

Andrew Port

From: Michele A. Hunton <MHunton@rubinrudman.com>
Sent: Wednesday, October 26, 2016 10:19 AM
To: Andrew Port
Cc: Glenn A. Wood
Subject: RE: Evergreen

Good morning Andy,

Following are our responses to CSI's comments on the provisions in the WRPD Ordinance.

- XIX-E: Allowed uses within the WRPD.
 - CSI comments that residential development is not subject to XIX-F because it is not referenced. As discussed in our October 19 Memo, we think the omission of XIX-F as a limit on residential development was a typographical error in drafting, and that it was intended to be included in Section E.
- XIX-F: Prohibited uses within the WRPD.
 - Again, CSI states that because Section F is not referred to in Section E, then it does not limit any residential uses. As stated, we think there was a typographical error in Section E, and that Section F does prohibit/limit aspects of residential uses.
 - It is unclear what CSI is trying to make with its point regarding the term "other." We think that certain fertilizers, etc. (as well as other activities that may be performed in a residential setting) can be considered "other" and such activities may cause or contribute to the contamination of the public water supply so would be prohibited.
- XIX-G: Prohibited uses within Zone A, Zone B, Zone I, and Zone II.
 - We do think that Section G (since it includes prohibited uses) was also likely meant to be included as a limit to residential development in Section E, and therefore the prohibited uses in Section G would limit residential development.
- XIX – I: Uses requiring a special permit within the entire WRPD.
 - It is unclear what CSI's opinion is in regard to Section I. If the engineer thinks that the proposed project falls within any of the categories in Section I, then it would seem that the Applicant needs to show compliance with the factors in Section J. However, this would be in addition to compliance with the special permit requirements in Section X-H(7)(A) and Section XIV-K.
- "Contamination" Discussion.
 - We agree with your interpretation that Section F(10) puts a limit on residential development on anything that contributes toward the contamination of the public water supply by increasing any number of substances which would ultimately contaminate it. (cumulatively exceed a regulated threshold for that substance.) I think CSI's comments on this are unclear, and it may actually be agreeing with your view.

Please contact us if you wish to discuss further.

Michele