particular site to be included in the expansion and, additionally, in our decision to recommend rezoning of the PT site on Oaklea Drive to residential to avoid expanding the UGB for residential and being faced with including actual high

grade prime farmlands to the West of Junction City. Ms. Nelson was a part of this discussion and, at the time, expressed her support for our efforts to avoid infringing on those farmlands to the west of town. Moreover, it's important to remember that, during our alternatives analysis, we considered the other sites Ms Nelson mentioned and learned they were all of higher grade soil than the forty acres we included. Please also note, the forty acre site is farmed for grass seed production. Farmers are, in my opinion, the ultimate "soil scientists" and farm a parcel with the most profitable crop possible. Grass seed, today, is far less profitable than virtually any other crop farmed in our area.....were this site truly "prime" farmland, you'd see a more profitable crop being farmed on it.

Site characteristics are appropriate considerations for alternative analysis and inclusion selection because they impact the economic viability of a property in fulfilling a lands inventory for a community's future growth. Of course a community will look to expand in a fashion which will actually benefit it in developing the jobs and providing the services which will define its sustainable economic future. The selection of sites which will best afford such expansion is a logical, rational, defensible part of site selection for UGB inclusion.

Ms Nelson was present and contributed to several of our committee's discussion of site inclusion and alternative analysis. She is well aware that several sites she suggested and supported were rejected for several reasons: a) they were isolated sites, located far off main routes (routes which, themselves, had only a fraction of the traffic count of the site selected); b) they were located on the far northeast edge of Junction City, exactly opposite of the direction of the City's current growth (both residential and commercial), c) they had higher grade soils d) they were in the 100 year floodplain, and 5) they were far from existing infrastructure and would require millions of dollars in infrastructure development to service them. The sites Ms Nelson promoted (and, it seems, continues to promote) were inferior to the included parcel in every way when criteria for inclusion was applied. Their inclusion, rather than the 99/36 site, would only make sense if one were consciously trying to undermine the sustainable growth our community has proposed.

Site size: As a CCPC we chose to support addressing site needs in a concentrated commercial area with a sub regional shopping center site rather than individual sites spread about the periphery of our community. We felt this approach was a) less intrusive on surrounding rural areas b) provided access and infrastructure in the most cost-effective fashion (saving money for potential businesses and for the city) c) promoted the redevelopment of the nearby exception properties along Highway 99 south of Junction City and d) supported commercial development which would help stop the 25 million dollar "leakage" of Junction City and its surrounding economic community's dollars to Eugene. This would 1) promote local jobs, 2) reduce the environmental impact of travel to Eugene for such shopping and service needs, 3) promote the City's recapturing the cost of the infrastructure already developed to serve these properties and 4) expand the City's tax base.

"Go to Eugene instead".....I'm bothered by Ms Nelson's suggestion that Junction City residents simply drive to Eugene for their commercial needs. Ms Nelson was present at our community's Visioning Workshops and attended many of our CCPC meetings and, therefore, should know full well that our community members spoke out very clearly and consistently saying we did NOT want to simply be a

bedroom community for Eugene. Instead, we wanted to develop as a more self-reliant, sustainable community with expanded commercial and service providers to meet our needs. There may be communities who wish to simply be suburbs and bedroom communities for other cities. However, Junction City has made it very clear that its aspirations are otherwise.....we realize that not all needs will be locally met, hospitals and large venue entertainment were mentioned, but we feel we can, over the next twenty years, work toward a more local and sustainable economy. I think a reading of the notes from the Visioning Workshops or the CCPC minutes will verify this. Ms Nelson may want Junction City community residents to simply drive to Eugene, but, please remember, Ms Nelson does not speak for Junction City community members.

Re-designation of Industrial Lands: Ms Nelson presents the case that Junction City should meet its commercial lands need by simply re-designating Industrial lands to be Commercial...The CCPC discussed this suggestion and concluded that the inclusion of the sites down 99 made far more sense. These sites were readily available to highway access, already served by infrastructure which crosses the properties, and could meet our projected twenty year needs. They were, again in every measured way, a better choice. Ms Nelson did not prevail in the discussion and is now returning for that "Mulligan" I mentioned.

Ms Nelson's letter is a patent attempt to "rekindle" discussions which have already occurred. We've already discussed each and every one of her ideas. The community, through the open, transparent process described above, has rejected her ideas. They were considered, they were discussed, they were rejected.....I think it's now time to move forward.

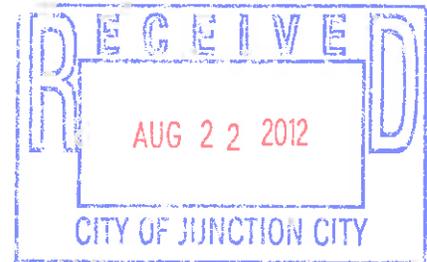
I hope the Planning Commission and Council will approve and move forward toward co-adoption with the County of the UGB proposal brought to you. We've all worked hard; we've all done everything possible to present a work product which represents the desires and aspirations of our community. Let's not be distracted.

Thank you for your time in considering my thoughts and opinions

Regards

Gary Crum

August 22, 2012



Junction City Planning Commission

We have lived at 1120 Quince Drive since 1979 with a 25 foot wide easement containing 182 lineal feet of the drainage ditch which runs through our property. We pay taxes on this easement even though this land is not usable to us other than to mow.

In July we received a letter notifying us that the Junction City Planning Commission and Junction City Council was going to conduct public hearings to adopt a new Wetlands Resources Overlay District which would designate all the flood control ditches in Junction City as wetlands. Correspondence with the Junction City Planner revealed that this overlay would be 50-60 feet. This would put our back yard, fence, and part of our swimming pool in the newly proposed wetlands.

This would constitute "taking" of private property by the city and we would still be taxed on this land, even though this would now be under control of the city or state.

As designated wetlands, our property would be immediately reduced in value because of the wetlands constraints. We would be required to inform any prospective buyer that this property contains wetlands. Who in their right mind would want to buy a piece of property where one third of the land is designated as wetlands?

Then to cap this escapade off, it was revealed at the Planning Commission public hearing that these land were already designated as wetlands by the state and there was nothing the city could do about it. Why weren't we notified that these ditches had already been classified as wetlands?

These ditches do not qualify as wetlands, they are just ditches constructed to provide flood control for Junction City. Every summer these ditches dry up and all vegetation (weeds) dies. Every summer the City of Junction City uses Public Works employees to mow the ditch and spray the weeds. Does this sound like the way wetlands are managed? It is a ditch and needs to remain a ditch.

My rough count of businesses and homes (using the provided map with the hearing notice) that will be affected is 100. This means that 100 business owners and property owners will have their properties lowered in value because of this proposal. If this happened what would be to effect on the rest of the city properties?

Please take a stand now and defeat this wetlands proposal as soon as possible.



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August 22, 2012

Mayor Brunscheon



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August 22, 2012

Councilor Crenshaw



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August 22, 2012

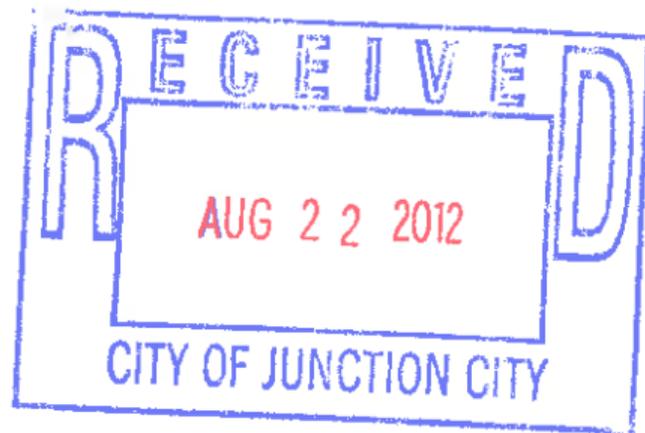
Councilor Sumner



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August 22, 2012

Councilor Leach

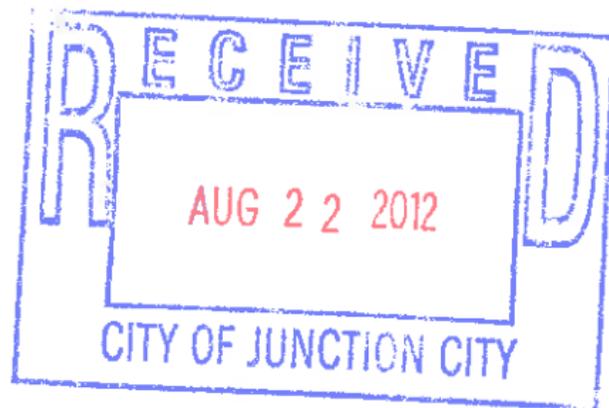


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August 22, 2012

Councilor Christensen

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August 22, 2012

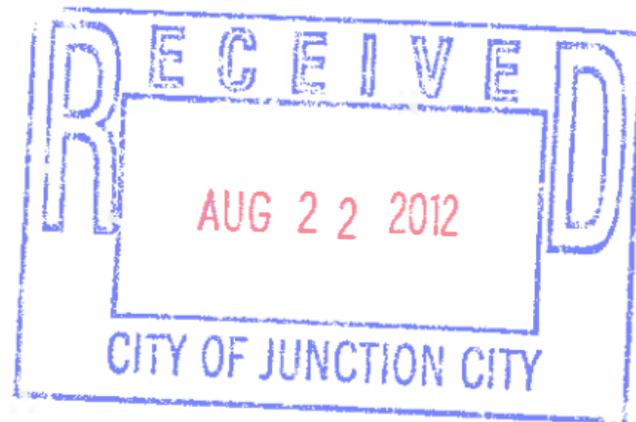
Councilor Nelson



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August 22, 2012

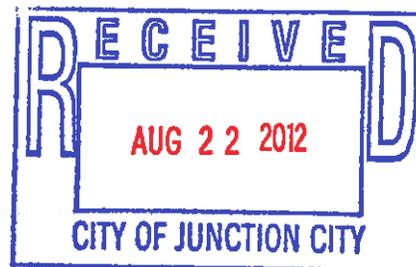
Councilor DiMarco



We have lived at 1120 Quince Drive since 1979 with a 25 foot wide easement containing 182 lineal feet of the drainage ditch which runs through our property. We pay taxes on this easement even though this land is not usable to us other than to mow.

gary crum

From: "gary crum" <garycrum@countryvisioncable.com>
To: "gary crum" <garycrum@countryvisioncable.com>
Sent: Wednesday, August 22, 2012 12:27 PM
Subject: Fw: wetlands testomony four



— Original Message —

From: [gary crum](#)
To: [gary crum](#)
Sent: Wednesday, August 22, 2012 12:19 PM
Subject: Fw: wetlands testomony three

— Original Message —

From: [gary crum](#)
To: [gary crum](#)
Sent: Wednesday, August 22, 2012 10:22 AM
Subject: wetlands testimony two

To: Planning Commission and Council, Junction City, Oregon
From: Gary Crum
re: Local Wetlands Inventory for Junction City

I have submitted written testimony regarding the Wetlands issue. Since that submission I have done further research and spent about an hour and a half in a telephone conversation with staff from the Oregon Department of State Lands. First, be assured I identified myself as an interested citizen and made it very, very clear I, in no way, represented Junction City in any capacity. Based on my further research and that conversation, I'd like to offer further written testimony. I wish to address both substantive and procedural issues.

Substantive Issues:

1) In my previous written testimony I noted that all staff had referred to the man-made drainage ditches as "man-made drainage ditches." If you check all documentation and all taped records of meetings, I think you will find this is the case. I further asserted that "man-made drainage ditches" are exempt from Wetlands designation.

My conversation with the staff member at Oregon DSL confirmed this with one caveat: If work was done to "deepen or augment" a previously existing stream for better stormwater drainage that alternation does not, ipso facto, make it a "man-made drainage ditch." It continues to be a stream (likely an intermittent stream) and would, therefore, fall under the jurisdiction of Oregon DSL. I predict that City staff, when they realize that, in fact, "man-made drainage ditches" are not Wetlands, will now declare that the ditches in question are "altered streambeds." They will likely present topo maps, aerial photographs and a report on the flora found in these drainage ditches to support this contention. May I submit that these ditches, with a possible exception here or there, are, in fact, "man-made drainage ditches", need to be addressed as such, and any evidence presented by staff to counter this status is invalid? I will elaborate.

First, these drainage ditches were dug decades ago (as I previously suggested, a check of the original easement documentation might establish exactly when), likely when the City streets were laid out, or certainly when the flooding issues in the Willamette Valley were addressed in the 1930s....more than eighty years ago. This is important. If a topo map were drawn subsequent to the building of these drainage ditches it would show them as indentations in the landscape running from higher to lower elevations. Examination of that topo map might make them look like streams; such is not the case. They would actually be showing drainage ditches which follow the route of themselves. The only topo map overlay which would actually facilitate comparison of the drainage ditch routes with the routes of "natural streambeds" would be a topo map made BEFORE the drainage ditches were made. It would be interesting to see such a map.

The same, of course, is true of any aerial photographs. Any photos made after the creation of these drainage ditches would show the drainage ditches. If taken during the rainy season, they would likely show running water....after all, that's why they were dug. If taken during the summer, they would show as

8/22/2012

"undeveloped" lines going through the City. Please note, of course, that these photos would show the ditches running generally South to North and East to West, often paralleling the routes of the City streets. These photos, in no way, support the existence of natural streambeds which were later excavated to promote better drainage.

A study of the flora found in the drainage ditches in no way supports their classification as Wetlands. They are man-made drainage ditches designed and built to drain stormwater from the City. Therefore, they have water in them in the Winter and "dry'up" in the Summer.....it should surprise no one that this artificial environment, which mimics a wetlands environment, would support flora similar to that found in a Wetland. This, of course, does not make it a wetland.

These "man-made drainage ditches" are man-made drainage ditches and attempting to now call them something else, does not change that. Even if the staff attempts to say "well, they're really a sub-class of man-made drainage ditches, that being ditches made to increase the drainage capacity of previously existing streambeds, this effort should fail. Research the history, look at the course of these ditches and I'm sure, you will agree they are, as they've been identified, "man-made drainage ditches" laid out in relation to streets and property lines and designed and built to facilitate the drainage of stormwater. As such they are not subject to Wetlands designation, stream designation, or any other designation which gives jurisdiction to the Oregon Department of State Lands.

2) A second substantive and, in my opinion, very serious issuer arises with the LWI's use of a twenty-foot overlay approach to defining the jurisdiction of the DSL. I learned from my conversation with DSL staff that the standard jurisdictional boundary for DSL involvement in the "normal high water line" for any ditches which, because of their development on previously existing streambeds, fall under their jurisdiction. However, the use of a twenty-foot overlay changes that. If a narrow section of a ditch results in a "normal high water" definition of jurisdiction which is less than twenty-feet, the jurisdiction for Wetlands/Waterway would go beyond that boundary and, in fact, may pass the edge of the ditch and establish what is, in effect, a "buffer" next to the ditch until it reaches that twenty-foot overlay boundary.

Thus, a property owner would be required, under the twenty-foot overlay, to certify that any proposed activity would occur outside that overlay. This means the property-owner would be required to hire a wetlands consultant or a surveyor to provide such certification for the DSL. Such certification would cost several hundred dollars. On the other hand, the "normal high water" definition falls within the banks of the ditch and activity outside that ditch would, by such definition, not violate the jurisdiction of the Oregon DSL. One approach (the normal high water) is very clear, simple and "user friendly." The second, the twenty-foot overlay, is not clear, not simple and not user friendly.

3) My conversation with the DSL staff person made it very clear that DSL is only interested in the zone defined as its jurisdiction and has no authority or interest in attempting to establish control beyond that boundary. However, I was cautioned that Wetlands designation meant the City would be developing ordinances to control those Wetlands/Waterways areas. The staff person, in a neutral fashion, suggested that property owners should be most concerned, not with the DSL jurisdiction, but with the ordinances the City might establish relating to the Wetlands. The staff person did mention that such ordinances might, and often do, include establishment of a buffer adjoining the Wetlands/Waterway.

I researched such ordinances and found that the City of Eugene, for example (likely an extreme example), has a Wetlands and Waterways Protection plan with an 'overview' which runs twelve pages. This plan includes a twenty-foot buffer zone....which if adopted in Junction City would mean a buffer border extending twenty-feet back from the DSL jurisdiction boundary would be subject to City Wetlands/Waterway ordinances.

Additionally, Council members and property owners need to be constantly aware that a current Council cannot, in any way, limit the actions of a future Council. A "promise" to not establish a buffer zone made today, holds no power over future action. Once the Wetlands are established they are subject to City ordinances and those ordinances can change as the Council changes. Classification of these ditches as Wetlands, Waterways or any definition which gives the DSL jurisdiction of them also gives the City that authority to develop those ordinances pertaining to them. And, let's be very clear here, any ordinance including ANY restrictions would be more restrictive than the DSL since that department is only interested in its jurisdictional zone, which normally ends at the "normal high water mark."

In my opinion, these substantive issues should have been addressed before "someone" submitted the

LWI to the Department of State Lands. Had they been, I feel the document submitted might have been very different.

Procedural issues: I feel it's very, very important for public bodies to follow prescribed procedures. Failure to do so frequently has two unfortunate consequences: a) you achieve a flawed result and b) you alienate constituents (in this case, property owners) who were deprived of the opportunity to participate in the process. I submit the procedure which resulted in the LWI on file with the State Department of Lands was achieved without following proper procedure and has had both of those unfortunate results.

I have done research to answer a basic question: Was proper procedure followed in this case? Is the LWI on file for Junction City and approved in December, 2011 the result of following proper procedure?

To answer these questions I first went to the Oregon Department of State Lands website and downloaded two documents: "just the facts...About Local Wetlands Inventories" and "Frequently asked questions about local wetlands inventories." I attach copies of both documents. May I address statements from those documents:

1) from "frequently asked questions" Can I comment on the wetland map before it is adopted by the city? answer: "Local knowledge is important to making the LWI as accurate as possible, so public comment is encouraged. The city will host a public meeting when the draft LWI is ready for review. Watch your local newspaper for an announcement or contact the planning department to be sure you are notified of the meeting date." Two things are very clear from this question and answer: 1) the LWI is to be "adopted" by the City. Adoption requires Council action, usually either an ordinance or a resolution. To my knowledge, there was no public meeting to afford property-owners the opportunity to respond to the draft LWI and, additionally, to my knowledge there was no Council action to "adopt" the LWI. Two crucial steps in the procedure leading to a LWI were not followed. If Council or staff has evidence to counter this claim, please find it for me....please a) find the record of the public meeting at which the draft LWI was presented for public review and comment and b) please find the minutes of the City Council meeting at which the LWI was adopted.

2) In the document "just the facts...about local wetlands inventories", under "Who conducts the inventory and what is the process?" there is a listing of "typical steps in the inventory process" Bullet 7 states "Hold a public meeting to review the draft maps; planning commission and elected officials also review the draft LWI products." Again, to my knowledge, there was NO PUBLIC MEETING to review the draft LWI product. I find this an egregious breach of procedure. The opportunity for property owner and public review of something as important as an LWI is important....that's why it's included in the procedure. Junction City staff, to my knowledge, simply did NOT follow the procedure.

3) In the document "just the facts...about local wetlands inventories, again under "who conducts the inventory and what is the process?" bullet 11 (the concluding bullet) reads "Local government adopts inventory" The affected local government is the City of Junction City and the adopting board is the City Council. To my knowledge, there as been, up to the time of this writing, NO adoption. The LWI was submitted to, and approved by the the Oregon Department of State Lands without being first adopted by the City. I don't know who sent it to the DSL as "ready" for Department approval and I don't know what the cover letter accompanying the document reads, but it would be interesting to know these facts.

Again, if I'm incorrect and the pubic meeting to review the draft LWI was, indeed, held; please provide the record of that meeting. If I'm incorrect and the City Council did, indeed, adopt the LWI, please provide the minutes of the Council meeting wherein such adoption occurred.

Thank you for your patience in considering these issues and reading this rather lengthy testimony. Again, if any of the factual information I include is incorrect, please inform me so I can apologize and make corrections.

Regards,

Gary crum

8/22/2012



JUST THE FACTS...

ABOUT LOCAL WETLANDS INVENTORIES

Why Develop a Local Wetlands Inventory?

- ▶ The City of Lebanon wants to know which industrial-zoned lands are most suitable for development.
- ▶ Citizens and city officials in La Grande want to complete Goal 5 and adopt ordinances protecting streams and important wetlands.
- ▶ A Medford developer is considering several sites adjacent to Larson Creek for a planned unit development and golf course.
- ▶ Willetville is conducting a buildable lands inventory and evaluating its urban growth boundary.

In each of the above scenarios, a detailed wetlands inventory would provide much-needed information. To help meet such needs, the 1989 Oregon legislature authorized the Department of State Lands (DSL) to develop a Statewide Wetlands Inventory (SWI) suitable for planning and regulatory purposes. Community-based Local Wetlands Inventories (LWIs), conducted according to DSL standards, are an important element of the SWI. LWIs provide a planning tool for balancing the protection of wetland functions that are of value to a community with community development needs. An LWI is also required as base information for city or county Goal 5 (Natural Resources) or Goal 17 (coastal shorelands) wetland protection programs. And, advance information on the location of wetlands helps to avoid last-minute delays when beginning development or conducting real estate transactions.

What Is a Wetlands Inventory?

A wetlands inventory is a systematic survey of a fairly large geographic area to locate and map wetlands and classify them by type (for example, forested wetland or wet prairie). Many different inventory methods may be used, ranging from remote sensing (using aerial photography or satellite imagery) to on-the-ground surveys. The appropriate type of inventory method depends upon the intended uses, size of area to be covered, and available funds.

Overview of Inventory Types

There are two types of wetlands inventories that comprise the SWI—the National Wetlands Inventory (NWI) and the Local Wetlands Inventory (LWI).

National Wetlands Inventory

The NWI was developed by the U.S. Fish and Wildlife Service and covers the entire country (see *Just the Facts #1*). It relies on high-altitude aerial photos, with limited field work. While the NWI is extremely useful for many resource management and planning purposes, its small scale, accuracy limitations, age (1980s), and absence of property boundaries make it unsuitable for parcel-based decision making.

Local Wetlands Inventories

To augment the NWI in urban and urbanizing areas where more detailed inventory information is needed, DSL developed guidelines and rules for Local Wetlands Inventories. An LWI aims to map all wetlands at least 0.5 acres or larger at an accuracy of approximately 25 feet on a parcel-based map. Actual map accuracy varies, and areas that could not be field verified will be less accurate. (The LWI is not a substitute for a detailed delineation of wetland boundaries.) The LWI maps and report provide information about the inventory area and the individual wetlands, including:

- ▶ Total acreage of wetlands in the inventory area
- ▶ Acreage of each wetland type in the inventory area (e.g., 18 acres of forested wetland)
- ▶ Location, approximate size, and classification (type) of each wetland mapped
- ▶ A description of each mapped wetland
- ▶ A functions and condition assessment of all mapped wetlands
- ▶ All tax lots containing wetlands

Who Conducts the Inventory, and What Is the Process?

An LWI may be initiated by a local government or by the state. Local governments contract with a wetland consultant to conduct the technical aspects of the inventory. Typical steps in the inventory process are:

- ▶ Select the inventory area and prepare a work plan
- ▶ Contact DSL for inventory requirements and guidelines, and for existing wetland determinations
- ▶ Obtain funding
- ▶ Develop and advertise a Request for Proposals to conduct the inventory
- ▶ Notify landowners of the impending inventory, and conduct a public meeting
- ▶ Conduct fieldwork and prepare draft inventory (consultant's responsibility)
- ▶ DSL reviews the draft inventory and conducts a field review of the draft maps
- ▶ Hold a public meeting to review the draft maps; planning commission and elected officials also review the draft LWI products
- ▶ Prepare final inventory maps and report (consultant's responsibility)
- ▶ DSL reviews and approves final inventory
- ▶ Local government notifies landowners of properties with wetlands mapped
- ▶ Local government adopts inventory

What Are the Regulatory and Planning Implications?

Once an inventory is completed and approved by DSL, there are certain requirements and implications:

- ▶ An approved LWI is incorporated into the SWI and is made available by DSL to other agencies and the public.
- ▶ Wetlands and waterways, regardless of whether or not they are mapped, may be regulated under the State Removal-Fill Law. If ground-altering site work is proposed, a more precise wetland boundary may need to be located (a "delineation") to know where state permit requirements apply. Compliance with wetland and waterway regulations remains the responsibility of the landowner.
- ▶ Under Statewide Planning Goals 5 and 17, cities must conduct an LWI and wetland function and condition assessment, and then identify locally significant wetlands (LSW). DSL adopted rules for how LSWs are identified, using information from the LWI. A protection program is then adopted by the local government to further guide the management of LSWs. (Contact the Department of Land Conservation and Development for more information on Statewide Land Use Planning Goals.)
- ▶ An approved LWI must be used by the local government (in place of the NWI) for the Wetland Land Use Notification process (a local-state coordination process).

Contact DSL for	<ul style="list-style-type: none"> <input type="checkbox"/> Purchasing NWI and LWI maps <input type="checkbox"/> Rules for Local Wetlands Inventories (OAR 141-086-0180 to 0240) <input type="checkbox"/> Rules for identifying Locally Significant Wetlands (OAR 141-086-300 to 350) <input type="checkbox"/> Location and status of existing/in progress LWIs <input type="checkbox"/> Technical assistance with conducting LWIs and function/condition assessment <input type="checkbox"/> Availability of digital wetlands data <input type="checkbox"/> A copy of the <i>Oregon Wetland Planning Guidebook</i> <input type="checkbox"/> Further information on state wetland and waterway regulations
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Frequently Asked Questions About Local Wetlands Inventories

Your city has just begun a local wetlands inventory (LWI) as the first step in a required wetland planning process. The city has hired a wetland consulting firm to conduct the technical parts of the LWI. City staff, citizens, and wetland scientists from the consulting firm and the Division of State Lands (DSL) will all have a role in the inventory process. This fact sheet will help answer questions you might have about this process, the products and their uses.

What is a Local Wetlands Inventory?

A LWI is a systematic survey of an area (usually a city) to locate, map and describe the wetlands. The inventory is prepared using information sources such as aerial photos and soils maps and by conducting field observations. Where needed and where property access is permitted, the wetland scientists collect data on the vegetation and soils to confirm that an area is or is not a wetland. The final LWI consists of a set of maps that show the location of wetlands and streams, and descriptive information about the wetlands and the main functions they provide. Functions that are evaluated include wildlife habitat quality, contribution to fish habitat or water quality improvement, and floodwater retention capability.

Why is the LWI being conducted?

The main reason is that cities are required by the statewide land use planning law to include protection for "significant wetlands" in their comprehensive plan. The LWI and functional assessment of wetlands is the information-gathering step needed as the foundation for the remaining wetland planning steps. Once the LWI is completed, the city will identify the significant wetlands and work with citizens to develop appropriate ordinances that apply to those wetlands.

How will the community benefit from the LWI?

The LWI provides the information the city needs to incorporate wetlands and streams into the comprehensive plan for the community. For example, the LWI helps the city incorporate wetlands into planning for parks and greenbelts. It also provides information on each wetland's ability to improve water quality or reduce flooding—both of which are important to stormwater management planning. These wetland functions would be difficult and expensive to replace by other means. Also, advance knowledge about wetland locations helps reduce costs and conflicts when planning new infrastructure such as streets and water and sewer lines.

What about landowners? Is there any benefit for them?

Problems frequently occur when a landowner or developer is unaware that a parcel contains wetlands. When the LWI is completed, the city will notify all landowners who have wetlands mapped on their property. Information about the presence of wetlands reduces the uncertainty that can slow down real estate transactions and development plans. A person wishing to develop a site that contains a mapped wetland will know in advance to design the project to avoid the wetland and to allow sufficient time to obtain any necessary wetland fill permits.

If I don't allow property access, will my land be left off the wetlands map?

The entire planning area will be covered by the LWI. If you choose to deny property access to the wetland consultants, they will not go on your property. For those areas where access is denied, the wetland information will be compiled from the aerial photos, soils maps and observations from nearby roads. This information is generally adequate, but may be less accurate than for field-verified sites.

If a wetland is missed by the LWI is it still regulated?

Yes, the state and federal regulations apply to all wetlands regardless of whether or not they are mapped on the LWI. The consultants will attempt to include on the LWI all wetlands that are at least ½ acre in size.

Can I comment on the wetland map before it is adopted by the city?

Local knowledge is important to making the LWI as accurate as possible, so public comment is encouraged. The city will host a public meeting when the draft LWI is ready for review. Watch your local newspaper for an announcement or contact the planning department to be sure you are notified of the meeting date.

How accurate is the LWI map?

The LWI is developed according to standards adopted by DSL. The standards help to ensure accurate and complete maps, but perfection is not possible. Every attempt is made to map wetlands correctly on parcels and to map wetland boundaries to an accuracy of at least 25 feet. There may be areas where the boundary is less accurate, especially on large tracts with few geographic reference points, and areas where property access was denied. Keep in mind that the primary purposes of the LWI are to provide information for long-range planning by the city and to alert landowners to the probable wetlands on their property.

I heard that I might still need to hire a wetland consultant to delineate the wetland on my property before I can develop the site. Why?

Because the LWI maps the approximate wetland boundary and may miss small wetlands, much more detailed field work is usually needed prior to site development. It's important to know and mark on the ground the precise wetland boundary of areas subject to state and federal permit requirements prior to site alteration. The wetland consultant will not only provide the detailed delineation, but can assist in preparing a fill permit application and mitigation plan for any wetland impacts that cannot be avoided.

What exactly is a wetland?

Wetlands mapped on the LWI meet state and federal wetland criteria. In general terms, wetlands are areas that are subject to long periods of inundation or saturation that create an oxygen deficit in the soil. As a result, they are characterized by plant species called "hydrophytes" that are adapted to these saturated soil conditions. Most wetlands are seasonal—they are very wet for several months but dry out in the summer and fall. Also, some wetlands are disturbed in a way that obscures one or more of the wetland criteria. For example, some wetlands are regularly farmed or grazed and may be planted to species that tolerate wet conditions (like ryegrass) or "worked" later in the Spring than adjacent non-wetland fields. If not maintained, wetland vegetation will return.

Are wetlands the same as floodplains?

No. Many wetlands do occur in floodplains but they are not the same. A floodplain can be expected to flood following heavy rains and snowmelt. However, many floodplain areas are not flooded long enough or often enough to meet the wetland criteria described above.

What about riparian areas?

Riparian areas are the vegetated corridors along streams. Although they perform many of the same functions as wetlands, they do not necessarily meet wetland criteria. Many riparian areas have coarse, well drained soils that do not remain saturated for prolonged time periods. Because riparian areas are so important to the health of streams, to fish and to water quality, cities are required to map and provide protection for riparian areas as well as for wetlands. Frequently, the riparian inventory is conducted at the same time as the wetland inventory.

August 21, 2012



Via:

Email: JCPlanning@ci.junction-city.or.us

Email: tandrews@ci.junction-city.or.us

Junction City Planning Commission
Junction City Council
Planning Department
680 Greenwood Street
P.O. Box 250
Junction City, Oregon 97448

Re: Drainage Ditch Behind My Property

To Whom it may Concern:

My husband and I moved into our home in 1976. There were just a few homes in our Sub-Division at that time. We at the time were aware that our property had the Man Made Draining Ditch in our back yard. We were also aware that the ditch was part of our property and we paid taxes to Lane County and to the City of Junction City. The first few years we even maintained it in the spring and summer, keeping down the weeds and removing all wood, cans and bottles. For the most part this man made ditch has served to do the job it was intended to do.

The city says our ditch has plants and soil that is consistent to wetlands. Of course it has many kinds of weeds and soil, as the flow of water carries many seeds and soil from clear across town.

I have no objection to how the ditch has been used in the past and have no objection on the same use in the future. What I do have an objection to is our city government coming in and helping themselves to a large slice of MY PROPERTY.

Please do not pass this proposed land use regulation. Leave my land as it has been for more than 35 years.

Sincerely,

Don and Claudia Allgood
1160 Quince Drive
Junction City, Oregon 97448

C: The Honorable Peter A. Defazio

Tere Andrews

From: CLAUSON Stacy A [SCLAUSON@Lcog.org]
Sent: Friday, August 17, 2012 11:36 AM
To: Tere Andrews
Subject: FW: Wetlands
Attachments: 005.JPG; 003.JPG; 001.jpg

FYI – An additional public comment

From: Steve B [<mailto:Tosteveb@comcast.net>]
Sent: Friday, August 17, 2012 8:57 AM
To: JCPlanning@ci.junction-city.or.us
Subject: Wetlands

Junction City Planning Commission,

We came to the meeting of August 16th 2012 and heard your views on the definition of Wetlands and how it would affect many.

We also heard many land owners concerns.

We would like to address another problem about the makeup of wetlands.

We have live near a "wetland ditch" 1720 West 15th Ave. Junction City
We can't make the farmers clean out the downstream ditches in their fields so this is another reason there is more wetlands.

We have lived here for 16 years and more development of streets and homes that the city has let develop up stream, this creates more storm water runoff that goes into the ditches, if nothing is done to make improvements downstream for more runoff property owners get flooded and that is where we are at now.

We have contacted Junction City public works department, meet with Kevin Watson, talked to the Junction City Water District, talked to the Lane county public works and as a property owner in the city limits I see "no way" to make the farmers clean out their ditches downstream or what is said to be in the county. I have personally contacted the farmer just north of 18th & Oaklea DR. verbally and with a letter.

We have been told that this ditch north of 18th & Oaklea DR. hasn't been cleaned since it was dug in the forties and I know nothing has been done, not even mowed for 16 years. See pictures

This tall grass is growing in this ditch which makes a damn and water will back up and flow out of this ditch into his field as the ditch is plugged.

If these farmers would clean the ditches we wouldn't have as much water problems or the "Wetland" problems in this area.

Yes, Junction City is flat but when the farmers don't do their maintenance, upstream property owners get flooded and more Wetlands are created.

When you have a restriction downstream this creates standing water and this has been like this for many of years and now we see the state has made it into a "wetland" but if the ditches was cleaned we wouldn't have had the "Wetland".

I have been told the only option I have is to sue the farmer to make them clean their ditches and I find this odd that a city would open up building lots and "not provide proper drainage".

When I built in 1996 there is nothing in the land agreement that states of possible flooding or that property owners had to make farmers clean out ditches or we could get flooded.

When we get heavy rains of more than one inch per day for 3 or 4 days in a row this ditch backs up into the street. See pictures

No, I have not got water in my home but it's just a matter of time as there isn't any place for the water to flow downstream.

Steve and Linda Balderston

1720 West 15th Ave.

Junction City, OR. 97448

August 17, 2012







04/04/2012





01/19/2012



Tere Andrews

From: gary crum [garycrum@countryvisioncable.com]
Sent: Saturday, August 18, 2012 12:04 PM
To: JC Planning
Subject: Fw: written testimony related to Junction City Wetlands Inventory : Please include this email as written testimony to the public hearing regarding the wetlands inventory

Sent: Saturday, August 18, 2012 12:00 PM

Subject: written testimony related to Junction City Wetlands Inventory : Please include this email as written testimony to the public hearing regarding the wetlands inventory

To: Junction City Planning Commission
Junction City Council
From: Gary Crum, Junction City community resident
25534 Hall Road, Junction City, Oregon 97448

Re: Wetlands designation for drainage ditches in Junction City

First...a disclaimer. I am not an attorney or a land-use consultant and don't pretend to be either. I write as an interested community member; concerned that the planned inventory of wetlands for Junction City might include lands which should not be in that inventory.

At Thursday evening's Planning Commission Public Hearing numerous City property owners expressed their (to me, understandable) displeasure that the drainage ditches crossing or bordering their properties are being proposed to be added to the Wetlands Inventory; a designation which would bring with it some rather severe limitations on their use of their property.

I was surprised that such action was being proposed. It, frankly, amazed me that somehow man-made drainage ditches were wetlands. It made no sense. Therefore, I undertook a research project to answer the simple, key question: In the State of Oregon, are man-made drainage ditches legally and properly classified as wetlands? I spent several hours researching applicable Oregon statutes and policies....(for such a past-time, the internet is a wonderful tool). Additionally I spent about half an hour in a phone conversation with a friend of mine who is an attorney and is quite conversant with stormwater drainage issues. My comments are based on that research and conversation. I don't suggest that my information is definitive, and, again, I don't pretend to be an expert, but I would like to share with you the information I gathered.

First, to my knowledge, no one disputes that the referenced stormwater drainage ditches are man-made. They were built decades ago (likely reference to the original easement documents would establish exactly when) to facilitate the drainage of stormwater from Junction City to address the flooding issues which had, theretofore, plagued the City. Again to my knowledge, the City acknowledges that the ditches are "theirs"the easements have been granted to the City (or possibly in some cases, granted to a water district and transferred to the City) and the City has, for the forty years I've been in the community, maintained the ditches, repaired them when needed, regularly mowed them and removed debris, which might restrict proper drainage, and, in the past, sprayed them with both herbicides and pesticides. Both documentation and any physical inspection of the profile of the ditches support that they are

"man-made stormwater drainage ditches, controlled and maintained by the City of Junction City." They do, in fact, serve their purpose quite well.

When I researched the status of drainage ditches related to wetlands designation and regulations, I found such ditches were specifically exempted from Wetlands designation. Each citation referenced that this exemption was well-founded in "common law." I visited sites from Oregon and from several other states, finding the same position: man-made drainage ditches are, essentially by definition, exempt from Wetlands designation and regulation. In my conversation with my attorney-friend I received this same opinion.....long-time common-law has specifically exempted such man-made drainage ditches from Wetlands designation and its accompanying regulation.

In addition, I found that Oregon statute gives very specific control over the drainage ditches to those municipalities or water districts which have the easement and control the ditch. The City of Junction City already has very specific and clear jurisdiction relating to these drainage ditches. An landowner wishing to alter the ditch in any fashion, for example, to install a culvert to provide access to property on the other side or to build a bridge to cross the ditch, must first apply for and receive a permit from that agency to do such work. Any construction which impacts the drainage ditch or which might alter or curtail its ability to serve its function must be legally permitted.

This, of course, has interesting implications. Were these ditches, in fact, Wetlands, the city would not have such sole jurisdiction. Additionally, of course, were these ditches, in fact, Wetlands, cities such as Junction City would face serious consequences for mowing them, spraying them with both herbicides and pesticides, clearing them and, of course, approving permits for landowners to perform any sort of work on, over or near them.

In sum, these ditches are not, and never have been, Wetlands. Any efforts by the City to add them to the Wetlands inventory is simply wrongheaded. It's contrary to long-standing common law, it would remove control over these important drainage mechanisms from City control, and it would foist upon the landowners an entirely new and inappropriate set of regulations impacting their use of and enjoyment of their property. Again, in my layman's opinion, it would be challenged by landowners (be guaranteed, if I were an impacted landowner, it would be challenged) and those landowners would prevail. The City would waste tens of thousands of dollars, needlessly alienate citizens, and end up exactly where it is now.....with drainage ditches, city controlled, city maintained and subject to the already existing state laws related to such ditches.

Often that old cliché simply fits too well to avoid. IF IT AIN'T BROKE, DON'T FIX IT.....The current status of the City's drainage ditches is not broken. Please leave it alone. Please DO NOT ATTEMPT TO ADD THESE MAN-MADE DRAINAGE DITCHES TO THE WETLANDS INVENTORY....Doing so would simply be a very bad idea.

Thank you

Gary Crum

August 20, 2012

Via:

Email: JCPlanning@ci.junction-city.or.us

Email: tandrews@ci.junction-city.or.us

Junction City Planning Commission
Junction City Council
Planning Department
680 Greenwood Street
P.O. Box 250
Junction City, OR 97448

Re: Drainage Ditch Behind MY Property

To Whom it May Concern:

I have worked my entire life to be where I am today. MY Property is MINE, I worked hard and earned it! I absolutely cannot understand how ANYONE can honestly say this is good and right to turn a Man Made Draining Ditch into Wetlands when they are robbing individual homeowners of their Money and Rights. We are talking about the Center of the City, right through a Heavily Populated Residential Neighborhood.

As our City Representatives, I am respectfully asking you to please support us in protection of our homes, property and finances.

I have started looking into the idea of purchasing culverts for MY Property. If I fill over them I could expand my tiny (but beautiful) yard to the street and move my fence to the road as it was intended and should have been done years ago. This would increase my value not decrease. I pay taxes on that land. I have liability for that land. I bought that land. That land is MINE.

Sincerely,



Joleen (Jody) Hughes
1200 Quince Drive
Junction City, OR 97448

C: The Honorable Peter A. DeFazio

Tere Andrews

From: CLAUSON Stacy A [SCLAUSON@Lcog.org]
Sent: Monday, August 20, 2012 2:52 PM
To: Tere Andrews; Kevin Watson
Subject: FW: wetlands overlay

Please add to list of comments

From: Chuck Wallace [mailto:chukzon@comcast.net]
Sent: Friday, August 17, 2012 7:41 PM
To: CLAUSON Stacy A
Cc: sumner246@yahoo.com; WATSON KEVIN (LCOG List); Claudia Allgood; CORKY and KAREN WILDE; GMH Hanavan; Jody; Rob Rissberger
Subject: Re: wetlands overlay

I have read the attachment letter supposed delivered in January 2012 and am informing you we did not receive this letter. Hopefully something as important as condemning our property to wetlands was important enough that you insured that this letter was sent either REGISTERED MAIL or CERTIFIED MAIL (return receipt requested). If not what other proof do you have that we received this letter?

If you have either my wife's or my signature as to receiving this letter, I will accept that you mailed it to us; otherwise we haven't been properly notified as per OAR 141-86-0240. That being the case that portion of the Central Canal is still an easement, not wetlands.

If you have either of our signatures on file, I would gladly come to the city offices to confirm this.

Thank you

Chuck & Helen Wallace

----- Original Message -----

From: CLAUSON Stacy A
To: chukzon@comcast.net
Sent: Thursday, August 16, 2012 3:08 PM
Subject: FW: wetlands overlay

Dear Mr. Wallace,

Thank you for your e-mail. The City provided notice of the wetlands findings in January, 2012. Attached is a copy of the notice that was sent. Thank you,

From: Chuck Wallace [mailto:chukzon@comcast.net]
Sent: Wednesday, August 15, 2012 7:10 PM
To: sclauson@lcog.org
Cc: sumner246@yahoo.com; Kevin Watson
Subject: Re: wetlands overlay

In 1979 we purchased this property with a 25 foot easement for water control. Some time between then and now this easement has been classified as a wetlands. When did this happen and why weren't we notified? Having wetlands on ones property decreases the value of the property as the seller is required to inform the buyer of the wetlands. Now on top of that, Junction City is creating a wetlands overlay which I'm sure will affect the selling price of our property too.

I look forward to the answer of my questions.

Thank you

Chuck Wallace

----- Original Message -----

From: [CLAUSON Stacy A](#)

To: [Chuck Wallace](#)

Cc: sumner246@yahoo.com ; [WATSON KEVIN \(LCOG List\)](#)

Sent: Tuesday, August 14, 2012 8:36 AM

Subject: RE: wetlands overlay

Thank you for your e-mail and chance to clarify. We do know the location of the channel on your property, but determining the precise edge of that feature is something that takes more in-depth site specific review, because of its mixture of soils, water, and vegetation. Since we only want to apply the standards to the wetland itself, that is why we need to know where the precise edge is. This would only apply if you are proposing a development of some sort, such as an addition, because otherwise the proposed standards allow you to continue to use and maintain what you already have (so determining the precise edge of the feature would make no difference).

If you were proposing a development, such as an addition, and it is within the overlay area, we look to see how close you are to the channel. Working with the State's Department of State Lands, we would see if a wetland determination - meaning that the Department of State Lands is comfortable with the proposal moving forward without additional review - could be completed. In some cases, the Department of State Lands will not be, and will require the applicant to hire a wetland scientist to determine the exact edge of the wetland feature and demonstrate that the proposal is located outside of the wetland. Please note that this step in the process would apply whether or not the City adopts local standards.

Thanks again,

Stacy

From: Chuck Wallace [chukzon@comcast.net]

Sent: Monday, August 13, 2012 6:13 PM

To: CLAUSON Stacy A

Cc: sumner246@yahoo.com; [WATSON KEVIN \(LCOG List\)](#)

Subject: Re: wetlands overlay

Thank you for your prompt response, but the content of your latest e-mail has created more concern for me. You stated in your latest e-mail that the overlay may be wider than the current easement and you don't know the exact location of the wetlands on my property. How in the world can you create this overlay if you don't know where the wetlands are???

Since the "intent of the overlay is to trigger the local review process to see if more review is needed"; when can I expect this review to be conducted and by whom? I would like to be notified so I may observe the review process.

The latest link you provided was very informative; thank you

----- Original Message -----

From: [CLAUSON Stacy A](#)

To: 'Chuck Wallace'

Cc: [WATSON KEVIN \(LCOG List\)](#) ; sumner246@yahoo.com

Sent: Monday, August 13, 2012 12:18 PM
Subject: RE: wetlands overlay

Please note that I sent the incorrect link before. Please see this flyer for more information on wetlands:
http://www.junctioncityor.govoffice3.com/vertical/Sites/%7BE865F063-52B6-4191-89A3-FB88287BBED%7D/uploads/Wetland_FAQ.pdf

Thank you,

From: CLAUSON Stacy A
Sent: Monday, August 13, 2012 11:40 AM
To: 'Chuck Wallace'
Cc: WATSON KEVIN (LCOG List); sumner246@yahoo.com
Subject: RE: wetlands overlay

Dear Mr. Wallace,

The overlay district may in fact be wider than the current easement. This is because we do not know the exact location of the wetland on your property, so we have drawn the overlay a little larger than the channel boundaries. The intent is that the overlay triggers the local review process to see if more review is needed – basically, it serves as a heads-up for you and the City that if you are proposing work in the overlay we need to think about wetlands. If the area where work is proposed to occur is outside of jurisdictional wetlands, it would not be subject to the standards established in the ordinance. Also, please be aware that the ordinance has broad allowances for you to maintain and replace existing improvements. Thanks again,

Stacy Clauson
Assistant Planner
Lane Council of Governments
859 Willamette Street, Suite 500
Eugene, OR 97401
541-682-3177
Fax: 541-682-4099
sclauson@lcog.org
<http://www.lcog.org>

From: Chuck Wallace [\[mailto:chukzon@comcast.net\]](mailto:chukzon@comcast.net)
Sent: Monday, August 13, 2012 10:50 AM
To: CLAUSON Stacy A
Cc: WATSON KEVIN (LCOG List); sumner246@yahoo.com
Subject: Re: wetlands overlay

Thank you for addressing my concerns.

I have one more concern and that is how does the overlay compare to the current easement on my property; I have heard it is 20 feet and 50 to 60 feet. These distances could put the wetlands into my in-ground pool and into my neighbors bedroom and that causes me great concern.

Thank you in advance for your answer.

Chuck Wallace
1120 Quince Dr
Junction City

----- Original Message -----

From: [CLAUSON Stacy A](#)

To: 'chukzon@comcast.net'

Cc: [WATSON KEVIN \(LCOG List\)](#) ; '[Jack Sumner \(sumner246@yahoo.com\)](mailto:Jack.Sumner(sumner246@yahoo.com))'

Sent: Monday, August 13, 2012 10:25 AM

Subject: RE: wetlands overlay

Dear Mr. Wallace,

Thank you for your e-mail. Councilor Sumner has forwarded this to me to see if I can address some of your questions. Under the State and National system of classifying wetlands, wetlands are considered as "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." The process of classifying wetlands is a science-driven process which focuses on three key issues: soils, vegetation, and water. So, while something may look like a ditch, it could actually be a wetland, even if it dries up during certain months of the year. Scientists specializing in wetlands representing both the City and the State have been involved in the local inventory and have determined which areas in the City are wetlands or possible wetlands and are locally significant. The wetland inventory has been approved by the Department of State Lands and is now recognized as the official inventory of the City.

Wetlands provide many functions in a community, but the most obvious and perhaps most critical to Junction City is their flood water storage capacity to prevent and minimize flooding. That is why under the draft proposal, the maintenance of these channels for drainage is expressly permitted. The City will continue to maintain the same drainage ways as it has in the past.

Again, thank you for your e-mail and please contact me if you have additional questions. The following is a link to a flyer that helps address some of these same questions.

http://www.oregonstatelands.us/dsl/WETLAND/docs/fact2_2004.pdf

Stacy Clauson
Assistant Planner
Lane Council of Governments
859 Willamette Street, Suite 500
Eugene, OR 97401
541-682-3177
Fax: 541-682-4099
sclauson@lcog.org
<http://www.lcog.org>

From: Jack Sumner [mailto:sumner5_5@msn.com]

Sent: Sunday, August 12, 2012 7:46 PM

To: Stacic Lauson

Subject: wetlands overlay

Stacey,

Could you get some thing to help me explain this to Mr. Wallace??

Tanks,

Jack

From: chukzon@comcast.net
To: Jack Sumner
Subject: wetlands overlay
Date: Sun, 12 Aug 2012 17:37:08 -0700

I don't know if you're available to relate why the city needs to have wetlands, but I have some questions about what happens if this wetlands overlay is approved (and if you are not at liberty to discuss these items, just let me know).

The Central Canal runs through the back of my property and the city has a 25 foot easement for flood controls. I can agree with the need for this (and other) canals within the city, but don't understand why they are being considered as wetlands.

This canal has water in it 8 months out of the year.....but the other 4 months it is dry as a bone; so dry there are open cracks in the soil. How can this be designated wetlands?????

Currently the city Public Works department mows and sprays herbicides to keep weed growth to a minimum within all the canals within the city. Without this effort by the Public Works department, water transport through the city would be greatly deterred.

By designating these as wetlands, it will be encouraging the growth of habitat and vegetation within the canals.

Any help you can give me will be greatly appreciated

Chuck Wallace

August 18, 2012

Junction City Planning Commission
Junction City Council

Do you think Junction City residents believe that our “drainage channel” is a wetland?
Does Junction City really benefit from wetland “taken” from privately owned residential
land?

Unfortunately, if the WRD proposal is approved, affected landowners have only the courts and/or the ballot box as the next step for redress of the financial impact the wetlands regulation has on their property.

The Oregon 2004 Measure 37 election passage was a reaction to such “public taking” by regulation, and although the Oregon court found the measure too broad and therefore unconstitutional, there continues to be legal precedents, it seems, for bringing suit under the US Constitution’s Taking Clause.

Found a court opinion quote that we think is pertinent. “These inquiries are informed by the purpose of the Takings Clause, which is to prevent the government from forcing some people to alone to bear public burdens which, in fairness and justice, should be borne by the public as a whole.” US Supreme Court, June 28, 2001

But also interesting was a February 2011 Oregon Court of Appeals reaffirmation of the doctrine of “inverse condemnation” which held that a government body “substantially interfered” with an owner’s right to use his or her property, and that therefore the owner is owed “just compensation”.

We ask that you fully consider the legal ramifications this WRD proposal has for the landowners and for the City of Junction City.

Lou & “GMH” Hanavan

Tere Andrews

From: CLAUSON Stacy A [SCLAUSON@Lcog.org]
Sent: Monday, August 20, 2012 2:53 PM
To: Tere Andrews; Kevin Watson
Subject: FW: spraying of fruit trees/ bugs

Please add to the list of public comments

From: Edith Loveall [<mailto:edith.4557@yahoo.com>]
Sent: Sunday, August 19, 2012 5:40 PM
To: JC Planning
Subject: spraying of fruit trees/ bugs

Hi Stacy:

I have a question about the rules that will be in place regarding the wetlands.

I have several fruit trees along that edge of my property, inside my fenced area. Every year I have to spray them with a fruit tree spray, in order to prevent diseases and to kill the moths and flies that lay eggs in the fruit.

Also I grow a large vegetable garden, and need to spray for bugs and diseases in it.

Will the rules allow me to continue doing that?

17.60.0110 Exempt uses H. continuing of farming practices, does not seem to address that.

Thanks for your answers to my questions.

Edith Loveall

Tere Andrews

From: CLAUSON Stacy A [SCLAUSON@Lcog.org]
Sent: Monday, August 20, 2012 2:52 PM
To: Tere Andrews; Kevin Watson
Subject: FW:

Please add to list of public comments

From: Edith Loveall [<mailto:edith.4557@yahoo.com>]
Sent: Friday, August 17, 2012 5:58 PM
To: JC Planning
Subject:

Hi, Stacy. I was at the planning meeting that was held on August 16, 2012. You have said that there were several PROPOSALS to be discussed.

But, none of the planning commissioners actually stated what the new WETLAND PROPOSAL is.

I have been on the J C website, and couldn't find any rules and regulations, or comments on just what the new wetland proposal entails. It can't be the 20 foot on each side of the middle of the ditch, as you stated that was already a done deal.

Please, inform me, in plain simple language. just what you are proposing now????? I prefer the answer in writing, as an e-mail.

Thanks,
Edith Loveall
edith.4557@yahoo.com

Tere Andrews

From: Kevin Watson
Sent: Tuesday, August 21, 2012 5:13 PM
To: Tere Andrews; JC Planning
Subject: FW: Wetlands

Another comment.

Kevin Watson
City Administrator
City of Junction City
541.998.2153

From: Edith Loveall [mailto:edith.4557@yahoo.com]
Sent: Tuesday, August 21, 2012 4:08 PM
To: Kevin Watson
Subject: Re: Wetlands

Hi Kevin, I was told along with everyone else, at the Aug 16 meeting, that THE 20 FOOT WETLAND WAS A DONE DEAL, AND THERE IS NOTHING WE RESIDENTS THAT OWN THE PROPERTY CAN DO ABOUT IT..

NONE OF US WANT TO HAVE OUR BACKYARDS DEEMED A WETLAND.

The ditches aren't wetlands, they are flood control path ways, to keep the city from being flooded. My property has a 15 foot easement, to allow DRAINAGE AND UTILITIES access. When you take the additional 5 foot x 153 plus feet of property, you are going into my backyard, where my fruit trees, my vegetable garden, and both of my sheds are. It is on a hill, above the ditch, and never has gotten wet, even from the run off, in the 10 1/2 years I have owned this property. The CC channel in table 6/ OFWAM wet;amd assement amd LSW results has no's all the way across, except for a significant wetland. It isn't a significant wetland, as the ditch has been dry every year except when it rains. And the soil samples were taken at least 10 feet down from actual soil level, in the bottom of the ditch. Which proves the water table is quite low here. Bet you have to get another big chunk of earth down, before you would reach any water.

The water that is apparent in the ditch now, has been pumped in, either from city wells, or the Willamette River. As there never ever has been water in the ditch before, even though people water their lawns, wash their cars and the city opened the fire hydrants and released water every year before.

Personally, I am discusted with the environmentalists, taking over everything. They have cost Oregon 61,900 jobs in forest products industry since 1990. JUST IN THIS AREA. I have an email from Brian Rooney, Regonal Economist, employment division for Douglas and Lane counties.stating that fact. I will forward his e-mail to you. Now the environmentalists want to destroy the land owners right to do what ever he/she wishes to do on their own property. Land we paid for. Not the City. Land we pay property taxes on, Not the City.

I want this stupid wetlands issue to stop, to be voted down by the counsel. Otherwise the Councilors are saying, we want to save the reed canary grass, the mosquitos, the weeds, and the NUTRIA, and the people don't count, their rights aren't worth our thoughts or our time or effort. We don't care about their desires, only the environmental issues are important.

If the ditches were wet most of the time, a real wetland, like is along the highway to Veneta, then I would not object. That is a real wetland, not this fake attempt to call a dry flood control ditch a wetland, and of course include all the property of home owners along with the dry ditch. Our back yards never have water in them, unless we pay for the water to keep our grass green, or our plants alive. Taking over our back yards is wrong. Makes me expect to get flooded every winter from now on, just so the environmentalists can crow and say see it is a wetland.

When I first moved here, in Feb 2002, my neighbor then was a Mr. Page. He said that his garage use to get flooded in the winter, and he complained, and "they" lessened the flow of water through this ditch. So I know you have the ability to flood us.

Yesterday, Aug 20th someone came and finally cut the weeds in the ditch. That really should help as I am allergic to weed pollens. Now you can see the ruts where he ran the tractor are full of water. Great breeding ground for mosquitos. I notice that I am gettin more of them here every day. Mosquitos carry the west nile virus, and that is very prevalent in the state of Oregon. Would like something done about the water in the ruts, and the mosquitos sprayed in this area. Am tired of getting bit, or having one buzz around me at night.

There is nothing worth protecting in the flood control ditches. Please do not approve of these wetlands.
Thank you,
Edith Loveall

From: Kevin Watson <kwatson@ci.junction-city.or.us>
To: JC Planning <JCPlanning@ci.junction-city.or.us>; "edith.4557@yahoo.com" <edith.4557@yahoo.com>
Sent: Tuesday, August 21, 2012 2:56 PM
Subject: Wetlands

Hi Edith,

Sorry for the confusion on the website. I've attached a link below on the wetland piece of our proposal. The 20ft protection area is still being considered by the Planning commission and ultimately the City Council. The planning commission will be reviewing all comments we've received on our Comprehensive Plan proposal on August 29th. Your email will be submitted. Thank you,

http://www.junctioncityor.govoffice3.com/index.asp?Type=B_BASIC&SEC={F981E564-A273-46A9-A8A5-828BF026CCF4}

Kevin Watson
City Administrator
City of Junction City
541.998.2153

From: CLAUSON Stacy A [<mailto:SCLAUSON@Lcog.org>]
Sent: Monday, August 20, 2012 2:52 PM
To: Tere Andrews; Kevin Watson
Subject: FW:

Please add to list of public comments

From: Edith Loveall [<mailto:edith.4557@yahoo.com>]
Sent: Friday, August 17, 2012 5:58 PM
To: JC Planning
Subject:

Hi, Stacy. I was at the planning meeting that was held on August 16, 2012. You have said that there were several PROPOSALS to be discussed.

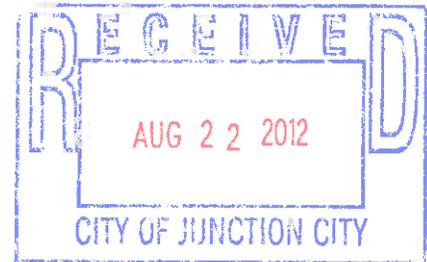
But, none of the planning commissioners actually stated what the new WETLAND PROPOSAL is.

I have been on the J C website, and couldn't find any rules and regulations, or comments on just what the new wetland proposal entails. It can't be the 20 foot on each side of the middle of the ditch, as you stated that was already a done deal.

Please, inform me, in plain symple language. just what you are proposing now????? I prefer the answer in writing, as an e-mail.

Thanks,
Edith Loveall
edith.4557@yahoo.com

August 22, 2012



Junction City Planning Commission

We have lived at 1120 Quince Drive since 1979 with a 25 foot wide easement containing 182 lineal feet of the drainage ditch which runs through our property. We pay taxes on this easement even though this land is not usable to us other than to mow.

In July we received a letter notifying us that the Junction City Planning Commission and Junction City Council was going to conduct public hearings to adopt a new Wetlands Resources Overlay District which would designate all the flood control ditches in Junction City as wetlands. Correspondence with the Junction City Planner revealed that this overlay would be 50-60 feet. This would put our back yard, fence, and part of our swimming pool in the newly proposed wetlands.

This would constitute "taking" of private property by the city and we would still be taxed on this land, even though this would now be under control of the city or state.

As designated wetlands, our property would be immediately reduced in value because of the wetlands constraints. We would be required to inform any prospective buyer that this property contains wetlands. Who in their right mind would want to buy a piece of property where one third of the land is designated as wetlands?

Then to cap this escapade off, it was revealed at the Planning Commission public hearing that these land were already designated as wetlands by the state and there was nothing the city could do about it. Why weren't we notified that these ditches had already been classified as wetlands?

These ditches do not qualify as wetlands, they are just ditches constructed to provide flood control for Junction City. Every summer these ditches dry up and all vegetation (weeds) dies. Every summer the City of Junction City uses Public Works employees to mow the ditch and spray the weeds. Does this sound like the way wetlands are managed? It is a ditch and needs to remain a ditch.

My rough count of businesses and homes (using the provided map with the hearing notice) that will be affected is 100. This means that 100 business owners and property owners will have their properties lowered in value because of this proposal. If this happened what would be to effect on the rest of the city properties?

Please take a stand now and defeat this wetlands proposal as soon as possible.



Charles R. Wallace
1120 Quince Drive
Junction City, OR 97448-1166

chukzon@comcast.net



Helen J. Wallace
1120 Quince Drive
Junction City, OR 97448-1166

helenzon23@comcast.net

Tere Andrews

From: Kevin Watson
Sent: Wednesday, August 22, 2012 11:08 AM
To: Tere Andrews
Cc: JC Planning
Subject: FW: Wetlands

More public comment.

Kevin Watson
City Administrator
City of Junction City
541.998.2153

From: Edith Loveall [<mailto:edith.4557@yahoo.com>]
Sent: Wednesday, August 22, 2012 10:52 AM
To: Kevin Watson
Subject: Re: Wetlands

Hi Kevin: I just realized you said "the planning commission is still being CONSIDERED by the planning commission". At the meeting, Stacy said " the 20 foot width of ditch on each side was a DONE DEAL, AND WE COULD NOT DO ANY THING ABOUT IT". If the commission is still considering it, then Stacy LIED TO US AT THE MEETING. And none of the other commissioners said anything.

I do not like liars. The commissioners should have a set of ETHICS that they follow, and lying isn't one of them.

With the power they have, they should all be striving for the GOOD OF THE PEOPLE, not the good of the weeds in the ditches, and upholding only environmental issues.

The employment office says the we LOST 61,900 JOBS due to the enviornmentalists. We do not need to be saddled with more rules and regulations, and have the property rights taken form the property owners, just to satisfy some environmentalists ideals.

Make sure the commissioners get this e-mail. They need to think about what they are really doing.\
Edith

From: Kevin Watson <kwatson@ci.junction-city.or.us>
To: JC Planning <JCPlanning@ci.junction-city.or.us>; "edith.4557@yahoo.com" <edith.4557@yahoo.com>
Sent: Tuesday, August 21, 2012 2:56 PM
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Thanks,
Edith Loveall
edith.4557@yahoo.com

August 21, 2012



Via:

Email: JCPlanning@ci.junction-city.or.us

Email: tandrews@ci.junction-city.or.us

Junction City Planning Commission
Junction City Council
Planning Department
680 Greenwood Street
P.O. Box 250
Junction City, Oregon 97448

Re: Drainage Ditch Behind My Property

To Whom it may Concern:

My husband and I moved into our home in 1976. There were just a few homes in our Sub-Division at that time. We at the time were aware that our property had the Man Made Draining Ditch in our back yard. We were also aware that the ditch was part of our property and we paid taxes to Lane County and to the City of Junction City. The first few years we even maintained it in the spring and summer, keeping down the weeds and removing all wood, cans and bottles. For the most part this man made ditch has served to do the job it was intended to do.

The city says our ditch has plants and soil that is consistent to wetlands. Of course it has many kinds of weeds and soil, as the flow of water carries many seeds and soil from clear across town.

I have no objection to how the ditch has been used in the past and have no objection on the same use in the future. What I do have an objection to is our city government coming in and helping themselves to a large slice of MY PROPERTY.

Please do not pass this proposed land use regulation. Leave my land as it has been for more than 35 years.

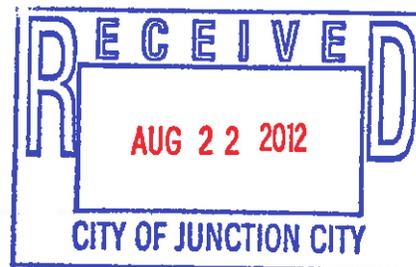
Sincerely,

Don and Claudia Allgood
1160 Quince Drive
Junction City, Oregon 97448

C: The Honorable Peter A. Defazio

gary crum

From: "gary crum" <garycrum@countryvisioncable.com>
To: "gary crum" <garycrum@countryvisioncable.com>
Sent: Wednesday, August 22, 2012 12:27 PM
Subject: Fw: wetlands testomony four



— Original Message —

From: [gary crum](#)
To: [gary crum](#)
Sent: Wednesday, August 22, 2012 12:19 PM
Subject: Fw: wetlands testomony three

— Original Message —

From: [gary crum](#)
To: [gary crum](#)
Sent: Wednesday, August 22, 2012 10:22 AM
Subject: wetlands testimony two

To: Planning Commission and Council, Junction City, Oregon
From: Gary Crum
re: Local Wetlands Inventory for Junction City

I have submitted written testimony regarding the Wetlands issue. Since that submission I have done further research and spent about an hour and a half in a telephone conversation with staff from the Oregon Department of State Lands. First, be assured I identified myself as an interested citizen and made it very, very clear I, in no way, represented Junction City in any capacity. Based on my further research and that conversation, I'd like to offer further written testimony. I wish to address both substantive and procedural issues.

Substantive Issues:

1) In my previous written testimony I noted that all staff had referred to the man-made drainage ditches as "man-made drainage ditches." If you check all documentation and all taped records of meetings, I think you will find this is the case. I further asserted that "man-made drainage ditches" are exempt from Wetlands designation.

My conversation with the staff member at Oregon DSL confirmed this with one caveat: If work was done to "deepen or augment" a previously existing stream for better stormwater drainage that alternation does not, ipso facto, make it a "man-made drainage ditch." It continues to be a stream (likely an intermittent stream) and would, therefore, fall under the jurisdiction of Oregon DSL. I predict that City staff, when they realize that, in fact, "man-made drainage ditches" are not Wetlands, will now declare that the ditches in question are "altered streambeds." They will likely present topo maps, aerial photographs and a report on the flora found in these drainage ditches to support this contention. May I submit that these ditches, with a possible exception here or there, are, in fact, "man-made drainage ditches", need to be addressed as such, and any evidence presented by staff to counter this status is invalid? I will elaborate.

First, these drainage ditches were dug decades ago (as I previously suggested, a check of the original easement documentation might establish exactly when), likely when the City streets were laid out, or certainly when the flooding issues in the Willamette Valley were addressed in the 1930s....more than eighty years ago. This is important. If a topo map were drawn subsequent to the building of these drainage ditches it would show them as indentations in the landscape running from higher to lower elevations. Examination of that topo map might make them look like streams; such is not the case. They would actually be showing drainage ditches which follow the route of themselves. The only topo map overlay which would actually facilitate comparison of the drainage ditch routes with the routes of "natural streambeds" would be a topo map made BEFORE the drainage ditches were made. It would be interesting to see such a map.

The same, of course, is true of any aerial photographs. Any photos made after the creation of these drainage ditches would show the drainage ditches. If taken during the rainy season, they would likely show running water....after all, that's why they were dug. If taken during the summer, they would show as

8/22/2012

"undeveloped" lines going through the City. Please note, of course, that these photos would show the ditches running generally South to North and East to West, often paralleling the routes of the City streets. These photos, in no way, support the existence of natural streambeds which were later excavated to promote better drainage.

A study of the flora found in the drainage ditches in no way supports their classification as Wetlands. They are man-made drainage ditches designed and built to drain stormwater from the City. Therefore, they have water in them in the Winter and "dry'up" in the Summer.....it should surprise no one that this artificial environment, which mimics a wetlands environment, would support flora similar to that found in a Wetland. This, of course, does not make it a wetland.

These "man-made drainage ditches" are man-made drainage ditches and attempting to now call them something else, does not change that. Even if the staff attempts to say "well, they're really a sub-class of man-made drainage ditches, that being ditches made to increase the drainage capacity of previously existing streambeds, this effort should fail. Research the history, look at the course of these ditches and I'm sure, you will agree they are, as they've been identified, "man-made drainage ditches" laid out in relation to streets and property lines and designed and built to facilitate the drainage of stormwater. As such they are not subject to Wetlands designation, stream designation, or any other designation which gives jurisdiction to the Oregon Department of State Lands.

2) A second substantive and, in my opinion, very serious issuer arises with the LWI's use of a twenty-foot overlay approach to defining the jurisdiction of the DSL. I learned from my conversation with DSL staff that the standard jurisdictional boundary for DSL involvement in the "normal high water line" for any ditches which, because of their development on previously existing streambeds, fall under their jurisdiction. However, the use of a twenty-foot overlay changes that. If a narrow section of a ditch results in a "normal high water" definition of jurisdiction which is less than twenty-feet, the jurisdiction for Wetlands/Waterway would go beyond that boundary and, in fact, may pass the edge of the ditch and establish what is, in effect, a "buffer" next to the ditch until it reaches that twenty-foot overlay boundary.

Thus, a property owner would be required, under the twenty-foot overlay, to certify that any proposed activity would occur outside that overlay. This means the property-owner would be required to hire a wetlands consultant or a surveyor to provide such certification for the DSL. Such certification would cost several hundred dollars. On the other hand, the "normal high water" definition falls within the banks of the ditch and activity outside that ditch would, by such definition, not violate the jurisdiction of the Oregon DSL. One approach (the normal high water) is very clear, simple and "user friendly." The second, the twenty-foot overlay, is not clear, not simple and not user friendly.

3) My conversation with the DSL staff person made it very clear that DSL is only interested in the zone defined as its jurisdiction and has no authority or interest in attempting to establish control beyond that boundary. However, I was cautioned that Wetlands designation meant the City would be developing ordinances to control those Wetlands/Waterways areas. The staff person, in a neutral fashion, suggested that property owners should be most concerned, not with the DSL jurisdiction, but with the ordinances the City might establish relating to the Wetlands. The staff person did mention that such ordinances might, and often do, include establishment of a buffer adjoining the Wetlands/Waterway.

I researched such ordinances and found that the City of Eugene, for example (likely an extreme example), has a Wetlands and Waterways Protection plan with an 'overview' which runs twelve pages. This plan includes a twenty-foot buffer zone....which if adopted in Junction City would mean a buffer border extending twenty-feet back from the DSL jurisdiction boundary would be subject to City Wetlands/Waterway ordinances.

Additionally, Council members and property owners need to be constantly aware that a current Council cannot, in any way, limit the actions of a future Council. A "promise" to not establish a buffer zone made today, holds no power over future action. Once the Wetlands are established they are subject to City ordinances and those ordinances can change as the Council changes. Classification of these ditches as Wetlands, Waterways or any definition which gives the DSL jurisdiction of them also gives the City that authority to develop those ordinances pertaining to them. And, let's be very clear here, any ordinance including ANY restrictions would be more restrictive than the DSL since that department is only interested in its jurisdictional zone, which normally ends at the "normal high water mark."

In my opinion, these substantive issues should have been addressed before "someone" submitted the

LWI to the Department of State Lands. Had they been, I feel the document submitted might have been very different.

Procedural issues: I feel it's very, very important for public bodies to follow prescribed procedures. Failure to do so frequently has two unfortunate consequences: a) you achieve a flawed result and b) you alienate constituents (in this case, property owners) who were deprived of the opportunity to participate in the process. I submit the procedure which resulted in the LWI on file with the State Department of Lands was achieved without following proper procedure and has had both of those unfortunate results.

I have done research to answer a basic question: Was proper procedure followed in this case? Is the LWI on file for Junction City and approved in December, 2011 the result of following proper procedure?

To answer these questions I first went to the Oregon Department of State Lands website and downloaded two documents: "just the facts...About Local Wetlands Inventories" and "Frequently asked questions about local wetlands inventories." I attach copies of both documents. May I address statements from those documents:

1) from "frequently asked questions" Can I comment on the wetland map before it is adopted by the city? answer: "Local knowledge is important to making the LWI as accurate as possible, so public comment is encouraged. The city will host a public meeting when the draft LWI is ready for review. Watch your local newspaper for an announcement or contact the planning department to be sure you are notified of the meeting date." Two things are very clear from this question and answer: 1) the LWI is to be "adopted" by the City. Adoption requires Council action, usually either an ordinance or a resolution. To my knowledge, there was no public meeting to afford property-owners the opportunity to respond to the draft LWI and, additionally, to my knowledge there was no Council action to "adopt" the LWI. Two crucial steps in the procedure leading to a LWI were not followed. If Council or staff has evidence to counter this claim, please find it for me....please a) find the record of the public meeting at which the draft LWI was presented for public review and comment and b) please find the minutes of the City Council meeting at which the LWI was adopted.

2) In the document "just the facts...about local wetlands inventories", under "Who conducts the inventory and what is the process?" there is a listing of "typical steps in the inventory process" Bullet 7 states "Hold a public meeting to review the draft maps; planning commission and elected officials also review the draft LWI products." Again, to my knowledge, there was NO PUBLIC MEETING to review the draft LWI product. I find this an egregious breach of procedure. The opportunity for property owner and public review of something as important as an LWI is important....that's why it's included in the procedure. Junction City staff, to my knowledge, simply did NOT follow the procedure.

3) In the document "just the facts...about local wetlands inventories, again under "who conducts the inventory and what is the process?" bullet 11 (the concluding bullet) reads "Local government adopts inventory" The affected local government is the City of Junction City and the adopting board is the City Council. To my knowledge, there as been, up to the time of this writing, NO adoption. The LWI was submitted to, and approved by the the Oregon Department of State Lands without being first adopted by the City. I don't know who sent it to the DSL as "ready" for Department approval and I don't know what the cover letter accompanying the document reads, but it would be interesting to know these facts.

Again, if I'm incorrect and the pubic meeting to review the draft LWI was, indeed, held; please provide the record of that meeting. If I'm incorrect and the City Council did, indeed, adopt the LWI, please provide the minutes of the Council meeting wherein such adoption occurred.

Thank you for your patience in considering these issues and reading this rather lengthy testimony. Again, if any of the factual information I include is incorrect, please inform me so I can apologize and make corrections.

Regards,

Gary crum

8/22/2012



JUST THE FACTS...

ABOUT LOCAL WETLANDS INVENTORIES

Why Develop a Local Wetlands Inventory?

- ▶ The City of Lebanon wants to know which industrial-zoned lands are most suitable for development.
- ▶ Citizens and city officials in La Grande want to complete Goal 5 and adopt ordinances protecting streams and important wetlands.
- ▶ A Medford developer is considering several sites adjacent to Larson Creek for a planned unit development and golf course.
- ▶ Willetville is conducting a buildable lands inventory and evaluating its urban growth boundary.

In each of the above scenarios, a detailed wetlands inventory would provide much-needed information. To help meet such needs, the 1989 Oregon legislature authorized the Department of State Lands (DSL) to develop a Statewide Wetlands Inventory (SWI) suitable for planning and regulatory purposes. Community-based Local Wetlands Inventories (LWIs), conducted according to DSL standards, are an important element of the SWI. LWIs provide a planning tool for balancing the protection of wetland functions that are of value to a community with community development needs. An LWI is also required as base information for city or county Goal 5 (Natural Resources) or Goal 17 (coastal shorelands) wetland protection programs. And, advance information on the location of wetlands helps to avoid last-minute delays when beginning development or conducting real estate transactions.

What Is a Wetlands Inventory?

A wetlands inventory is a systematic survey of a fairly large geographic area to locate and map wetlands and classify them by type (for example, forested wetland or wet prairie). Many different inventory methods may be used, ranging from remote sensing (using aerial photography or satellite imagery) to on-the-ground surveys. The appropriate type of inventory method depends upon the intended uses, size of area to be covered, and available funds.

Overview of Inventory Types

There are two types of wetlands inventories that comprise the SWI—the National Wetlands Inventory (NWI) and the Local Wetlands Inventory (LWI).

National Wetlands Inventory

The NWI was developed by the U.S. Fish and Wildlife Service and covers the entire country (see *Just the Facts #1*). It relies on high-altitude aerial photos, with limited field work. While the NWI is extremely useful for many resource management and planning purposes, its small scale, accuracy limitations, age (1980s), and absence of property boundaries make it unsuitable for parcel-based decision making.

Local Wetlands Inventories

To augment the NWI in urban and urbanizing areas where more detailed inventory information is needed, DSL developed guidelines and rules for Local Wetlands Inventories. An LWI aims to map all wetlands at least 0.5 acres or larger at an accuracy of approximately 25 feet on a parcel-based map. Actual map accuracy varies, and areas that could not be field verified will be less accurate. (The LWI is not a substitute for a detailed delineation of wetland boundaries.) The LWI maps and report provide information about the inventory area and the individual wetlands, including:

- ▶ Total acreage of wetlands in the inventory area
- ▶ Acreage of each wetland type in the inventory area (e.g., 18 acres of forested wetland)
- ▶ Location, approximate size, and classification (type) of each wetland mapped
- ▶ A description of each mapped wetland
- ▶ A functions and condition assessment of all mapped wetlands
- ▶ All tax lots containing wetlands

Who Conducts the Inventory, and What Is the Process?

An LWI may be initiated by a local government or by the state. Local governments contract with a wetland consultant to conduct the technical aspects of the inventory. Typical steps in the inventory process are:

- ▶ Select the inventory area and prepare a work plan
- ▶ Contact DSL for inventory requirements and guidelines, and for existing wetland determinations
- ▶ Obtain funding
- ▶ Develop and advertise a Request for Proposals to conduct the inventory
- ▶ Notify landowners of the impending inventory, and conduct a public meeting
- ▶ Conduct fieldwork and prepare draft inventory (consultant's responsibility)
- ▶ DSL reviews the draft inventory and conducts a field review of the draft maps
- ▶ Hold a public meeting to review the draft maps; planning commission and elected officials also review the draft LWI products
- ▶ Prepare final inventory maps and report (consultant's responsibility)
- ▶ DSL reviews and approves final inventory
- ▶ Local government notifies landowners of properties with wetlands mapped
- ▶ Local government adopts inventory

What Are the Regulatory and Planning Implications?

Once an inventory is completed and approved by DSL, there are certain requirements and implications:

- ▶ An approved LWI is incorporated into the SWI and is made available by DSL to other agencies and the public.
- ▶ Wetlands and waterways, regardless of whether or not they are mapped, may be regulated under the State Removal-Fill Law. If ground-altering site work is proposed, a more precise wetland boundary may need to be located (a "delineation") to know where state permit requirements apply. Compliance with wetland and waterway regulations remains the responsibility of the landowner.
- ▶ Under Statewide Planning Goals 5 and 17, cities must conduct an LWI and wetland function and condition assessment, and then identify locally significant wetlands (LSW). DSL adopted rules for how LSWs are identified, using information from the LWI. A protection program is then adopted by the local government to further guide the management of LSWs. (Contact the Department of Land Conservation and Development for more information on Statewide Land Use Planning Goals.)
- ▶ An approved LWI must be used by the local government (in place of the NWI) for the Wetland Land Use Notification process (a local-state coordination process).

Contact DSL for	<ul style="list-style-type: none"> <input type="checkbox"/> Purchasing NWI and LWI maps <input type="checkbox"/> Rules for Local Wetlands Inventories (OAR 141-086-0180 to 0240) <input type="checkbox"/> Rules for identifying Locally Significant Wetlands (OAR 141-086-300 to 350) <input type="checkbox"/> Location and status of existing/in progress LWIs <input type="checkbox"/> Technical assistance with conducting LWIs and function/condition assessment <input type="checkbox"/> Availability of digital wetlands data <input type="checkbox"/> A copy of the <i>Oregon Wetland Planning Guidebook</i> <input type="checkbox"/> Further information on state wetland and waterway regulations
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Frequently Asked Questions About Local Wetlands Inventories

Your city has just begun a local wetlands inventory (LWI) as the first step in a required wetland planning process. The city has hired a wetland consulting firm to conduct the technical parts of the LWI. City staff, citizens, and wetland scientists from the consulting firm and the Division of State Lands (DSL) will all have a role in the inventory process. This fact sheet will help answer questions you might have about this process, the products and their uses.

What is a Local Wetlands Inventory?

A LWI is a systematic survey of an area (usually a city) to locate, map and describe the wetlands. The inventory is prepared using information sources such as aerial photos and soils maps and by conducting field observations. Where needed and where property access is permitted, the wetland scientists collect data on the vegetation and soils to confirm that an area is or is not a wetland. The final LWI consists of a set of maps that show the location of wetlands and streams, and descriptive information about the wetlands and the main functions they provide. Functions that are evaluated include wildlife habitat quality, contribution to fish habitat or water quality improvement, and floodwater retention capability.

Why is the LWI being conducted?

The main reason is that cities are required by the statewide land use planning law to include protection for "significant wetlands" in their comprehensive plan. The LWI and functional assessment of wetlands is the information-gathering step needed as the foundation for the remaining wetland planning steps. Once the LWI is completed, the city will identify the significant wetlands and work with citizens to develop appropriate ordinances that apply to those wetlands.

How will the community benefit from the LWI?

The LWI provides the information the city needs to incorporate wetlands and streams into the comprehensive plan for the community. For example, the LWI helps the city incorporate wetlands into planning for parks and greenbelts. It also provides information on each wetland's ability to improve water quality or reduce flooding—both of which are important to stormwater management planning. These wetland functions would be difficult and expensive to replace by other means. Also, advance knowledge about wetland locations helps reduce costs and conflicts when planning new infrastructure such as streets and water and sewer lines.

What about landowners? Is there any benefit for them?

Problems frequently occur when a landowner or developer is unaware that a parcel contains wetlands. When the LWI is completed, the city will notify all landowners who have wetlands mapped on their property. Information about the presence of wetlands reduces the uncertainty that can slow down real estate transactions and development plans. A person wishing to develop a site that contains a mapped wetland will know in advance to design the project to avoid the wetland and to allow sufficient time to obtain any necessary wetland fill permits.

If I don't allow property access, will my land be left off the wetlands map?

The entire planning area will be covered by the LWI. If you choose to deny property access to the wetland consultants, they will not go on your property. For those areas where access is denied, the wetland information will be compiled from the aerial photos, soils maps and observations from nearby roads. This information is generally adequate, but may be less accurate than for field-verified sites.

If a wetland is missed by the LWI is it still regulated?

Yes, the state and federal regulations apply to all wetlands regardless of whether or not they are mapped on the LWI. The consultants will attempt to include on the LWI all wetlands that are at least ½ acre in size.

Can I comment on the wetland map before it is adopted by the city?

Local knowledge is important to making the LWI as accurate as possible, so public comment is encouraged. The city will host a public meeting when the draft LWI is ready for review. Watch your local newspaper for an announcement or contact the planning department to be sure you are notified of the meeting date.

How accurate is the LWI map?

The LWI is developed according to standards adopted by DSL. The standards help to ensure accurate and complete maps, but perfection is not possible. Every attempt is made to map wetlands correctly on parcels and to map wetland boundaries to an accuracy of at least 25 feet. There may be areas where the boundary is less accurate, especially on large tracts with few geographic reference points, and areas where property access was denied. Keep in mind that the primary purposes of the LWI are to provide information for long-range planning by the city and to alert landowners to the probable wetlands on their property.

I heard that I might still need to hire a wetland consultant to delineate the wetland on my property before I can develop the site. Why?

Because the LWI maps the approximate wetland boundary and may miss small wetlands, much more detailed field work is usually needed prior to site development. It's important to know and mark on the ground the precise wetland boundary of areas subject to state and federal permit requirements prior to site alteration. The wetland consultant will not only provide the detailed delineation, but can assist in preparing a fill permit application and mitigation plan for any wetland impacts that cannot be avoided.

What exactly is a wetland?

Wetlands mapped on the LWI meet state and federal wetland criteria. In general terms, wetlands are areas that are subject to long periods of inundation or saturation that create an oxygen deficit in the soil. As a result, they are characterized by plant species called "hydrophytes" that are adapted to these saturated soil conditions. Most wetlands are seasonal—they are very wet for several months but dry out in the summer and fall. Also, some wetlands are disturbed in a way that obscures one or more of the wetland criteria. For example, some wetlands are regularly farmed or grazed and may be planted to species that tolerate wet conditions (like ryegrass) or "worked" later in the Spring than adjacent non-wetland fields. If not maintained, wetland vegetation will return.

Are wetlands the same as floodplains?

No. Many wetlands do occur in floodplains but they are not the same. A floodplain can be expected to flood following heavy rains and snowmelt. However, many floodplain areas are not flooded long enough or often enough to meet the wetland criteria described above.

What about riparian areas?

Riparian areas are the vegetated corridors along streams. Although they perform many of the same functions as wetlands, they do not necessarily meet wetland criteria. Many riparian areas have coarse, well drained soils that do not remain saturated for prolonged time periods. Because riparian areas are so important to the health of streams, to fish and to water quality, cities are required to map and provide protection for riparian areas as well as for wetlands. Frequently, the riparian inventory is conducted at the same time as the wetland inventory.

gary crum

From: "gary crum" <garycrum@countryvisioncable.com>
To: "gary crum" <garycrum@countryvisioncable.com>
Sent: Thursday, August 23, 2012 10:40 AM
Subject: Fw: suggested cure for the poison pill form 4



To: Junction City Council
From: Gary Crum

There exists in legislative politics the concept of a "poison pill"; a technique to defeat a bill, ordinance or resolution which you oppose, but feel is very likely to pass. The mechanism is actually simple: You attach, by amendment, by rider, or by other means, a stipulation or feature which is so undesirable that supporters of the bill or proposal (in its original form) will have difficulty now supporting it. Often, if the rider cannot be removed, the ploy works and the bill is defeated.

May I suggest that the Local Wetlands Inventory for Junction City is just such a Poison Pill. This Inventory, which Junction City staff, somehow, submitted to the Oregon Department of State Lands without either the public hearing on the Draft Inventory or Adoption by the City Council is, at this time, tied to the Twenty-year Comprehensive Plan Review and Urban Growth Boundary proposal before the Planning Commission. The Inventory is a flawed document and would create significant regulatory problems for Junction City property owners whose lands border the man-made drainage ditches which cross several parts of Junction City. Both the SRO crowd at the recent Planning Commission meeting and the "paper storm" of written testimony opposing this Inventory indicates the strong and widespread concern with the Inventory.

Meanwhile, the CPR and Urban Growth Boundary proposal process has been progressing (ever so slowly) over the last three years. It's been a long, convoluted process with elected city officials, appointed city commissioners and appointed community members working very hard to develop a proposal which meets the needs and vision of the Junction City community. Those of us involved really felt we were near the "finishing line." Now staff has attached to the CPR a Local Wetlands Inventory which is widely condemned by property owners and others (including me) in the community. I feel most of us who support the CPR proposal also share the concern with the LWI and feel just as ambushed as the property owners to find that the document includes these drainage ditches as "Wetlands." There is no quarrel between those of "us" who support the UGB expansion and those of "us" who oppose the LWI as presented.

Here, of course, is where the Poison Pill comes into play. If it's necessary to accept this LWI as part of the Phase II UGB proposal, those Council members voting for the proposal will be also voting to accept declaring these drainage ditches as Wetlands and foisting upon adjoining property owners the regulatory implications of such classification. Staff has, either intentionally or inadvertently, attached a feature to the CPR which places Councilors in an "impossible" position.....either support the UGB proposal and approve a document (the LWI) which has a pronounced negative impact on Junction City community members or oppose the CPR and UGB expansion in an

8/23/2012

effort to protect those property owners adjacent to the drainage ditches.

May I suggest a solution.

First, a short stroll down Memory Lane: We know that Phase One of the UGB proposal (industrial lands) resulted from two bifurcations of the process. The first, written into the original process, separated Employment Lands from Residential, Public Lands and Wetlands. The second, a creation of the City staff and approved by the then Council, removed Commercial lands from Phase I, leaving only the State owned prison site, Grainmillers and some limited inclusion of lands to expand the sewage lagoons west of town. The Phase I, twice bifurcated, was co-adopted by the city and county and approved by the DLCD. The proposed hospital site (which was already in the UGB), the proposed prison site, and the acreage owned by Grainmillers, first came into the UGB and were then annexed into the City. They are now within the City limits of Junction City.

This history is important since it establishes that the elements of the UGB expansion proposal can be separated and processed individually. Furthermore, it establishes those elements can be proposed, adopted, approved by DLCD and even annexed into the City without the Local Wetlands Inventory and the Wetlands portion of the CPR being included. It's possible to do the Industrial (which has already been done), then the Commercial, the Residential and the Public Lands, without doing the Wetlands at the same time.

Therefore, it's possible for the City Council to remove the Poison Pill. It's possible to pass the ordinances (or resolutions, whichever is appropriate) for Commercial, Residential and Public Lands and move them along for City/County co-adoption and submission to DLCD without including the Wetlands. This would provide, in my opinion, the best solution to a difficult situation.

Clearly, the CPR for Commercial, Residential and Public Lands is ready to move forward for Council consideration....it's at the Planning Commission hearings level now. Just as clearly, the Wetlands issue is far from resolved. The LWI was sent to the Oregon DSL (so it seems) without following two of the crucial steps in the procedure for LWI adoption....it did not have a public hearing to consider the Draft LWI and it was not adopted by the Council. These are extremely serious flaws and need to be addressed by the Council. Obviously, this will take time.....likely weeks or months.

By moving forward with the Commercial, Residential and Public Lands portions, the City can keep the CPR process, which has already taken three years, "on-track" to finally be done for these three important components. By "not including" the Wetlands portion the Council can have the time necessary to "unravel" the rather serious issues which have been created regarding the LWI. Both substantive issues and procedural issues need to be addressed.

I'm not an attorney, but I've informally visited with two of my friends who are land-use attorneys and they assure me that the tactic I suggest is both possible and sensible. I offer the suggestion to help the Council find a solution to a very difficult problem.

Regards,



8/23/2012

Aug. 22, 2012

To whom it may concern:

Thank you for the meeting Aug. 16th, it was very informative.

My family owns property near the corner of Oaklea Dr. and 18th Ave in Junction City and I own property on Oaklea Dr.

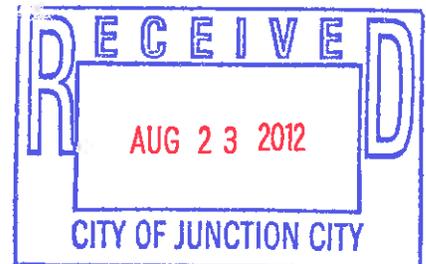
They maintain the drainage ditch that runs through their property, which is where the storm water for a good share of the west side of Junction City goes.

Where this ditch continues on across 18th ave. to the north, it is not maintained for good drainage. Even the culvert at 18th is higher then the property to the south. This seem to have been a problem the last couple of years. From the meeting last week, it is our understanding that the property to the north of 18th may be in Oregon State or Junction City Water Districts jurisdiction. If this is the case, is it possible to have them clear the ditch to the north of 18th to help keep the area from 15th to 18th flowing better in the winter?

Thank you,



Kathy Kling
24039 Hewett Rd
Monroe, Or 97456



August 22, 2012

Junction City Planning Commission
680 Greenwood St.
P.O. Box 250
Junction City, OR 97448

Re: Wetlands component of periodic review
Application of WRD overlay zone to Oaklea site

Dear members of the Planning Commission:

In our letter and oral testimony submitted at last week's hearing, we described a problem that areas designated as Open Space and planned for bike paths on the Oaklea site had incorrectly been included in the footprint of the proposed WRD overlay.¹ It appears the bike path areas were mistakenly included as high value wetlands suitable for local wetlands protections because ambiguous language in the ESEE analysis seemed to suggest that any Open Space designation indicated relatively high value wetlands deserving of local protections.² In our earlier letter we proposed two simple fixes to make it clear that the bike path portions of the site were not intended to be included in that description. The first fix was a suggested provision for the WRD regulations that specifically excluded the bike path strips. The second fix was a suggestion to amend the zoning map to show the WRD overlay did not cover the bike path strips.

We have done a little more reading and thinking since our first letter, and we'd like to ask the Planning Commission to consider one additional suggestion that could resolve this problem. If the Planning Commission requested its consultants at Winterbrook Planning to provide a clarification in the ESEE analysis, the main source of confusion could be addressed. The Recommendations section on pg. 32 already indicates that some of the Oaklea site was not included in the recommendation for local protections. That could be further clarified by stating that areas originally designated as Open Space *for bike path purposes* are not considered high value wetlands that deserve the local protections afforded by the WRD overlay. If jurisdictional wetlands are later discovered in the southern and western portions of this property, they will be subject to DSL/Army Corps jurisdiction, but for the time being it should be clear that the city's additional protections provided by the WRD overlay aren't intended to apply here. As stated previously, the underlying Open Space designation is proposed to remain unchanged for the bike path areas.

¹ The exhibits attached to this letter show the areas on the Oaklea site that were originally plan designated as Open Space to accommodate a bike path.

² See, e.g., page 25 of the draft ESEE analysis that seems to suggest that any area designated as Open Space is considered a relatively high value wetland. That document is available at:

http://www.junctioncityoregon.gov/vertical/sites/%7BE865F063-52B6-4191-89A3-FB88287BBED%7D/uploads/Appendix_IV_-_ESEE_Analysis.pdf

Junction City Planning Commission

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All things considered, we believe there is a pretty simply fix available to this critical issue. We don't see the value in regulating the bike paths as wetlands; it likely would lead to the counterproductive result of making it *more difficult* to develop the bike paths consistent with the planning objectives that originally led to the Open Space designation.

We understand this entire wetlands planning project has been complicated and difficult, and we appreciate your consideration of our suggested solutions.

Sincerely,

//S//
Nick Klingensmith

Cc: Client
Greg Winterowd, Winterbrook Planning

August 23, 2012

To Junction City Planning Commission



Regarding: CPA-12-01 regarding adoption of changes to the Comprehensive Plan Land Designations Map, Comprehensive Plan test, Chapter 17.60 of the Junction City Municipal Code, and the Zoning Map of the city of Junction City

We would first like to ask you if you met the requirements of "Measure 56", Landowner Notification, for notification of these suggested changes?

When we first read the notice of the proposed land use regulation wanting to adopt a new Wetland Resources Overlay District to the Zoning Map of the City of Junction City and looked at the map we thought it was surprising that they would have the "drainage ditches" listed as possible wetland. We thought it would be obvious to anyone that could see the drainage ditches running through Junction City that they would not meet criteria for wetlands.

The man made "drainage ditches" were made for that purpose, drainage, which was for flood control. The plants (weeds) growing in these ditches look like the same weeds growing in many vacant fields inside and outside of city limits.

I am also concerned that a variety of proposed land use regulations changes were lumped together under one Ordinance Amendment. The Wetland issue is a much different issue from the other proposed amendments.

Please do not approve these amendment changes; it would not be in the best interest of the city and its residents to approve them. I know it was said at the Planning Commission meeting on August 16, 2012, that the state would continue to let the city maintain the drainage ditches as they have been for many years but when it is a verbal agreement that could change with different people in the same positions in the future. Once you put certain labels on something, such as "wetlands" on a "drainage ditch" it can be handled differently by different people in the future. New regulations could be implemented in the future regarding "wetlands" and if our drainage ditches are labeled that way we could end up with many more stipulations and taking of our land.

With the designation of "wetland" the city has decided there could be an overlay of 50-60 feet (which is not required by the state) that would be regulated by the city. With the designation of "wetlands" we would have to reveal this when we would go to sell our house and it will make it harder to sell our home and the property value will decrease.

Clarke D. Wilde

1180 Quince Drive

Junction City, Oregon 97448

Karen Wilde

(541) 998-3477

August 23, 2012



Dear Junction City Planning Commission:

I want to once again state my disagreement with the proposed designation of the Federal Flood Control Canal as wetlands.

I have lived on this land of over an acre since 1996. My property is in Lane County. My east property line backs up to city limits. I raised my two children here and expected to subdivide when this property entered city limits. Now with the proposed wetlands there would be no future development on this land by me. I can't afford wetland specialists. When this property enters city limits, I probably will not be able to afford the taxes and will have to sell at a loss.

I am very emotionally saddened by this turn of events. I do not fault the commission. Unless you have seen my piece of property you probably could not of foreseen what would happened. But I believe I am losing the use of at least a third of the acre to the new wetlands.

I am sorry I had no idea there were planning meetings to discuss this issue. I attended most, if not all, wetland meetings. I was told, by the Winterbrook people, that my drainage channel was not wetlands last year at one of the final meetings. I thought my concerns were over. I do not take the local paper and did not receive any notifications that I should be concerned about the loss of use of my land. I have a hard time believing what is happening is correct or fair concerning my property.

The Federal Flood Control Channel was a man made ditch by the Army Corp of Engineers in 1965. It only holds water when it rains. It used to take 48 hours of solid rain with no stopping to reach flood level. Now it reaches that level faster due to the filling in of the West 17th area, the Catholic church ball field, and Prairie Meadows street run off. The ditch does not hold native species of plants. The small channel that winds through is the one my children dug less than 10 years ago and they moved it many times. The garbage in the ditch that I pick up yearly fills several five gallon buckets especially during flood times.

I guess what I would like is for a 'Just Say NO' vote to happen. I think something is very wrong with what is happening and I am sorry that I cannot investigate this more thoroughly.

Cheryl Glasser
770 Spruce Street
Junction City, Oregon 97448



Petition to Oppose the Proposed Junction City, OR

Wetland Resources Overlay District

Petition summary and background
 People who own and pay real estate taxes for land that has an easement through it for a flood control ditch, which benefits the entire population of Junction City, should not be subjected to additional regulatory controls without compensation. The Oregon Division of State Lands currently has sufficient authority to mitigate any fill affecting the 20 ft. wide ditch easement under the Clean Water Act. The approval of a 50 to 60 ft wide wetlands designation is an unnecessary "taking" of privately owned land. The wetland designation infringes on the property owners use of their property, decreases the property's market value, and obligates the owner to incur more fees and permits for potential projects within the designated wetland area.

Action petitioned for
 We, the undersigned, are citizens petitioning our Council members to act now to protect property rights by voting "NO" on the proposed Junction City, OR Wetland Resources Overlay District.

Printed Name	Signature	Address	Comments	Date
CAEOL PUDERBAUGH	<i>Carol Puderbaugh</i>	875 Alder St Junction City		8/22/2012
Annie Nelson	<i>Annie Nelson</i>	781 W 9th Ave JC		8/22/2012
John Nelson	<i>John Nelson</i>	781 W 9th Ave JC		8/22/12
Jessie Hemmels	<i>Jessie Hemmels</i>	930 Brenda Ave. JC		8/22/12
Shirley Hemmels	<i>Shirley Hemmels</i>	954 Spruce St JC		8/22/12
ERICA BUNKER	<i>Erica Bunker</i>	1417 W. 12th Ave.		8/23/12
Robert Dean	<i>Robert Dean</i>	21885 Lawrence Rd, JC		8/23/12
Shelly Dickson	<i>Shelly Dickson</i>	1377 Spring Ct. JC		8/23/12
MERIA GRANT	<i>Maria Grant</i>	971 Myssa St. JC		8/23/12
Margaret Potters	<i>Margaret Potters</i>	1176 Louisa Dr. JC		8/23/12