

February 6, 2018

Jennie Bricker
Land & Water Law
818 SW 3rd Avenue, PMB 1517
Portland, OR 97204

Re: *Lacamas Shores Homeowners Association*

Dear Jennie:

Thank you for your correspondence of January 16, 2018. As an initial matter, the City reiterates the desire to work with the HOA as it pursues the establishment of an accepted maintenance practice for the area. The City is committed to resolving these issues such that there would be clear guidance on both the short term, and for the future.

The position of the City has been, and continues to remain, that the area at issue is a shoreline associated wetland, with mostly native vegetation, subject to the Shoreline Conditional Use Permit process. The existing storm water facility included wetlands when it was established, and these wetlands continue to exist. Wetlands are a part of the facility, and it was established to be a functioning co-mingled facility benefiting the area hydrology. As such, as noted above, the City maintains its commitment to working toward an approval plan for modifying the existing facility and establishing a plan going forward regarding ongoing maintenance.

In relation to the assertions in your recent letter, please note Section 5.8 of the Camas SMP, Vegetation Conservation, which relates as follows:

1. Removal of native vegetation shall be avoided (emphasis added). Where removal of native vegetation cannot be avoided, it should be minimized to protect ecological functions.
3. Clearing by hand-held equipment of invasive or non-native shoreline vegetation or plants listed on the State Noxious Weed List is permitted in shoreline locations if native vegetation is promptly re-established in the disturbed area.

As such, from a wetland perspective, avoidance followed by minimization of impacts to wetlands is the order of preference under the Shoreline Management Plan by protecting this resource.

In simple terms, the City believes that, from a storm water perspective, the facility should:

1. Be capable of accepting the storm water coming into it from its intake;
2. Effectively treat the storm water; and
3. Provide for appropriate outfalls of treated storm water.

To reach these goals, a Shoreline Conditional Use Permit must be obtained. The City commits to aid in the process of having submittal materials reviewed by its own staff of consultants prior to being presented to the Shoreline Management Committee and the state for final approval. Further, the City has requested the Department of Ecology to submit correspondence relating to its review of this issue, which we believe will be helpful in constructing a resolution to these issues. It is understood that the Department of Ecology correspondence should be available within the next few weeks. We will of course forward it upon receipt.

Thank you again for your consideration. If you have any questions, please let me know.

Very truly yours,

KNAPP, O'DELL & MacPHERSON PLLC



Shawn R. MacPherson
City Attorney

SRM/gg