

Agency Comments Received and Compiled with Responses March 1, 2022

From Max Hepburn, PE, Land Development Engineering & Permits Supervisor with Marion County: The current City limits to the south of the proposed UGB expansion, extend across to the east side Witzel Road right-of-way, but the UGB expansion is proposed to be only to the west side of Witzel Road/Combest Lane. If

Witzel Road/Combest Lane remains outside the UGB we cannot require it to be urbanized with future development of the UGB expansion area. We request the City of Turner expand the UGB proposal eastward to include the entire width of Witzel Road/Combest Lane right-of-way.

The City of Turner has amended the Expansion Map to include all of Witzel Road/Combest Lane in the UGB expansion area.

From Jevra Brown, Aquatic Resource Manager for DSL: Thank you for providing DSL with the opportunity to comment on the City of Turner's UGB expansion proposal. The Turner Local Wetlands Inventory shows one LWI feature within the proposed expansion area that is not shown on the attached maps, LWI feature MCC-D. This feature was determined to be not locally significant and because of the information given in the LWI report LSW determination for MCC-D on page 143 of the PDF (on the DSL website <https://docs.dsl.state.or.us/PublicReview/0/doc/863250/Electronic.asox>) I highly recommend that the City request a jurisdictional determination (JD) for this feature. I hope that this may be accomplished via the (free) offsite wetlands and waters determination request form available here (<http://www.oregon.gov/dsl/WW/Documents/WetlandsAndWatersDeterminationRequest.pdf>). Be clear in the "Additional Comments" box that the City requests a jurisdictional determination of MCC-D. You may also include a copy of this email, including the original attachments and please provide the tax map for the proposed expansion area. DSL may need more information in order to make a JD and will let you know if that is the case.

While the NWI is shown on this map, we do not consider the wetland areas as unbuildable because their status is less well-known than wetlands where a delineation has been completed. We show wetlands (and hydric soils and floodplain) for areas outside of the UGB as indicators of areas that may be less efficiently developed than areas without these features. The areas with the largest potential problems are areas E, F, and G.

Our assumption about the NWI wetland in area D is that it could be developed, assuming the landowner took the necessary steps with DSL to fill that wetland.

At this time, the City is not looking to have work done to further investigate this wetland and is not looking for a JD on this feature.

Follow up response from Jevra Brown: Yes, MCC-D is in area "D," that was the only area shown in the original notice attachment so my comments were restricted to Area "D".

Within the Local Wetlands Inventory study area, the LWI is the inventory to use for Goal 5 for wetlands and other planning related activities (I'll paste the related OAR below). Outside the LWI study area the Statewide Wetlands Inventory is the best planning tool for wetlands and waters. If you have questions about interpretation there is a good deal of information on the web page (link in my signature block) or ask me. All inventories do have limitations and it is good to understand what they are. The City of Turner will have copies of wetland delineation approval letters for areas within the City, but for areas within the County jurisdiction, Marion Co would be copied on those letters. DSL approved delineation mapping supersedes all inventory mapping. If the City would like it's own copies of approval letters & maps for delineations done in areas previously under County jurisdiction but being brought into the City they may (ask the County or) make a public records request to DSL: <https://www.oregon.gov/DSL/Pages/PRR.aspx>

Unfortunately only those wetlands that have been identified within an LWI, and that are larger than one-half acre have been assessed for the locally significant wetland determination, that is, the LSW determination has not been done on features outside of the LWI study area. (Jesse of Winterbrook is very familiar with the whole LWI process, and probably all the limitations etc.) As far as the buildable lands/housing inventory, please check with the City's wetland protective ordinances regarding LSW (and ordinance Goal 5 compliance) and check with the DLCD regional representative how to consider LSWs in the BLI. Nothing there-in prevents UGB expansion, as far as I know.

Yes, the city does not need to seek a JD on feature MCC-D, especially since it is determined to be not LSW. In the future when/if the city receives a permit application that might alter the feature MCC-D, or any other wetland or water feature mapped on the LWI or SWI, they will submit a wetland land use notice to DSL. DSL's response will clarify any further steps to be taken by the applicant, thus answering the question. The inventories do give an idea of where best to develop, and where development is perhaps not the most desirable or advantageous land use choice. Inventories are a planning tool only.

To summarize the information above, DSL noted that subarea D includes a wetland that was identified in the 2001 Turner Local Wetlands Inventory Map (Turner LWI Figure 15, dated November 20, 2000), as a non-significant wetland. DSL notes that, in the future when (or if) the city receives a permit application that might affect or impact this wetland, a wetland land use notice must be submitted to DSL. This is merely a reminder of procedure as it relates to wetlands development.