



CITY OF  
**West Linn**

## Memorandum

**TO:** Planning Commission, Applicant for DR-08-01 et al.

**FROM:** Tom Soppe, Associate Planner

**DATE:** January 15, 2009

**SUBJECT:** DR-08-01/VAR-08-01/WAP-08-01 new citizen submittals

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At their meeting of January 7, 2009, the Planning Commission continued DR-08-01/VAR-08-01/WAP-08-01 to January 21, 2009, allowing citizens a chance to review new material and submit comments by January 14 and allowing the applicant to submit a rebuttal by January 21. Attached are citizen submittals received by the end of the day on January 14. Also attached is information from City Engineer Khoi Le regarding the flooding situation as it affected the culvert on site which needs to be replaced. Condition of Approval 4 (see below) already states that the culvert shall be replaced to the satisfaction of the Public Works Department, so even if recent events require a larger culvert than originally anticipated, the condition as already worded will mandate that any size of culvert needed will be installed by the applicant.

As seen in the most recent site plan in the applicant's Power Point presentation on January 7, the applicant now proposes 71 units and 63 parking spaces instead of the 71 units and 70 spaces proposed earlier. As discussed in the original staff report, for a 70 unit hotel on a transit line, 63 spaces is acceptable per code as 1 space is required per room (70 total) but 10% of required spaces may be eliminated due to the site's location on a transit line per Chapter 46.

The attached submittal from Willamette Neighborhood Association (WNA) implies that the proposed height is not in compliance with the zoning. Actually, in CDC 19.070(A)(6), it is specified that a structure in the General Commercial zone that is further than 50 feet from a low or medium density residential zone can have a height of 45 feet. Therefore the proposed height is compliant with code for this zone.

Also, the applicant may have indicated at the last hearing that mitigation and revegetation are optional in this situation, which was refuted by citizen testimony. To be clear, these are required by 32.070 and 32.050(F) respectively when developing within the transition area, as is proposed on this site.

Below are the current proposed list of conditions, which are the conditions proposed in the most recent full staff report but with the new wording to 7 and 8. As discussed in the staff memo for the January 7 hearing, staff's proposed italicized changes below reword Condition 7 to be more clear and correct a numerical typo in Condition 8.

1. The applicant shall plant only native plants in the stormwater treatment facility proposed on site and in the raingarden between the sidewalk and street (see Condition 2).
2. The applicant shall install an 8-foot wide sidewalk along Willamette Falls Drive, with a minimum 6-foot wide raingarden swale strip between the sidewalk and the street. The sidewalk shall be connected to the existing sidewalk to the east. Appropriate street trees and street lighting shall be planted in the raingarden swale strip. Applicant shall provide half-street improvements to the satisfaction of the Engineering Department. The infield implementation of the actual half-street construction shall be determined by the City Engineer.
3. A 6 foot wide sidewalk shall be installed connecting the building to Willamette Falls Drive.
4. The existing drainageway culvert under the existing driveway shall be replaced to the satisfaction of the Sewer and Storm Division of the Public Works Department.
5. The water line shall be installed to allow for eventual looping west to 8<sup>th</sup> Court. This and other aspects of connecting the site to the water system shall be done to the satisfaction of the Water Division of the Public Works Department.
6. The gravel parking spaces at the southwest corner of the site shall no longer be used for parking, as these areas will be occupied partly by vegetative buffer restoration area and partially by right of way improvements. Up to 9 spaces at the west end of the proposed parking lot may be shared with the law office currently using the gravel parking area to be abandoned. Any parking sharing agreed to in the future by the applicant must conform to the provisions of the CDC, including Chapter 46.
7. *All pervious pavement in the parking lot shall be constructed of hard-surfaced materials, not gravel.*
8. All areas of the site not proposed for development that are within the drainageway, wetlands, and their *100-foot* transition areas shall be placed in a conservation easement protecting them from further development.
9. Alternate methods of construction mitigating the limited fire access shall be approved by the Building Official and the TVFR Fire Marshal at the time of building permit issuance. The building permit shall not be issued unless all alternative methods deemed necessary by the Building Official and the Fire Marshal are proposed by the applicant in the building permit submittal.
10. The section of the driveway between Willamette Falls Driveway and the fork in the driveway shall be 24 feet wide. The driveway approach shall be designed and constructed per the current City of West Linn Public Works standards.

**Soppe, Tom**

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**From:** WNA [willametteneighborhood@gmail.com]  
**Sent:** Wednesday, January 14, 2009 11:05 PM  
**To:** Soppe, Tom  
**Subject:** Holiday Inn Express

*rec'd 1-15 but sent 1-14*

Hello Tom,

I shared the new document presented on 1/7/09 by the Holiday Inn Express applicant at the Willamette Neighborhood Association meeting this evening. There were 13 members present at the meeting who reviewed the information to the best of their ability. Aside from one comment/correction (suggesting that the paragraph on page 7 be rewritten because the numbers for the s.f. do not seem agree so it is confusing), the document was comprehended by the group. The mock up rendering was really helpful to give the group a sense of what the hotel would look like in that space. A representative of the merchant group for Willamette advised the Association they were in favor of the hotel. The WNA voted tonight in favor of the project, the vote was unanimous. I realize the deadline for feedback was today but I am requesting that you forward this email to the Planning Commission for their records.

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Sincerely,  
Elizabeth Kieres, President  
Willamette Neighborhood Association

1/15/2009

Karie Oakes  
1125 Marylhurst DR  
West Linn, OR 97068

West Linn Planning Commission  
Re: DR-08-01/VAR-08-01/WAP -08-01, Holiday Inn Express, 2400 Willamette Falls DR.

January 14, 2009

Dear Commissioners:

This application must be denied because it does not meet various applicable West Linn Community Development Codes (CDC):

The application includes a variance (VAR-08-01) to avoid the regulations in CDC 32.090 which provides for specific reductions in the standards for water resource area protection. The applicant seeks the variance by CDC 32.090(C), but this provision should not be in the code, as it is a remnant from previous code language that has erroneously been left in the code following code revisions that were adopted by the City Council on January 7, 2007.

This is evident when you read the final two subsections of CDC 32.090, which are both designated by the letter "C". The second subsection, "(C) Any further reduction of the standards of this chapter shall require approval of a Variance pursuant to CDC Chapter 75" should not be in WL CDC. I worked with the committee and staff to propose the revisions that strengthened protections for WL water area resources and added section "32.090 Reduction in Standards For Hardship."

32.090 is the variance for reduction in standards for Chapter 32 and it is nonsense to think that a variance to a variance can be allowed. The language in the first subsection "C" in 32.090 mandates conditions, using "shall" and thereby confirms that it provides variance for Chapter 32.

CDC 32.090 (C) states, "If a reduction in standards is granted pursuant to criteria of CDC 32.090(B), the reduction shall be subject to the following conditions:" where it then requires (1) a 15 foot setback from the WRA and (2) mitigation. "Shall" is defined in Chapter 2 as mandatory. This is a variance in the standard protection of a 100 foot plus 15 foot structural setback provided in CDC 32.050 (E) (see attached Table 32-1.)

The applicant seeks an additional variance to the reduction in standard of less than 5000 square feet for the amount of disturbance in the WRA, as provided in CDC 32.090(B), which is a variance from the standard of no disturbance allowed of the WRA.

The applicant seeks to permanently disturb 21,400 square feet of WRA. This is land that will be forever removed from West Linn's wetland and riparian land inventory and land that never function again as such. The function of the remaining wetland and riparian land will be compromised by such a gross impact.

This WRA is part of the Upper Willamette/Wetland Complex Site in the Wildlife Habitat Inventory of West Linn (see Table 11. Summary of Wildlife Habitat Sites.) It was determined by a scientifically accepted system that evaluates the site for water, food, cover, human disturbance, connectivity and sensitive species or habitats (see Wildlife Habitat Inventory Methods.)

I question if the applicant has satisfied CDC 32.070 (7) that requires evidence that a Joint Permit Application to the US army Corps and Oregon DSL, if impacts to wetlands are greater than 0.10 acres has been submitted and accepted for review. Staff told me less than a week ago that the DSL had not responded to the notice that appears was given by the applicant. I am also concerned that the DSL and ACE may not have reviewed the most recent revised application. I think it is critical that the new existing condition of the property that resulted following a landslide and flood after the big snow storm, be considered.

I urge the PC to denied this application.

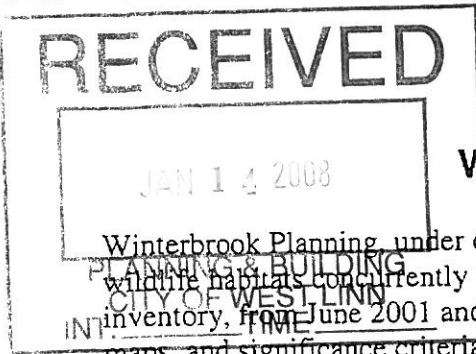
Sincerely,

Karie Oakes

Table 32-1. Required Widths of Setback and Transition Area.

Protected Water Feature Type (see CDC Chapter 2 Definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Setback and Transition Area on each side of the water feature
Wetland, Major Drainageway, Minor Drainageway	0% - 25%	<ul style="list-style-type: none"> <li>• Edge of bankful flow or 2-year storm level;</li> <li>• Delineated edge of wetland</li> </ul>	50 feet plus structural setback.
Wetland, Major Drainageway, Minor Drainageway	$\geq 25\%$ to a distinct top of ravine <sup>1</sup>	<ul style="list-style-type: none"> <li>• Edge of bankful flow or 2-year storm level;</li> <li>• Delineated edge of wetland</li> </ul>	Distance from starting point of measurement to top of ravine <sup>1</sup> (30 foot minimum), plus an additional 50-foot setback, plus structural setback.
Wetland, Major Drainageway, Minor Drainageway	$\geq 25\%$ for more than 30 feet, and no distinct top of ravine for at least 150 feet	<ul style="list-style-type: none"> <li>• Edge of bankful flow or 2-year storm level;</li> <li>• Delineated edge of wetland</li> </ul>	200 feet, plus structural setback
Riparian Corridor	any	<ul style="list-style-type: none"> <li>• Edge of bankful flow or 2-year storm level</li> </ul>	100 feet or the setback required under major and minor drainageway provisions, whichever is greater., plus structural setback

<sup>1</sup>Where the protected water feature is confined by a ravine or gully, the top of ravine is the location where the slope breaks at least 15% and the slope beyond the break remains less than 25% for at least 50 feet.



## Wildlife Habitat Inventory

Winterbrook Planning, under contract for the City of West Linn, completed this inventory of wildlife habitats concurrently with the wetland and riparian inventory. The first phase of the inventory, from June 2001 and March 2002, was a planning phase in which methods, field base maps, and significance criteria were developed. Public notice of the project and opportunities for input was provided through printed media, notices at City Hall and the City Library, and through a series of neighborhood meetings. A public open house was held in April 2002. The second phase of the project covering the field inventory concluded in June 2002.

Prior to formal adoption into the City's Comprehensive Plan, in 2008, the inventory was updated by City Staff to remove any areas that were developed between June 2002 and June 2008. Owing to the small amount of land area that was removed by Staff from the inventory during this update, it was determined that no modifications to the assigned WHA scores was required.

### Inventory Methods

As for other resources, two levels of investigation were conducted for the inventory of wildlife habitats: a review of existing information and a field inventory.

#### *Review of Existing Information*

A review of existing literature, maps, and other materials was conducted to gather information on wildlife habitats within West Linn. Information sources included those identified in the LWI methods section. A general literature search was also conducted to obtain published information about habitat types in the Willamette and Tualatin River basins, wildlife species typically associated with these habitats, and existing habitat management programs. Information concerning the potential or documented occurrence of high-priority habitats and threatened, endangered and sensitive species was also reviewed. The Nature Conservancy and Oregon Natural Heritage Program (ONHP) databases were searched and ONHP, USFWS, and other agencies were contacted for current information on special status species and habitats.

A GIS base map showing potential wildlife habitats was prepared based on vegetative cover, stream and riparian corridors, wetlands, existing published data (e.g., 1988 West Linn Wetland Study, PGE wildlife studies, fish data) and other data sources (e.g., ONHP, ODFW, Metro). Cover type classifications were developed to describe the dominant vegetation and habitat function. Aerial photographs were interpreted using a Topcon stereoscope and cover types were delineated on 2001 aerial orthophotos and then digitized using GIS to complete the map of potential wildlife habitats. Potential habitat sites were defined in a manner consistent with other resources, with coding generally based on hydrologic basins.

#### *Field Inventory*

Wildlife habitat sites were evaluated using the Wildlife Habitat Assessment (WHA) methodology, adapted for use in West Linn. This method has proven effective for assessing and ranking Goal 5 habitats throughout the Willamette Valley. The WHA methodology is a

scientifically accepted system for determining the relative value of different habitat types within a region. The Wildlife Habitat Assessment has proven to be: reliable (provides information to help make decisions); acceptable (meets statewide planning requirements); repeatable (generates similar results when done by different entities); and understandable (communicates results to a lay person).

The WHA rating system evaluates each site in terms of its potential for wildlife. The WHA method is designed primarily to assess three major components of wildlife habitat: presence and quality of water, food and cover. A water source and a variety of cover and food types are highly valuable for many species of wildlife, and sites with these features can generally accommodate a greater number of species than sites that lack them. The rating system is weighted, and reflects the presence or absence of each of these factors, plus three additional factors: disturbance, connectivity, and special interest species or habitats. Each WHA assessment factor is summarized below.

- Water: Water resources on a site are evaluated based on four characteristics: quantity and seasonality; quality; proximity to cover; and diversity. All of these factors play an important role in the site's significance to wildlife. The highest rated sites have several types of permanent, high quality water, with nearby vegetation cover.
- Food: Food is a basic requirement for any organism. Wildlife species cannot survive in one area for any appreciable period of time without food. The greater the variety and quantity of food, the greater the potential for serving the needs of more wildlife species. The three factors considered in the assessment of forage habitat are quantity and seasonality, variety, and proximity to cover. The highest rated sites have a wide variety of food plants available all year, in good quantity, with adjacent cover.
- Cover: Cover habitat is important to wildlife, and important factors include structural diversity (vegetation layers present), variety and seasonality of cover (species diversity, evergreen vs. deciduous), nesting/denning (snags, logs, rocks), and access/escape (refuge opportunities). The highest rated sites have multiple layers of vegetation, snags and logs, and a wide variety of evergreen and deciduous species in all layers.
- Human Disturbance: Assesses other factors that influence the relative value of habitat areas including physical disturbance (invasive species, bulldozed, landslides) and human activity (traffic, machinery and cars, pets). The highest rated sites have little or no disturbance.
- Connectivity: Connectivity to other habitats is important to allow migration and serve the life cycle needs of many wildlife species. The highest rated sites have high connectivity to a range of other habitats, including wetland, riparian, and upland areas.
- Sensitive Species or Habitats: Assesses the presence or potential occurrence of sensitive species or habitats within the site. Published and field-collected data on rare habitats or species, or potential habitat for rare species, is recorded. If such species or habitats are present, the site receives additional weighted points.

The scoring of each factor on the sheet is weighted based on its estimated importance for wildlife. In particular, sites with water will rate higher in this system, as most terrestrial wildlife species need access to water, and all species need some amount of cover while drinking at a water source.



However, habitat assessments are also intended to reflect the needs of the types of species that would be expected to occur within the habitat site. Thus, an upland habitat site without on-site water may outscore a riparian site in some cases, by providing highly rated forage or nesting habitat for certain species, or the presence of rare species or habitats (e.g., a remnant oak savanna). The proposed WHA method, as adapted for West Linn, provides an assessment approach that adds greater emphasis on the value of natural communities, particularly those that are rare or threatened.

### *Significance Determination*

Wildlife habitat significance was determined based on several factors, including the WHA rating and the presence of listed or rare species. A habitat site is significant if it:

- Receives a Wildlife Habitat Assessment score of 45 points or more;
- Receives a Wildlife Habitat Assessment score of 30 to 44 points and provides a linkage between other significant Habitat Sites, Riparian Corridors, or Wetlands;
- Provides habitat for a wildlife species listed by the federal government as a threatened or endangered species or by the state of Oregon as a threatened, endangered, or sensitive species;
- Supports locally rare species or habitats (e.g., remnant Oak Savanna habitat);
- Is documented (by a state or local resource agency) as a sensitive bird nesting, roosting, or watering resource site for osprey, great blue herons, or other species;
- Is documented to be essential to achieving policies or population objectives specified in a wildlife species management plan adopted by the Oregon Fish and Wildlife Commission; or
- Is identified and mapped by the Oregon Fish and Wildlife Department as habitat for a wildlife species of concern and/or as a habitat of concern.

### Inventory Results

Twelve habitat sites ranging in size from 39 to 323 acres were identified during the wildlife habitat inventory. Most sites were associated with streams or rivers and included riparian corridors and/or wetlands.

Table 11 summarizes the size, general boundaries, and associated wetland and riparian sites for habitat sites within the West Linn study area. The sites are organized alphabetically by site name.

**Table 11. Summary of Wildlife Habitat Sites**

Habitat Site	Habitat Code	Acres	Site boundaries	Wetland Sites	Riparian Reaches
Camassia/ Wilderness Park	CA-H-1	135	I-205 and Maple Ave (south), Prospect St (west), Skyline Dr (north), and West A St (east)	CA-01 – CA-06	CA-R-1
Fritchie Creek	FR-H-1	68	Interstate 205 north to study limits (UGB) and east to vicinity of Bland Circle; includes 2 sub-areas	FR-01	FR-R-1 FR-R-2
Lower Fern Creek	FE-H-1	49	N. City limits south to Lower Fern Creek along old River Dr. – Willamette River west to Hwy 43.	FE-02	AR-R-1 RO-R-1 FE-R-1
Lower Trillium Creek	TR-H-1	70	Bordered to east by Willamette River and Calaroga Dr., west by Hwy. 43, south by Mapleton Dr., north by city limits	TR-04 TR-03	GA-R-1 RN-R-1 TR-R-1
Mary S. Young / Willamette Lowlands	MA-H-1	323	Willamette near Calaroga Dr. south to lower MS Young Cr. – Willamette River west to Hwy 43.	WI-04 WI-05 WI-06 TY-01	HE-R-1 MA-R-1 TY-R-1 WI-R-1 WI-R-2
Mary S. Young/ Upper Trillium Ridge	MA-H-2	150	Hidden Springs Rd, south to Webb St. – Hwy 43 west to Rosemont Rd.	TR-01 TR-02 HI-01	TR-R-2 HE-R-2 MA-R-2 BA-R-2
Tanner Creek	TA-H-1	110	Rosemont Rd. (north), Interstate 205 (south), Summit and Sussex Streets (east); west boundary near Salamo Rd.	TA-1 – TA-09	SA-R-1 TA-R-1 TA-R-2
Tualatin River	TU-H-1	137	Confluence of Willamette and Tualatin north west to Fritchie Cr.	TU-01 through TU-05, FR-02, FR-03, FR-04	TU-R-1 TU-R-2 FR-R-1 FR-R-2
Upper Bernert Creek	BE-H-1	39	Tannler Drive (west), Haskins Road (north), and I-205 south		BE-R-1
Upper Fern/ Skyline Ridge	FE-H-2	165	North city limits south to Hidden Springs Rd., Hwy. 43 west to city limits	RO-01, FE-01	AR-R-1 RO-R-1 FE-R-2 RN-R-2
Upper Willamette / Wetland Complex	WI-H-2	265	Bordered on the east by Willamette River, west by I-205, south by Tualatin River (Willamette Park), north by Willamette Falls.	WI-01, WI-01a, WI-02, WI-03, BE-01, BE-02	BE-R-1 TA-R-1 WI-R-3 WI-R-4
Willamette Falls / Clackamas Confluence	WI-H-1	247	Lower Barlow Creek south to Willamette Falls, south of Interstate 205 and east of Hwy 43; includes Goat Island	CS-01, WI-07	BA-R-1 BO-R-1 CS-R-1 MC-R-1 MX-R-1 WI-R-2



**INDEX**

<b>32.000</b>	<b>NATURAL DRAINAGEWAY PROTECTION</b>	
		<b>Page</b>
<b>32.010</b>	<b>PURPOSE AND INTENT</b>	<b>1</b>
<b>32.020</b>	<b>APPLICABILITY</b>	<b>2</b>
<b>32.025</b>	<b>PERMIT REQUIRED</b>	<b>5</b>
<b>32.030</b>	<b>PROHIBITED USES</b>	<b>5</b>
<b>32.040</b>	<b>THE APPLICATION</b>	<b>5</b>
<b>32.050</b>	<b>APPROVAL CRITERIA</b>	<b>6</b>
<b>32.060</b>	<b>SITE PLAN</b>	<b>14</b>
<b>32.070</b>	<b>MITIGATION PLAN</b>	<b>16</b>
<b>32.080</b>	<b>REVEGETATION PLAN REQUIREMENTS</b>	<b>18</b>
<b>32.090</b>	<b>REDUCTION STANDARDS FOR HARDSHIPS</b>	<b>19</b>
<b>32.100</b>	<b>PENALTIES</b>	<b>21</b>

occur on lots located completely within the water resource area that are recorded with the County Assessor's Office on or before the effective date of this ordinance. Development shall disturb the minimum necessary area to allow the proposed use or activity, and in any situation no more than 5,000 square feet of the water resource area, including access roads and driveways, subject to the erosion and sediment control standards in CDC Chapter 31, and subject to a finding that the proposed development does not increase danger to life and property due to flooding and erosion.

- B. Lots located partially inside the water resource area. A reduction to avoid the loss of all economically viable use of a vacant lot recorded with the County Assessor's Office on or before the effective date of this ordinance that is partially inside the water resource area is permitted. Development on such lots shall not disturb more than 5,000 square feet of the water resource area, including access roads and driveways, subject to the erosion and sediment control standards of CDC Chapter 31. Applicants must demonstrate the following:
1. Without the proposed reduction, the applicant would be denied economically viable use of the subject property. To meet this criterion, the applicant must show that no other application could result in permission for an economically viable use of the subject property. Evidence to meet this criterion shall include a list of uses allowed on the subject property.
  2. The proposed intrusion is the minimum necessary to allow economically viable use of the subject property.
  3. The proposed reduction will comply with CDC Chapter 31, Erosion Control;
- C. If a reduction in standards is granted pursuant to criteria of CDC 32.090(B), the reduction shall be subject to the following conditions:
1. The minimum width of the water resource area's transition and setback area shall be 15 feet on each side of a wetland or drainage

course.

2. As mitigation for the permanent disturbance of any portion of the normally required water resource area, an equal area on the property which would not normally be within the water resource area shall be revegetated to meet the standards of CDC 32.050(K).  
If there does not exist enough site area to meet this requirement, the applicant shall revegetate the entire area of the property that would not normally be within the water resource area, adjacent to the actual water resource area, and is not proposed for permanent disturbance to meet the standards of CDC 32.050(K)
- C. Any further reduction of the standards of this chapter shall require approval of a Variance pursuant to CDC Chapter 75.

### **32.100 PENALTIES**

Violation of any provision or requirement of this chapter or conditions of approval is a Class A infraction, and shall also constitute a public nuisance. Each day of violation constitutes a separate offense. In addition, the City retains the authority to require any water resource area which has been altered illegally, to be re-established to its natural condition, including replanting trees, shrubs, etc. and reseeding open areas at the owner's expense. In addition, the City Attorney may institute any necessary legal proceedings to enforce the provisions of this chapter, or cure any problems resulting from violations of this chapter.

(ORD. 1545)

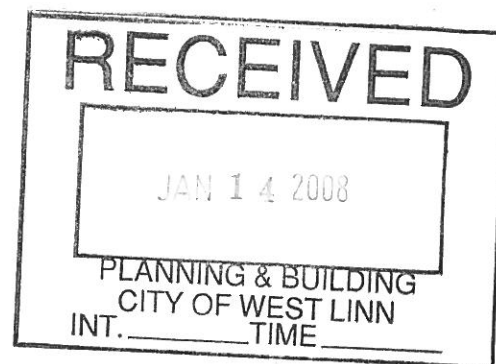
To: West Linn Planning Commission

From: Laura Horsey  
5725 Hood St. West Linn

Date: January 14, 2009

Re: Proposal for Holiday Inn Express in Wetlands Area

Cc: West Linn Planning Department Staff



I join the planning staff and others in opposing this motel development as it is sited. I will limit my comments to the issues with regard to Chapter 32 of the city's code, Water Resource Area Protection.

It is my understanding that Chapter 32 was established as a part of the city's ordinances in response to the state's Goal 5 initiative. Other municipalities in the Portland Metro area have adopted similar codes. West Linn took an additional step to protect the rights of property owners and included a hardship provision, CDC 32.090. That provision offers greater flexibility for development for long established lots capping it at 5,000 square feet of disturbed area. The city in its desire to accommodate development has already lessened water area protection through the hardship provision. The planning commission should keep that balance by upholding the limits and definitions that are part of the hardship code.

First, the hardship code, CDC 090 (B), "Reduction in Standards for Hardship" is part of the city's ordinances and is part of the criteria for this Design Review. Staff in its report, Finding 49, cites planning goal documents as justification for supporting a much larger area of disturbance that CDC 090 (B) allows, "Development on such lots shall not disturb more than 5,000 square feet of the water resource area, including access roads and driveways..." The hardship code allows development where CDC 32 would otherwise not permit it, but limits disturbance to of the resource area. In a quasi-judicial hearing such as this Design Review, the city's ordinances should applied and not be swept aside in favor of the less specifically worded goal statements cited in the staff report.

Second, it is not clear that the applicant and staff are using the correct definition of "disturbed" in their discussion of the incursion on the resource area. Throughout Chapter 32 the code clearly prescribes that "the total disturbance" to the resource area, including "any man-made change" such as "filling, grading or site clearing," "pipe installation," "site property improvements," installation of "utilities and landscaping," and any alteration to "original land contours" is encompassed within the 5,000 square foot maximum disturbance area. See code sections CDC32.030, CDC 32.025, CDC 32.060(B)(7), CDC 32.050(C), CDC 32.050(F), and CDC 32.050(K). This meaning of disturb is also consistent with the plain and ordinary meaning of the word. For purposes of CDC 32.090(B), "Reduction in Standards for Hardship, 5,000 square feet is the maximum area that can be disturbed at all without regard to mitigation or future re-vegetation. Therefore the calculation of the disturbed area should not be limited to the building itself and other above-grade permanent physical improvements.

Third, it is not clear that the applicant has met the other requirements of the hardship code that require a showing that no other application would be viable, and that the intrusion is the minimum necessary. CDC 32.090 (B) provides (emphasis added)

*"Applicants must demonstrate the following:*

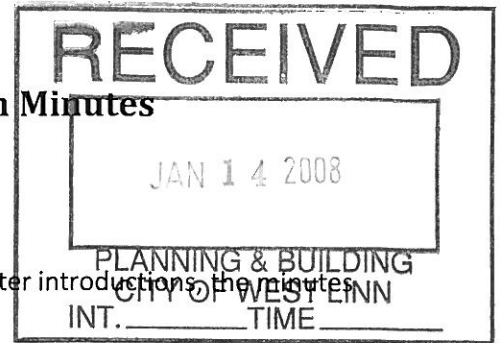
1) *Without the proposed reduction, the applicant would be denied economically viable use of the subject property. To meet this criterion, the applicant must show that no other application could result in permission for an economically viable use of the subject property. Evidence to meet this criterion shall include a list of uses allowed on the subject property.*

2) *The proposed intrusion is the minimum necessary to allow economically viable use of the subject property. “*

## Willamette Neighborhood Association Minutes

**Date: December 10, 2008**

The meeting was called to order at 7:07pm by president, Beth Kieres. After introductions, the minutes of the November 12 meeting were read, amended, and approved.



**Attendance:** Beth Kieres, Elizabeth Rocchia, Gwendolyn Rose, Jerry Offer, Linda Neace, Vicki Handi Stephanie Nicoletti, and Buffalo Zoebel.

### **Treasurer's report**

**Balance:** The changes from last months balance reflect the \$25.98 withdrawal for copies of the Planning Commission files and office supplies.  $\$2708.33 - \$25.98 = \$2682.35$  in our account.

**Activity:** Expenses for Planning Commission and supplies totaling \$25.98. The city stipend of \$1,500.00 is now separate from the current checking account where funds for WNA yoga are deposited and credited.

### **Presentations**

**Parks & Recreation Presentation:** Jerry Offer, Parks Board Member spoke about the historic national registry and the log cabin proposed to be moved. The historic national registry covers the years 1890 to 1929. The 1900 log cabin is 500 to 600 square feet, 4 rooms and a stone fireplace. The log cabin will cost from \$30,000.00 to \$50,000.00 to move, leaving the geodesic dome solarium. It is not to code and requires retrofitting upgrades. Right of way to move the structure will need to be acquired through the Department of Transportation. An alternate of Wilderness Park is being considered. There is currently no money available to move the structure.

**Community Events** On December 13,<sup>th</sup> during the Santa Parade live Christmas trees will be available for sale in front of the Willamette West Linn Fire Department between the hours of 10:00am and noon. The Fire Department will also be accepting toy donations during the parade. The Christmas tree sale is in conjunction with the Willamette Neighborhood Association and the West Linn Parks Department. These trees will be for sale at cost for prices between \$35.00 and \$50.00 and is a tax deductible donation. The trees are to be donated to and picked up by the Parks Department.

**Proposed Site Development:** The 71 room Holiday Inn Express hearing with Planning Commission was continued to January meeting. Some of the issues of concern: the tree will be saved as a result to repositioning of the building, the effect on wetland area on property, and the height variance. The square footage for entire project exceeds the code requirement and the height variance allows for 3 stories where building is designed with 4 stories. The craftsman style of the proposed hotel is considered to easily assimilate to the surrounding area. Traffic impact is expected to be minimal, as reflected in the traffic impact report.



## **Willamette Neighborhood Association Minutes**

**Proposed Site Development:** Buffalo Zoebel reported on the December 3, 2008 Planning Commission agenda. Blain Schutlzer requested a hearing for zone change from R-10 to R-7. Property is known as 1095 Dollar located on the SW corner of Dollar and Ostman. It was mentioned that the zone change from single to multiple dwelling would set or continue a precedence of zoning. The zone change has been denied.

### **Committee Reports**

**Traffic Safety Association:** Many of the areas crosswalks are in need of paint and speed bubbles are to be added in the spring.

**Centennial Committee Report:** Pavers and benches were installed last weekend. A request for a bench to be added with a plaque was voted on and approved. The plaque is to read "Willamette Neighborhood 2008."

**Neighborhood Resource Network:** Greg Smith presented suggestions to network the current resources for neighbors going through difficult economic circumstances. Included in the discussion was:

**City Council:** December 15 meeting with Willamette Neighborhood Association. Agenda for the work session: Goals and Dreams Vision Statement revision. The 5 year plan is to be updated. Many of the listed priorities have either been accomplished or are in a state of work in progress. Stephanie Nicoletti and Vicki Handi have volunteered to attend and work on the revision process. The 2003 version of the vision and goals statement will be completed in early 2009.

**Planning Commission/City updates:** WNA is waiting to hear about Planning Commission meeting agendas dealing with the Holiday Inn Express proposed on Willamette Falls Drive. Re-tabling of the proposed plans TBA.

**Planter clean-up:** November 15, 2008 was the last of the year.

**Meeting adjourned:** 8:35 p.m. December 10, 2008

**Next meeting January 14, 2009, 7pm, at Pacific West Bank in Willamette Marketplace.**

Respectfully submitted,

Gwendolyn Rose, Beth Kieres and Elizabeth Rocchia

Willamette Neighborhood Association

**Soppe, Tom**

**From:** Le, Khoi  
**Sent:** Friday, January 09, 2009 11:33 AM  
**To:** 'GARY'  
**Cc:** Soppe, Tom; Wright, Dennis  
**Subject:** RE: Open Channel at the Holiday Inn Express site

Dear Gary,

For this particular project, the applicant will provide onsite re-vegetation including the wetland transition area and off-site mitigation at Fields Bridge Park. For more details about onsite re-vegetation, please contact Tom Soppe, the City Planner at 503-742-8660 or at [tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov).

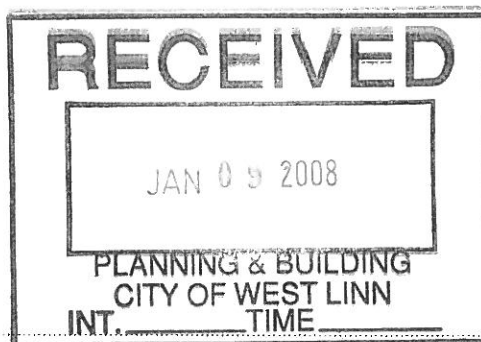
Engineering Department does have a condition of approval requiring the applicant to replace the existing culvert (s) with a proper size bottom less culvert that can handle both current run-off and future run-off. I hope that I answer your questions and concerns.

Please feel free to contact me if you have any further questions or concerns. My schedule is very much open next week except I have a couple doctor appointments in the afternoon on Tuesday and Wednesday. Please feel free to let me know a time when you would like to meet and I can get back to you with a meeting schedule.

Regards,

**Khoi Q. Le, PE**  
**Public Improvement**  
**Program Manager**  
*City of West Linn*  
22500 Salamo Rd, No. 800  
West Linn, OR 97068  
503-722-5517  
Fax: 503-656-4106

[kle@westlinnoregon.gov](mailto:kle@westlinnoregon.gov)  
[www.westlinnoregon.gov](http://www.westlinnoregon.gov)



**From:** GARY [mailto:~~XXXXXXXXXX~~]  
**Sent:** Thursday, January 08, 2009 11:37 AM  
**To:** Le, Khoi  
**Cc:** Soppe, Tom; Wyatt, Kirsten; Wright, Dennis  
**Subject:** FW: Open Channel at the Holiday Inn Express site

Mr. Khoi Le,

I would be interested in having you tell me what the options are for rehabilitating the riparian corridor at the propped Holiday Inn Express site. I imagine you will be informing the City on what is both practical and within the bounds of your duties. I, however, may see an opportunity that would benefit the property owner and residents for generations to come.

Is there a time where we might be able to meet?

Please realize that if the hotel had actually been there as proposed, the City would have been dealing with a much more serious and costly solution! Can you imagine the possibility of having cars that were swept away or damaged when the soil eroded away? How about all the guests and operations that would have been landlocked away from access? How would emergency vehicles get there? The possibilities for difficult times ahead are now

**Soppe, Tom**

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**From:** GARY  
**Sent:** Thursday, January 08, 2009 11:37 AM  
**To:** Le, Khoi  
**Cc:** Soppe, Tom; Wyatt, Kirsten; Wright, Dennis  
**Subject:** FW: Open Channel at the Holiday Inn Express site

Mr. Khoi Le,

I would be interested in having you tell me what the options are for rehabilitating the riparian corridor at the proposed Holiday Inn Express site. I imagine you will be informing the City on what is both practical and within the bounds of your duties. I, however, may see an opportunity that would benefit the property owner and residents for generations to come.

Is there a time where we might be able to meet?

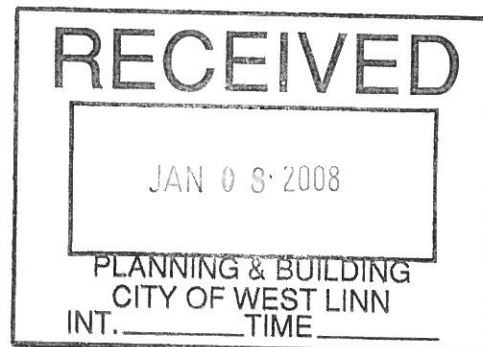
Please realize that if the hotel had actually been there as proposed, the City would have been dealing with a much more serious and costly solution! Can you imagine the possibility of having cars that were swept away or damaged when the soil eroded away? How about all the guests and operations that would have been landlocked away from access? How would emergency vehicles get there? The possibilities for difficult times ahead are now a reality based on what has occurred there, don't you think?

We need a responsible proposal that is based on sound engineering practices and sustainable approaches that will not put a future drain on City resources or liabilities. I see a win-win.

I can be reached by this email address or by phone at

Gary Hitesman

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**Soppe, Tom**

**From:** Le, Khoi  
**Sent:** Thursday, January 08, 2009 9:49 AM  
**To:** michaelbabbitt@kw.com; shawnandreas@hotmail.com; bobm4@teleport.com; dean@comarcoindustrial.com; valerie27@comcast.net  
**Cc:** Soppe, Tom  
**Subject:** Open Channel at the Holiday Inn Express site  
**Attachments:** IMAG0236.JPG

Planning Commission

Dear Chair Babbit and Commissioners,

As I mentioned in the meeting last night that I would get back to you and other commissioners about the situation at the Holiday Inn Express site. Under emergency flooding situation that occurred along the 10<sup>th</sup> Street entrance ramp and areas along 10<sup>th</sup> street as well as Willamette Falls Drive last week, ODOT worked with the City removing one of the existing culverts under the existing driveway at the Holiday Inn Express site to allow run-off flowing down stream. There were two 24" CMP culverts stacking on top of each other at the site prior to the flooding. ODOT removed the one on top and dug an open channel to allow run off flowing through. Please see attached picture for detail of the open channel dug out at the site. The site is not accessible at this time due to the open channel. The open channel will be the primary drainage way for the area at this time until the Holiday Inn Express development gets approved and installed the open bottom culvert like I had mentioned in the meeting last night.

Please feel free to contact me if you have any questions, concerns, or comments.

Regards,

**Khoi Q. Le, PE**  
**Public Improvement**  
**Program Manager**  
*City of West Linn*  
22500 Salamo Rd, No. 800  
West Linn, OR 97068  
503-722-5517  
Fax: 503-656-4106

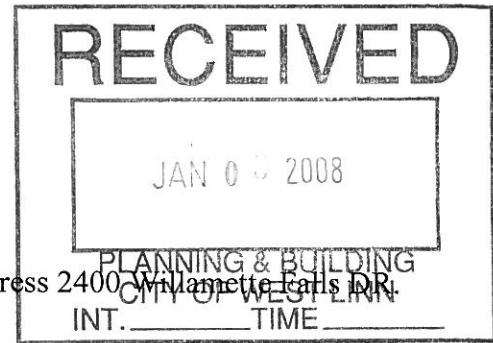
kle@westlinnoregon.gov  
www.westlinnoregon.gov



Karie Oakes  
1125 Marylhurst DR  
West Linn, OR 97068

West Linn Planning Commission  
Re: DR-08-01/VAR-08-01/WAP-08-01, Holiday Inn Express 2400 Williamette Falls DR,

January 7, 2009



Dear Commissioners:

I am extremely concerned that Bryan Brown determined this application to be complete when it does not meet the applicable approval criteria of CDC 32.090 (B)(1-2):

B. Lots located partially inside the water resource area. A reduction to avoid the loss of all economically viable use of a vacant lot recorded with the County Assessor's Office on or before the effective date of this ordinance that is partially inside the water resource area is permitted. Development on such lots shall not disturb more than 5,000 square feet of the water resource area, including access roads and driveways, subject to the erosion and sediment control standards of CDC Chapter 31. Applicants must demonstrate the following:

1. Without the proposed reduction, the applicant would be denied economically viable use of the subject property. To meet this criterion, the applicant must show that no other application could result in permission for an economically viable use of the subject property. Evidence to meet this criterion shall include a list of uses allowed on the subject property.
2. The proposed intrusion is the minimum necessary to allow economically viable use of the subject property.

Mr. Brad Kaul, architect for the applicant, in his letter to the West Linn Planning Department dated December 19, 2008, and marked as received December 31, 2008, states in the last paragraph regarding 32.090 (B), "Argument will be made by owners at January 7<sup>th</sup> meeting."

CDC 32.090 Reduction in Standards for Hardship must be met to allow the proposed development. It makes no sense and wastes the time and resources of the staff, Commission and citizens to have participated in this process to date: including the hearing on December 3, 2008 and the continued hearing tonight, where much consideration and deliberation regarding the other approval criteria occurred.

I am also extremely concerned by the grossly inadequate availability of the new information presented by the applicant prior to the hearing on January 7, 2009. None of the documents presented by the applicant since the hearing on December 3, 2008 were available to the public, either at the Planning Department desk or on the City website, prior to January 7, 2009.

The City staff report by Tom Soppe was subsequently written on January 6, 2009 and it as well, was not available to the public until January 7, 2009.

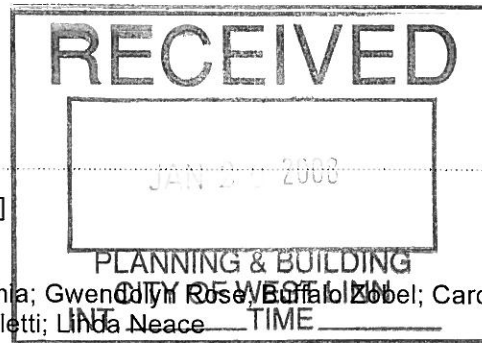
It is then most questionable how the City and the applicant expect the public to effectively participate at the hearing. This constitutes a gross disrespect for public participation and Mr. Soppe's recommendation, in the staff report dated January 7, 2009, that the Planning Commission approve this application without further public review before the hearing continues is deplorable. It flies in the face of Oregon Statewide Planning Goal 1 and West Linn Comprehensive Plan.

If the Planning Commission is inclined to approve this application upon considering the new information, then I request the hearing to be continued to allow further public written and oral testimony, that is not in anyway limited.

I hope the Planning Commission will deny this application by finding that it does not show that the amount of land to be developed is the minimal necessary and that the variance to allow development of a huge amount (21,400 sq. ft.) of water resource land, beyond the 5,000 square feet allowed by hardship, grossly disrespects protections provided by CDC chapter 32 and would endanger our riparian land and wildlife and thereby threaten the quality of life in West Linn.

Sincerely,

Karie Oakes



**Soppe, Tom**

**From:** WNA [willametteneighborhood@gmail.com]  
**Sent:** Monday, January 19, 2009 11:39 AM  
**To:** Soppe, Tom; Jody Carson; Elizabeth Rocchia; Gwendolyn Rose; Buffalo Zobel; Carol Yates; Moyle, Brad; Jerry and Ruth Offer; Stephanie Nicoletti; Linda Neace  
**Subject:** Holiday Inn Memorandum of Understanding

Hello Tom,

I had hoped to have the minutes from our meeting prepared for your meeting this week so that you could view more discussion and recommendations we had about the Holiday Inn project. Since I don't have them ready, I am writing this additional email.

If possible, could you incorporate this into your meeting notes for the PC? I have copied the original statement I sent and I wanted to add that the group talked about the development of the area surrounding the property which would benefit the neighbors and pedestrians (hotel owners could pay for or contribute to costs). The recommendations are listed with the concerns from the September meeting below.

The WNA recommends that the PC develops a *memmorandum of understanding* to address some of these really important changes to the surrounding area. It appeared that the subject of the tree and wetland mitigation were already addressed in the project document we all received so these were not included. Again Tom, thank you for your communication on this.

**I shared the new document presented on 1/7/09 by the Holiday Inn Express applicant at the Willamette Neighborhood Association meeting this evening. There were 13 members present at the meeting who reviewed the information to the best of their ability. Aside from one comment/correction (suggesting that the paragraph on page 7 be rewritten because the numbers for the s.f. do not seem agree so it is confusing), the document was comprehended by the group. The mock up rendering was really helpful to give the group a sense of what the hotel would look like in that space. A representative of the merchant group for Willamette advised the Association they were in favor of the hotel. The WNA voted tonight in favor of the project, the vote was unanimous I realize the deadline for feedback was today but I am requesting that you forward this email to the Planning Commission for their records.**

*Items regarding this discussion from September minutes:*

*Finish sidewalks on WFD and provide lighting and improve path and stairs to the Restaurant area on 8th avenue. Review bus routing:*

3. Proximity to the bus stop for young children and proximity to their school due to the transient nature of the motel clientele was a concern for some area residents and may require rerouting the school buses.

*provide trees and landscape additions to divider of WFD and commercial WFD*

4. ...It was also suggested the some additional screening from tree



plantings in the divider between Willamette Falls Drive and the residential Willamette Falls Drive should be considered to help screen some of the homes facing the proposed hotel.

*provide historic period lighting for the street and shielded (similar to the new Marketplace) lighting for the parking to provide maximum lighting of parking area with less impact on the residential area.*

6. Apprehension for the preservation of the character of the Willamette district-some neighbors felt that the hotel at this particular location was more in the neighborhood and less in the town area. They questioned the success of the hotel because of the location.

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Sincerely,  
Elizabeth Kieres, President  
Willamette Neighborhood Association