

**City of West Linn  
 Planning & Building Dept.  
 Land Use Action**

DATE: September 25, 2008  
 FILE NO.: WAP-08-06  
 SUBJECT: Water Resources Area Permit for new house at 18034 Hillside Court  
 PLANNER: Tom Soppe, Associate Planner

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## **SPECIFIC DATA**

- OWNER/  
APPLICANT:** Kazi Ahmed, 18649 Midhill Circle, West Linn, OR 97068
- CONSULTANT:** Garrett Rupp, Kelly Rupp Construction, 29030 SW Town Center Loop East, Ste. 202, #443, Wilsonville OR, 97070
- LOCATION:** 18034 Hillside Court
- SITE SIZE:** 0.47 acres
- LEGAL  
DESCRIPTION:** Clackamas County Assessor's Map 2-1E-14CA, Tax Lot 114
- ZONING:** R-10
- COMP PLAN  
DESIGNATION:** Low Density Residential
- APPROVAL  
CRITERIA:** CDC Chapter 32, Natural Drainageway Protection
- PUBLIC NOTICE:** Public notice was mailed to the Robinwood, Marylhurst, and Skyline Ridge neighborhood associations and to affected property owners on September 3, 2008. The property was posted with a sign on September 4, 2008. The application has also been posted on the City's website. Therefore, notice requirements have been satisfied.

### **EXECUTIVE SUMMARY:**

The applicant, who is the owner of the site, is seeking approval of a Water Resources Area permit to build one house on an approximately 20,670 square foot site at 18034 Hillside Court in West Linn. Arbor Creek runs along the south edge of the site. Arbor Creek is a significant riparian corridor as designated by the West Linn Riparian Corridor Inventory. All natural drainageways have a "transition area", defined by CDC Chapter 2 as "The land around the edge of the natural resource area that constitutes a buffer, or transition, to protect the resource from conflicting development and activities." Due to their environmental importance, significant riparian corridors such as this one have a wider transition area than most other natural drainageways. Significant riparian corridors all have a transition area of at least 100-feet for any development, plus the 15-foot structural setback per Table 32-1 in CDC Chapter 32. The majority of the lot is therefore within the drainageway transition area.

This is a lot of record on which one house is allowed despite that there is fairly little buildable area of the lot outside the transition area. The applicant has applied for the Water Resources Area permit utilizing the hardship provisions, created for such lots, in CDC 32.090. Although the

northern half of the lot is large enough for a good sized house and is mostly outside of the drainageway, the applicant plans to also utilize parts of the the southern half of the lot for development due to other environmental and economic issues. The entire lot consists of steep slopes, sloping up to the west/southwest from Hillside Court. Fitting the garage in front of or under the house would have required further blasting downwards into the rock. Also, fitting more of the development further west into the northwest area of the lot would require further excavating and blasting into the steep hill to the rear. Blasting is very expensive, and the destruction of the hillside to the rear would have other negative environmental effects. This is why the applicant proposes the development of the house and garage closer to the street, but further stretched along the front of the property. The applicant maintains that despite the garage's relative proximity to the drainageway with this plan, this plan is the best solution to develop the lot for one house, both economically and environmentally.

## **PUBLIC COMMENTS**

### **Amy McEwan, 1379 Skye Parkway, September 4, 2008 (summary of phone conversation)**

- Opposed to development at this location, already too much development on this street
- Drainageway should be preserved as wildlife habitat

### **Karie Oakes, 1125 Marylhurst Dr., September 23, 2008 (summary of counter conversation)**

Creek should be identified by name on plans; identifying creeks helps people understand where site is and find it for site visits, respects the creeks as important named natural features.

### **Lynne Detrick, 1378 Leigh Ct., September 25, 2008**

I was not able to get to city hall to look at the site plans. I looked at the site itself. I can see where the three homes already approved/under construction will be, and don't see how there can be enough land left for another residence plus allow protection/buffer for Arbor Creek. I feel that there is enough construction already approved/built on that steep hillside. The stream should be protected from any further building. I do not approve of the hardship variance.

### **Karie Oakes, 1125 Marylhurst Dr., September 23, 2008 (summary of counter conversation)**

I request that you attach the following two conditions of approval to the Water Area Permit for new development at 18000 and 18034 Hillside DR. The applicant seeks a reduction of the standards for the protection of a water resource area as provided in West Linn Community Development Code Chapter 32 Water Resource Area Protection.

You are granted the authority to impose conditions of approval for the hardship as provided in CDC 32.090.

## **32.090 REDUCTION IN STANDARDS FOR HARDSHIP**

*The purpose of CDC Section 32.090 is to ensure that compliance with CDC Chapter 32 does not cause unreasonable hardship. To avoid such instances, the requirements of CDC Chapter 32 may be reduced. Reductions are also allowed when strict application of CDC Chapter 32 would deprive an owner of all economically viable use of land. The decision making authority may impose such conditions as are deemed necessary to limit any adverse impacts that may result from granting relief. (emphasis added)*

Furthermore, as the decision making authority, you are responsible to see that all approval criteria for the application are satisfied or can be satisfied by conditions of approval.

### **32.050 APPROVAL CRITERIA**

*No application for development on property containing a water resource area shall be approved unless the decision-making authority finds that the following standards have been satisfied, or can be satisfied by conditions of approval. (emphasis added)*

#### **Purposed Conditions of Approval for WAP-08-06:**

#### **COA (1) The driveway and the front and rear sidewalks shall be constructed of permeable material.**

The driveway is entirely within the riparian transition zone and 44.33 feet from Arbor Creek. The sidewalks are mostly within the transition zone. Construction of the driveway will permanently destroy 1525 square feet of riparian land. Construction using impermeable material will permanently alter the natural drainage of the land from percolating to storm water collection. Even if the storm water facility is built to the highest standards, it can not replace the advantages of the natural drainage when the land is left natural and water percolates through the land. Using permeable material will reduce and minimize adverse impacts.

COA (1) is supported by approval criterion CDC 32.050(C) and the West Linn Comprehensive Plan Goal 6.

**32.050 C.** *Development shall be conducted in a manner that will minimize adverse impact on water resource areas. Alternatives which avoid all adverse environmental impacts associated with the proposed action shall be considered first. For unavoidable adverse environmental impacts, alternatives that reduce or minimize these impacts shall be selected. If any portion of the water quality resource area is proposed to be permanently disturbed, the applicant shall prepare a mitigation plan as specified in CDC 32.070 designed to restore disturbed areas, either existing prior to development or disturbed as a result of the development project, to a healthy natural state. (emphasis added)*

#### **West Linn Comprehensive Plan: Goal 6 Air, Water and Land Resources Quality** *Section 2: Goal: Water Quality*

**8. Encourage the use of alternative permeable materials for construction of parking areas to reduce storm water runoff and improve water quality. (emphasis added)**

The Recommended Action Measure

**7. To reduce storm water runoff, create and implement standards for new development that encourage use or maintenance of permeable surfaces and discourage the creation of impervious surfaces. (emphasis added)**

**COA (2) The swath of land along the edge of the driveway , extending to the property line at the rear and to the property line to the southeast , be dedicated to the city for open space.**

This area is within the riparian corridor and is the land closest to Arbor Creek within the transition zone and in so being, it is the most sensitive land, deserving the highest standards of protection as required in West Linn CDC.

COA (2) is supported by approval criterion CDC 32.050 (D).

*32.050 D. Water resource areas shall be protected from development or encroachment by dedicating the land title deed to the City for public open space purposes if either: 1) a finding can be made that the dedication is roughly proportional to the impact of the development; or, 2) the applicant chooses to dedicate these areas. Otherwise, these areas shall be preserved through a protective easement. **Protective or conservation easements are not preferred because water resource areas protected by easements have shown to be harder to manage and, thus, more susceptible to disturbance and damage.** Required 15-foot wide structural setback areas do not require preservation by easement or dedication. (emphasis added)*

The applicant seeks a privately owned conservation easement for the land that is protected as a water resource and that is not developed as purposed in this application. Privately owned conservation easements are not preferred. If this application is approved as submitted, the home will be entirely within a conservation easement that will not allow any development of a lawn, garden or other usual amenities.

While this applicant and the first owner of the home may understand the restrictions, future occupants of the home may not. Homeowners and renters often are not aware of the covenant placed on the title deed and the associated responsibilities. West Linn does not have a program for educating owners of conservation easements in the care and protection of the land. The West Linn Parks Department does not have a system of routinely monitoring conservation easements for violations that works in conjunction with the West Linn Police department for enforcement.

Marking the conservation easement with signs will not effectively prevent occupants from disturbing the area. Historically, enforcement of violations to protected resource land in West Linn have not been enforced or the fines and penalties from violations have been reduced. A few examples are: (1) violations at the conservation easement of the Ridgebrook Estates address 2185 Valley CT, (2) reduced fines to Mark Handris for cutting 51 trees in pre-development activity and (3) the most egregious violation of the City allowing construction of a water pipe in Wilderness Park.

Tom Soppe indicated to me in our conversation of September 23, that the open space track could be configured to a size that would not make the size of the developed track non-conforming with the R-10 zone.

The applicant should dedicate the open space to the City. A finding can be made that because the mitigation plan will occur off-site, at a developed park owned and maintained by the City using taxpayer park fees, then there is really no direct benefit to the City that would not have ordinarily

occurred. If the application is approved as submitted, the applicant will not be mitigating the riparian land that will be permanently lost to wildlife. Dedication of open space satisfies CDC 32.050 (D).

I respectfully ask that find the purposed conditions of approval be attached to this application. My interest is that the highest standards apply to development in West Linn and that the protection of water resource areas be upheld to the fullest extent of the law.

### RECOMMENDATION

Based upon staff findings and findings contained in the applicant's submittal in the City record, staff finds and recommends that there are sufficient grounds to approve this application with the following conditions of approval:

1. The conservation easement shall be placed on the entire undeveloped remainder of the site, meaning all of the site that lies south and west of development proposed in this application.
2. The driveway and all internal, on-site sidewalks shall be constructed of permeable material.
3. Applicant shall dedicate an 20-foot wide pedestrian trail easement along the drainageway corridor, stretching from Hillside Court to the west boundary of the lot.

I/We declare to have no interest in the outcome of this decision due to some past or present involvement with the applicant, the subject property, or surrounding properties, and therefore, can render an impartial decision. The provisions of the Community Development Code Chapter 99 have been met.

Bryan C. Brown  
BRYAN BROWN, Planning Director

9.29.08  
DATE

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is \$2500. The appeal must be filed by an individual who has established standing by submitting written comments prior to or on May 1, 2008. Approval will lapse 3 years from effective approval date unless an extension is obtained.

Mailed this 30 day of September, 2008.

Therefore, the 14-day appeal period ends

at 5 p.m., on 10/14/2008.

# SUPPLEMENTAL FINDINGS

WAP-08-06

## 32.050 APPROVAL CRITERIA

*No application for development on property containing a water resource area shall be approved unless the decision-making authority finds that the following standards have been satisfied, or can be satisfied by conditions of approval.*

*A. Proposed development submittals shall identify all water resource areas on the project site. The most currently adopted Surface Water Management Plan shall be used as the basis for determining existence of drainageways. The exact location of drainageways identified in the Surface Water Management Plan, and drainageway classification (e.g., open channel vs. enclosed storm drains), may have to be verified in the field by the City Engineer. The Local Wetlands Inventory shall be used as the basis for determining existence of wetlands. The exact location of wetlands identified in the Local Wetlands Inventory on the subject property shall be verified in a wetlands delineation analysis prepared for the applicant by a certified wetlands specialist. The Riparian Corridor inventory shall be used as the basis for determining existence of riparian corridors.*

### FINDING NO. 1:

The site plan depicts location of the drainageway on the property. The criterion is met.

*B. Proposed developments shall be so designed as to maintain the existing natural drainageways and utilize them as the primary method of stormwater conveyance through the project site unless the most recently adopted West Linn Surface Water Management Plan calls for alternate configurations (culverts, piping, etc.). Proposed development shall, particularly in the case of subdivisions, facilitate reasonable access to the drainageway for maintenance purposes.*

*C. Development shall be conducted in a manner that will minimize adverse impact on water resource areas. Alternatives which avoid all adverse environmental impacts associated with the proposed action shall be considered first. For unavoidable adverse environmental impacts, alternatives that reduce or minimize these impacts shall be selected. If any portion of the water quality resource area is proposed to be permanently disturbed, the applicant shall prepare a mitigation plan as specified in CDC 32.070 designed to restore disturbed areas, either existing prior to development or disturbed as a result of the development project, to a healthy natural state.*

*D. Water resource areas shall be protected from development or*

*encroachment by dedicating the land title deed to the City for public open space purposes if either: 1) a finding can be made that the dedication is roughly proportional to the impact of the development; or, 2) the applicant chooses to dedicate these areas. Otherwise, these areas shall be preserved through a protective easement. Protective or conservation easements are not preferred because water resource areas protected by easements have shown to be harder to manage and, thus, more susceptible to disturbance and damage. Required 15-foot wide structural setback areas do not require preservation by easement or dedication.*

**FINDING NO. 2:**

While (D) above explains that generally dedication to the City is preferred over a conservation easement, in some applications including this one a conservation easement is preferable. On this site, dedicating any of the site would result in the development as proposed being non-conforming in terms of floor area ratio (FAR). The site is limited to a 0.30 FAR because of the amount of the site that consists of steep Type I and II lands. The lot is 20,731 square feet. 0.30 of the lot is 6,219 square feet. If the minimum feasible dedication were to occur (i.e. a 15 foot strip along the south end of the property, along the drainageway), the lot square footage would become approximately 18,406, 0.30 of which would be 5,522. The above ground living space of the house as proposed is 5,853 square feet. Imposing dedication would necessitate redesign of the house to meet a lower maximum square footage for FAR. Given the significant amount of money the applicant has spent on designing the this single-family house thus far, this would likely be an onerous burden on the applicant that is not proportional to the development's impacts, considering the drainageway and transition area can also be protected with the conservation easement. Also if dedication were imposed, the applicant would be forced to give up a significant percentage of his single lot. This is not the case with a conservation easement. With a conservation easement, the applicant still owns his property and has the privilege of controlling who can traverse it (except for the trail easement), he would merely be kept from developing anything on it.

Another alternative to that discussed above (smaller dedication area combined with conservation easement) is to dedicate the entire undeveloped lot area outside the house and garage area to the City. This would not be proportionate to the impact of development caused by the building of one single-family house. The site was originally two lots, which were combined into one by the applicant. The applicant could have had two houses here if he had not decided to combine the lots, provided those houses were somewhat smaller in order to meet FAR requirements. Two single-family houses, regardless of exact size, are more impactful to the neighborhood and City infrastructure (i.e. streets) than one single-family house. A dedication of the areas of the site not proposed for development would constitute a very significant portion of the site and would not be proportional to the impact of one new single-family house on site.

In these ways, the development as proposed on this site is different from other examples of development requiring Water Resource Area permits, such as a larger subdivision along a water resource area where dedication makes more spatial sense. For example, in the case of a larger development, a larger area along the creek can become a public tract while still reserving space for individual, conforming residential lots. In that situation the burden of dedication does not significantly reduce the property already held by the owner of one lot, as it would in this case.

For several reasons including those discussed above, conservation easements are preferred for this and other smaller and/or one-lot Water Resource Area developments. The City continues to improve enforcement and maintenance in conservation easement areas. The conservation easement shall be placed over the entire site south and west of where development will occur. This is achieved through Condition of Approval 1. Impact on the drainageway and riparian buffer would be reduced by the proposed development if the development's driveway and sidewalks were made of a pervious material. This is required by Condition of Approval 2.

*E. The protected water resource area shall include the drainage channel, creek, wetlands, and the required setback and transition area. The setback and transition area shall be determined using the following table:*

*At least three slope measurements along the water feature, at no more than 100-foot increments, shall be made for each property for which development is proposed. Depending upon the width of the property, the width of the protected corridor will vary.*

**FINDING NO. 3:**

The applicant has applied under the hardship provisions of 32.090, so this criterion does not apply.

*F. Roads, driveways, utilities, or passive use recreation facilities may be built in and across water resource areas when no other practical alternative exists. Construction shall minimize impacts. Construction to the minimum dimensional standards for roads is required. Full mitigation and revegetation is required, with the applicant to submit a mitigation plan pursuant to CDC Section 32.070 and a revegetation plan pursuant to CDC Section 32.080. The maximum disturbance width for utility corridors is as follows:*

- a. For utility facility connections to utility facilities, no greater than 10 feet wide.*
- b. For upgrade of existing utility facilities, no greater than 15 feet wide.*
- c. For new underground utility facilities, no greater than 25 feet wide, and disturbance of no more than 200 linear feet of Water Quality Resource Area, or 20% of the total linear feet of Water Quality Resource Area, whichever is greater.*

*G. Prior to construction, the water resource area shall be protected with an anchored chain link fence (or approved equivalent) at its perimeter and shall remain undisturbed except as specifically allowed by an approved water resource area permit. Such fencing shall be maintained until construction is complete. The water resource area shall be identified with City-approved permanent markers at all boundary direction changes and at 30- to 50-foot intervals that clearly delineate the extent of the protected*

area.

- H. *Paved trails, walkways, or bike paths shall be located at least 15 feet from the edge of a protected water feature except for approved crossings. All trails, walkways, and bike paths shall be constructed so as to minimize disturbance to existing native vegetation. All trails, walkways, and bike paths shall be constructed with a permeable material and utilize Low Impact Development (LID) construction practices.*

**FINDING NO. 4:**

The applicant has committed to the proper fencing. Nothing will be built in or across the creek itself, but much of the development is within the transition area. This is in order to build a house and garage on a site with little area north of the transition area and with topographic constraints to the west that would have required much blasting. Because of these issues, staff adopts the applicant's findings and agrees the criteria are met. As discussed above, Condition of Approval 2 requires the internal on-site sidewalks and driveway to be of a pervious material. No trails need to be built at this time, but Condition of Approval 3 requires a trail easement to accommodate a potential future pedestrian trail along the drainageway, connecting to the City-owned greenbelt property that borders the site to the west.

- I. *Sound engineering principles regarding downstream impacts, soil stabilization, erosion control, and adequacy of improvements to accommodate the intended drainage through the drainage basin shall be used. Storm drainage shall not be diverted from its natural watercourse. Inter-basin transfers of storm drainage shall not be permitted.*
- J. *Appropriate erosion control measures based on CDC Chapter 31 requirements shall be established throughout all phases of construction.*
- K. *Vegetative improvements to areas within the water resource area may be required if the site is found to be in an unhealthy or disturbed state, or if portions of the site within the water resource area are disturbed during the development process. "Unhealthy or disturbed" includes those sites that have a combination of native trees, shrubs, and groundcover on less than 80% of the water resource area and less than 50% tree canopy coverage in the water resource area. "Vegetative improvements" will be documented by submitting a revegetation plan meeting CDC Section 32.080 criteria that will result in the water resource area having a combination of native trees, shrubs, and groundcover on more than 80% of its area, and more than 50% tree canopy coverage in its area. Where any existing vegetation is proposed to be permanently removed, or the original land contours disturbed, a mitigation plan meeting CDC Section 32.070 criteria shall also be submitted. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Upon approval of the mitigation plan, the applicant is responsible for implementing the plan during the next available planting season.*

**FINDING NO. 5:**

Staff adopts the applicant's findings for these items and adopts the applicant's findings in regards to 32.070 Mitigation Plan and 32.080 Revegetation Plan.

- L. *Structural Setback area: where a structural setback area is specifically required, development projects shall keep all foundation walls and footings at least 15 feet from the edge of the water resource area transition and setback area if this area is located in the front or rear yard of the lot, and 7 ½ feet from the edge of the water resource area transition and setback area if this area is located in the side yard of the lot. Structural elements may not be built on or cantilever over the setback area. Roof overhangs of up to three feet are permitted in the setback. Decks are permitted within the structural setback area.*

**FINDING NO. 6:**

The criterion cannot be applied because, as explained in Finding No. 4 above, the applicant is appropriate applying under the hardship provisions of 32.090. Staff adopts the applicant's findings regarding 32.090.

- M. *Stormwater Treatment Facilities may only encroach a maximum of 25 feet into the outside boundary of the water resource area; and the area of encroachment must be replaced by adding an equal area to the water quality resource area on the subject property. Facilities that infiltrate storm water onsite, including the associated piping, may be placed at any point within the water resource area outside of the actual drainage course so long as the forest canopy and the areas within ten feet of the driplines of significant trees are not disturbed. Only native vegetation may be planted in these facilities.*

**FINDING NO. 7:**

The treatment facility will be at the northeast corner of the site, outside the 100-foot riparian transition area. Only native vegetation will be planted there. There are no significant trees in the entire front portion of the site where development will occur. The criterion is met.

- N. *As part of any proposed land division or Class II Design Review application, any covered or piped drainageways identified on the Surface Water Quality Management Plan Map shall be opened, unless the City Engineer determines that such opening would negatively impact the affected storm drainage system and the water quality within that affected storm drainage system in a manner that could not be reasonably mitigated by the project's site design. The design of the reopened channel and associated transition area shall be considered on an individualized basis, based upon the following factors:*
  - 1. *The ability of the reopened storm channel to safely carry storm drainage through the area.*

2. *Continuity with natural contours on adjacent properties*
3. *Continuity of vegetation and habitat values on adjacent properties.*
4. *Erosion control*
5. *Creation of filters to enhance water quality*
6. *Provision of water temperature conducive to fish habitat*
7. *Consideration of habitat and water quality goals of the most recently adopted West Linn Surface Water Management Plan.*
8. *Consistency with required site Mitigation Plans, if such plans are needed.*

*The maximum required setback under any circumstance shall be the setback required as if the drainage way were already open.*

- O. *The decision-making authority may approve a reduction in applicable front yard setbacks abutting a public street to a minimum of fifteen feet and a reduction in applicable side yard setbacks abutting a public street to 7 ½ feet if the applicant demonstrates that the reduction is necessary to create a building envelope on an existing or proposed lot of at least 5,000 square feet.*

**FINDING NO. 8:**

There are no piped or covered drainageways on site. Alternative setbacks as provided for in (O) are not requested. The criterion is not applicable.

- P. *Storm Drainage Channels not identified on the Surface Water Management Plan Map, but identified through the development review process, shall be subject to the same setbacks as equivalent mapped storm drainage channels.*

**FINDING NO. 9:**

No other water resource areas besides the creeks have been identified. The criterion is not applicable.

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# EXHIBITS

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Soppe, Tom

From: karieokee@aol.com  
Sent: Thursday, September 25, 2008 2:19 PM  
To: Brown, Bryan  
Cc: Soppe, Tom  
Subject: 18000 and 18034 Hillside CT WAP permit



Karie Oakes  
1125 Marylhurst DR  
West Linn, OR 97068

Bryan Brown  
Planning Director of West Linn

Dear Mr. Brown:

I request that you attach the following two conditions of approval to the Water Area Permit for new development at 18000 and 18034 Hillside DR. The applicant seeks a reduction of the standards for the protection of a water resource area as provided in West Linn Community Development Code Chapter 32 Water Resource Area Protection.

You are granted the authority to impose conditions of approval for the hardship as provided in CDC 32.090.

**32.090 REDUCTION IN STANDARDS FOR HARDSHIP**

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Furthermore, as the decision making authority, you are responsible to see that all approval criteria for the application are satisfied or can be satisfied by conditions of approval.

**32.050 APPROVAL CRITERIA**

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permanently destroy 1525 square feet of riparian land. Construction using impermeable material will permanently alter the natural drainage of the land from percolating to storm water collection. Even if the storm water facility is built to the highest standards, it can not replace the advantages of the natural drainage when the land is left natural and water percolates through the land. Using permeable material will reduce and minimize adverse impacts.

COA (1) is supported by approval criterion CDC 32.050(C) and the West Linn Comprehensive Plan Goal 6.

**32.050 C.** Development shall be conducted in a manner that will minimize adverse impact on water resource areas. Alternatives which avoid all adverse environmental impacts associated with the proposed action shall be considered first. **For unavoidable adverse environmental impacts, alternatives that reduce or minimize these impacts shall be selected.** If any portion of the water quality resource area is proposed to be permanently disturbed, the applicant shall prepare a mitigation plan as specified in CDC 32.070 designed to restore disturbed areas, either existing prior to development or disturbed as a result of the development project, to a healthy natural state. **(emphasis added)**

**West Linn Comprehensive Plan: Goal 6** Air, Water and Land Resources Quality  
Section 2: Goal: Water Quality

**8. Encourage the use of alternative permeable materials for construction of parking areas to reduce storm water runoff and improve water quality. (emphasis added)**

The Recommended Action Measure

**7. To reduce storm water runoff, create and implement standards for new development that encourage use or maintenance of permeable surfaces and discourage the creation of impervious surfaces. (emphasis added)**

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COA (2) is supported by approval criterion CDC 32.050 (D).

**32.050 D.** Water resource areas shall be protected from development or encroachment by dedicating the land title deed to the City for public open space purposes if either: 1) a finding can be made that the dedication is roughly proportional to the impact of the development; or, 2) the applicant chooses to dedicate these areas. Otherwise, these areas shall be preserved through a protective easement. **Protective or conservation easements are not preferred because water resource areas protected by easements have shown to be harder to manage and, thus, more susceptible to disturbance and damage.** Required 15-foot wide structural setback areas do not require preservation by easement or dedication. **(emphasis added)**

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I respectfully ask that find the purposed conditions of approval be attached to this application. My interest is that the highest standards apply to development in West Linn and that the protection of water resource areas be upheld to the fullest extent of the law.

Sincerely,

Karie Oakes

---

Find phone numbers fast with the [New AOL Yellow Pages!](#)

**Soppe, Tom**

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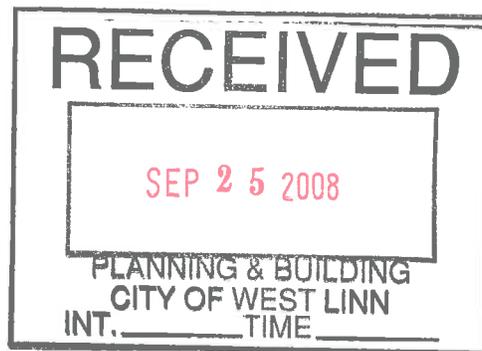
**From:** Maumix@aol.com  
**Sent:** Thursday, September 25, 2008 11:37 AM  
**To:** Soppe, Tom  
**Subject:** File No. WAP-08-06

Tom,  
Thank you for your phone message. I was not able to get to city hall to look at the site plans. I looked at the site itself. I can see where the three homes already approved/under construction will be, and don't see how there can be enough land left for another residence plus allow protection/buffer for Arbor Creek. I feel that there is enough construction already approved/built on that steep hillside. The stream should be protected from any further building. I do not approve of the hardship variance.

Lynne Detrick  
1378 Leigh Ct.  
West Linn, OR 97068  
503-636-4443

---

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AFFIDAVIT OF NOTICE

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

GENERAL

File No. WAP-08-06 Applicant's Name Kazi Ahmed
Development Name 18034 Hillside
Scheduled Meeting/Decision Date 9/25/08

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check one below)

- Type A [X]
A. The applicant (date) 9-3-08 (signed) CB
B. Affected property owners (date) 9-3-08 (signed) CB
C. School District/Board (date) (signed)
D. Other affected gov't. agencies (date) 9-3-08 (signed) CB
E. Affected neighborhood assns. (date) 9-3-08 (signed) CB
F. All parties to an appeal or review (date) 9-03-08 (signed) CB

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted.
Tidings (published date) 9/14/08 (signed) [Signature]
City's website (posted date) 9/13/08 (signed) [Signature]

- Type B
A. The applicant (date) (signed)
B. Affected property owners (date) (signed)
C. School District/Board (date) (signed)
D. Other affected gov't. agencies (date) (signed)
E. Affected neighborhood assns. (date) (signed)

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.
Date: (signed)

- Type C
A. The applicant (date) (signed)
B. Affected property owners (date) (signed)
C. Affected neighborhood associations (date) (signed)

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.
Date: (signed)

SIGN
At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.
(date) (signed)

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.
(date) (signed)

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.
(date) (signed)

***CITY OF WEST LINN  
PLANNING DIRECTOR  
DECISION***

**FILE NO. WAP-08-06**

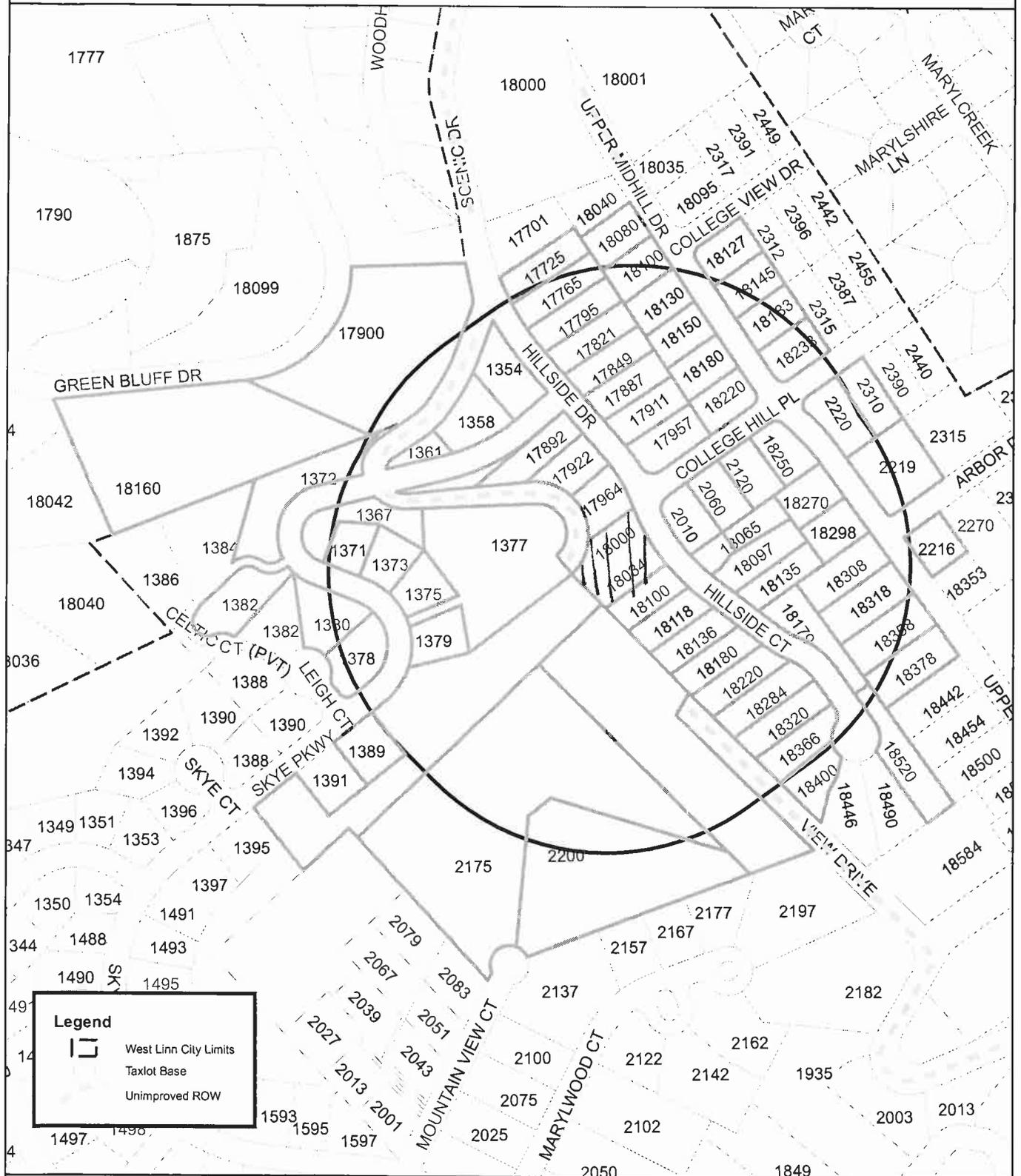
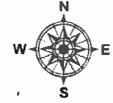
The West Linn Planning Director is considering the request of Kazi Ahmed for a Water Resources Area permit for a new house and garage at 18034 Hillside Court. A Water Resources Area permit is required as much of the lot including where some of the development takes place is within the transition area for Arbor Creek. The decision will be based on the approval criteria in Chapter 32 of the Community Development Code (CDC). Because of the limited area of the lot outside the transition area, the applicant is applying under the hardship provisions of CDC 32.090. A summary of the specific approval criteria is available for review at City Hall, in the CDC at the City Library, and on our website [www.ci.west-linn.or.us](http://www.ci.west-linn.or.us).

Site located at Tax Lot 114, Clackamas County Assessor's Map 2-1E-14CA.

All relevant materials in the above noted file are available for inspection at no cost, or copies may be obtained for a minimal charge per page. Although there is no public hearing, your comments and ideas can definitely influence the final decision of the Planning Director. Planning staff looks forward to discussing the application with you. **The final decision is expected to be made on, and no earlier than, September 25, 2008**, so please get in touch with us prior to this date. For further information, please contact Tom Soppe, Associate Planner, at City Hall, 22500 Salamo Rd., West Linn, OR 97068, telephone (503) 742-8660, or e-mail to [tsoppe@ci.west-linn.or.us](mailto:tsoppe@ci.west-linn.or.us).

Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. Failure to raise an issue in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes the raising of the issue at a subsequent time on appeal or before the Land Use Board of Appeals.

# WAP-08-06 18034 Hillside Court



**Legend**

-  West Linn City Limits
-  Taxlot Base
-  Unimproved ROW

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Taxlot Base Source: Clackamas County GIS

NOT TO SCALE



SNAPNOTIFY.MXD / APP 8-28-08

User Name: T Zak  
Map Creation Date: Sep 03, 2008

AHMED KAZI I  
18649 MIDHILL CIR  
WEST LINN OR 97068

ANAWATY CASS A & MEGAN  
17911 HILLSIDE DR  
WEST LINN OR 97068

BALDUCCI PATRICK J  
18220 UPPER MIDHILL DR  
WEST LINN OR 97068

BALEN ROBERT F & BARBARA M  
18160 GREEN BLUFF DR  
LAKE OSWEGO OR 97034

BELTMAN WILLEM & ANNE  
18298 UPPER MIDHILL DR  
WEST LINN OR 97068

BJERRE ROBERT B & IRMA C  
18378 UPPER MIDHILL DR  
WEST LINN OR 97068

BRUMBAUGH STEPHEN P & JANET R  
2220 COLLEGE HILL PL  
WEST LINN OR 97068

BRUSH ROBERT E & MARILYN A LOY  
1371 SKYE PKWY  
WEST LINN OR 97068

CAMPBELL JEFFREY R  
17957 HILLSIDE DR  
WEST LINN OR 97068

CESARIO SAMANTHA MARIE  
2105 SNOWBERRY RIDGE CT  
WEST LINN OR 97068

CHADWICK ROBERT & KAREN  
17887 HILLSIDE DR  
WEST LINN OR 97068

CLARK RICHARD  
4861 SW GARDEN HOME  
PORTLAND OR 97219

COALE FRANKLIN S & LISA D  
18400 HILLSIDE CT  
WEST LINN OR 97068

CRANDELL TY S  
255 SW HARRISON ST 22 E  
PORTLAND OR 97201

DETRICK GEORGE F & LYNNE A  
1378 LEIGH CT  
WEST LINN OR 97068

DODGE JAMES JAY & CAROLINE A  
18100 HILLSIDE CT  
WEST LINN OR 97068

DOWNEY VALERIE A & DANIEL J  
2310 COLLEGE HILL PL  
WEST LINN OR 97068

DUNCAN LARRY L & PAULA  
18130 UPPER MIDHILL DR  
WEST LINN OR 97068

ESKELI RICHARD C TRUSTEE  
2060 COLLEGE HILL PL  
WEST LINN OR 97068

FEDER MIRIAM  
18183 UPPER MIDHILL DR  
WEST LINN OR 97068

FINIGAN MICHAEL & V ROTH-FINIGAN  
17725 HILLSIDE DR  
WEST LINN OR 97068

GAROFALO JOHN P & SHANNAH S  
18250 UPPER MIDHILL DR  
WEST LINN OR 97068

GERLACH CHARLES W & JUDITH E  
18180 UPPER MIDHILL DR  
WEST LINN OR 97068

GILBERT BRYAN VANDERMORE  
TRUSTEE  
1377 SKYE PKWY  
WEST LINN OR 97068

GOLDENBERG DAVID A  
18127 UPPER MIDHILL DR  
WEST LINN OR 97068

HAGEN BETTY JEAN  
17900 GREEN BLUFF DR  
LAKE OSWEGO OR 97034

HALE RANDALL J & GLORIA C  
1380 LEIGH CT  
WEST LINN OR 97068

HEAD DONALD D & JANICE C  
18150 UPPER MIDHILL DR  
WEST LINN OR 97068

HOILAND KENNETH ANDREW & P M  
18233 UPPER MIDHILL DR  
WEST LINN OR 97068

HOPKINS JOE & TRISTA  
1354 SKYE PKWY  
WEST LINN OR 97068

KAO ROBERT  
2200 MOUNTAIN VIEW CT  
WEST LINN OR 97068

LITTLE JOHN M JR  
92870 BOICE COPE RD  
LANGLOIS OR 97450

LOVELIN DAVID & THERESA  
18270 UPPER MIDHILL DR  
WEST LINN OR 97068

MACGLASHAN KEITH R & CREA H J  
1373 SKYE PKWY  
WEST LINN OR 97068

MCEWAN JOHN S & AMY Y  
1379 SKYE PKWY  
WEST LINN OR 97068

MCLEAN SHARON A  
18080 UPPER MIDHILL DR  
WEST LINN OR 97068

MONTGOMERY CAROL A  
2120 COLLEGE HILL PL  
WEST LINN OR 97068

MORRIS STEPHEN E & QUYEN N  
PO BOX 961  
LAKE OSWEGO OR 97034

NEAR BRENT  
10614 NE 161ST CT  
VANCOUVER WA 98682

PAUL JOHN F & CATHERINE R  
18318 UPPER MIDHILL DR  
WEST LINN OR 97068

PEBLER STEVEN L & DIANA JEAN  
1389 SKYE PKWY  
WEST LINN OR 97068

PIERCE MICHAEL W & IZUMI  
18284 HILLSIDE CT  
WEST LINN OR 97068

POTTS JOSEPH C  
25421 SE 130TH  
BATTLEGROUND WA 98604

PRICE WILLIAM T & CYNTHIA  
18490 HILLSIDE CT  
WEST LINN OR 97068

PROCTOR JOHANNA K & MICHAEL S  
2216 ARBOR DR  
WEST LINN OR 97068

ROGERS MARY ELLEN  
1358 SKYE PKWY  
WEST LINN OR 97068

STEEL CHRISTINE M  
18100 UPPER MIDHILL DR  
WEST LINN OR 97068

STRAUB GREGORY A  
17821 HILLSIDE DR  
WEST LINN OR 97068

SZOBOSZLAY MARTA  
1743 PARK AVE #120  
SAN JOSE CA 95126

TETT MARK TRUSTEE  
18179 HILLSIDE CT  
WEST LINN OR 97068

WASKE BARBARA  
18308 UPPER MIDHILL DR  
WEST LINN OR 97068

WILKINS RUDY M & DIANA J  
18097 HILLSIDE CT  
WEST LINN OR 97068

WILLMARTH GREGORY & ALICE  
17765 HILLSIDE DR  
WEST LINN OR 97068

WILSON DAVID L & LINDA L MAERZ  
265 COLLEGE ST APT 11S  
NEW HAVEN CT 06510

WILSON JIMMIE DEAN & DONNA DEE  
1375 SKYE PKWY  
WEST LINN OR 97068

WOFFORD TOM C  
311 B AVE STE C  
LAKE OSWEGO OR 97034

YANDLE-ROTH ELAINE L CO-TRUSTEE  
2219 ARBOR DR  
WEST LINN OR 97068

DIVISION OF STATE LANDS  
Attn: TAMI HUBERT  
775 SUMMER ST.N.E.  
SALEM OR 97301

US ARMY CORPS OF ENGINEERS  
ATTN: BILL DAVIS  
P.O. BOX 2946  
PORTLAND OR 97301

KARIE OAKES  
1125 MARYLHURST DRIVE  
WEST LINN OR 97068

GARRETT RUPP/ KELLY RUPP  
CONSTRUCTION  
29030 SW TOWN CENTER LOOP EAST,  
STE: 202, #443  
WILSONVILLE OR 97070

ROBINWOOD + ALL



CITY OF  
**West Linn**

August 29, 2008

Kazi Ahmed  
18649 Midhill Circle  
West Linn, OR 97068

SUBJECT: WAP-08-06 Completeness Determination

Dear Mr. Ahmed:

The Planning Department has declared the Water Resources Area permit application for 18034 Hillside Court is **complete** on August 29, 2008. Pursuant to Oregon Revised Statutes Chapter 227.178, the city is obliged to exhaust all local review by December 27, 2008, including any potential appeal of the director's decision to the West Linn City Council. In the near future you will receive in the mail a copy of the public notice, which will give the expected Planning Director decision date for this application.

If you have any questions, it is best to e-mail me at [tsoppe@ci.west-linn.or.us](mailto:tsoppe@ci.west-linn.or.us). Alternately, you may call me at 503-742-8660.

Sincerely,

Tom Soppe  
Associate Planner

cc: Garrett Rupp, Kelly Rupp Construction, 29030 SW Town Center Loop East, Ste. 202, #443,  
Wilsonville, OR 97070

p:/devrvw/completeness check/compl-WAP-08-06

22

**CITY OF WEST LINN  
PLANNING AND  
DEVELOPMENT**

**EXHIBIT PC-5**

**APPLICANT'S SUBMITTAL**

**FILE NO.: WAP-08-06**

**REQUEST: WATER RESOURCES AREA PERMIT TO BUILD  
HOUSE AT 18034 HILLSIDE COURT**

**Narrative:**

Lots 20 & 21 of the College Hill Estates have been involved in a development for approximately a year now beginning with an original plan and then that original plan was altered to accommodate more severe site conditions than originally anticipated. It was during this alteration that the Water Area Resource Setbacks underwent a setback change. This change has caused all of lot 20 and half of lot 21 to fall within this new riparian transition zone. It is for this reason that we are applying for the Water Resource Area Protection use permit to be able to continue to develop this property into one single family residence. Our hardship is in the fact that the hillside presented a larger geographical challenge to construction than anticipated and the degradation to the hillside and riparian area are more effected by the continued excavation of the hillside for more construction to the north and away from the creek than it would be to leave the remaining hillside in tact and build a more elevated, however more spread out, floor plan.

Please see the following for direct responses to the applicable code references for a WAP application.

**32.050 APPROVAL CRITERIA**

*No application for development on property containing a water resource area shall be approved unless the decision-making authority finds that the following standards have been satisfied, or can be satisfied by conditions of approval.*

*A. Proposed development submittals shall identify all water resource areas on the project site. The most currently adopted Surface Water Management Plan shall be used as the basis for determining existence of drainageways. The exact location of drainageways identified in the Surface Water Management Plan, and drainageway classification (e.g., open channel vs. enclosed storm drains), may have to be verified in the field by the City Engineer. The Local Wetlands Inventory shall be used as the basis for determining existence of wetlands. The exact location of wetlands identified in the Local Wetlands Inventory on the subject property shall be verified in a wetlands delineation analysis prepared for the applicant by a certified wetlands specialist. The Riparian Corridor inventory shall be used as the basis for determining existence of riparian corridors.*

**32.050 – A**

The site plan identifies the open creek bed, the riparian buffer, and the transition zone. There are no wetlands at this site.

*B. Proposed developments shall be so designed as to maintain the existing natural drainageways and utilize them as the primary method of stormwater conveyance through the project site unless the most recently adopted West Linn Surface Water Management Plan calls for alternate configurations (culverts, piping, etc.). Proposed development shall, particularly in the case of subdivisions, facilitate reasonable access to the drainageway for maintenance purposes.*

**32.050 – B**

Access to the drainage way will not be hindered. The creek is along the south side of the development approx 47' from any structures. Site drainage will go into the already

established storm water systems which feeds into the creek immediately down stream across the street.

*C. Development shall be conducted in a manner that will minimize adverse impact on water resource areas. Alternatives which avoid all adverse environmental impacts associated with the proposed action shall be considered first. For unavoidable adverse environmental impacts, alternatives that reduce or minimize these impacts shall be selected. If any portion of the water quality resource area is proposed to be permanently disturbed, the applicant shall prepare a mitigation plan as specified in CDC 32.070 designed to restore disturbed areas, either existing prior to development or disturbed as a result of the development project, to a healthy natural state.*

**32.050 – C**

Mitigation will be required due to the amount of disturbance on the site from excavation. The original plan was suggested completely on the lot furthest from the creek, however after development began it became apparent the amount of excavation needed to construct the house in the original configuration would be wholly more destructive to the hillside than an alternative, taller concept. The taller concept benefits are two fold. It maintains the house at a higher elevation there by not cutting the hillside any more than is presently complete; thus minimizing the environmental impact. And it also reduces project costs as rock excavation is quit expensive. Estimated cost savings \$75,000.00.

*D. Water resource areas shall be protected from development or encroachment by dedicating the land title deed to the City for public open space purposes if either: 1) a finding can be made that the dedication is roughly proportional to the impact of the development; or, 2) the applicant chooses to dedicate these areas. Otherwise, these areas shall be preserved through a protective easement. Protective or conservation easements are not preferred because water resource areas protected by easements have shown to be harder to manage and, thus, more susceptible to disturbance and damage. Required 15-foot wide structural setback areas do not require preservation by easement or dedication.*

**32.050 – D**

A conservation easement has been suggested by the city and this seems a fitting solution to ensure no future development as well as priority to the grounds left untouched to be maintained by any means possible. The easement would encompass the entire southern lot and approx 2/3rds of the northern lot as shown on the plot plan.

*E. The protected water resource area shall include the drainage channel, creek, wetlands, and the required setback and transition area. The setback and transition area shall be determined using the following table:*

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

<i>Protected Water Feature Type (see CDC Chapter 2 Definitions)</i>	<i>Slope Adjacent to Protected Water Feature</i>	<i>Starting Point for Measurements from Water Feature</i>	<i>Width of Setback, Transition Area on each side of the water feature</i>

<i>Wetland, Major Drainageway, Minor Drainageway</i>	<i>0% - 25%</i>	<i>Edge of bankful flow or 2-year storm level; Delineated edge of wetland</i>	<i>50 feet plus struct setback.</i>
<i>Wetland, Major Drainageway, Minor Drainageway</i>	<i>≥ 25% to a distinct top of ravine<sup>1</sup></i>	<i>Edge of bankful flow or 2-year storm level; Delineated edge of wetland</i>	<i>Distance from sta point of measuren top of ravine<sup>1</sup> (30 minimum), plus a additional 50-fooi setback, plus stru setback.</i>
<i>Wetland, Major Drainageway, Minor Drainageway</i>	<i>≥ 25% for more than 30 feet, and no distinct top of ravine for at least 150 feet</i>	<i>Edge of bankful flow or 2-year storm level; Delineated edge of wetland</i>	<i>200 feet, plus stru setback</i>
<i>Riparian Corridor</i>	<i>any</i>	<i>Edge of bankful flow or 2-year storm level</i>	<i>100 feet or the set required under m and minor draina provisions, which greater., plus stru setback</i>
<i>Formerly Closed Drainage Channel Reopened (see 32.050(N))</i>	<i>n/a</i>	<i>Edge of bankful flow or 2-year storm level</i>	<i>Variable: See CD 32,050(N)</i>

### 32.050 – E

This site represents a significant riparian corridor, so the transition area extends 100 feet from the top of the bank of the creek. This transition area extends half way into the building footprint.

*F. Roads, driveways, utilities, or passive use recreation facilities may be built in and across water resource areas when no other practical alternative exists. Construction shall minimize impacts. Construction to the minimum dimensional standards for roads is required. Full mitigation and revegetation is required, with the applicant to submit a mitigation plan pursuant to CDC Section 32.070 and a revegetation plan pursuant to CDC Section 32.080. The maximum disturbance width for utility corridors is as follows:*

- a. For utility facility connections to utility facilities, no greater than 10 feet wide.*
- b. For upgrade of existing utility facilities, no greater than 15 feet wide.*
- c. For new underground utility facilities, no greater than 25 feet wide, and disturbance of no more than 200 linear feet of Water Quality Resource Area, or 20% of the total linear feet of Water Quality Resource Area, whichever is greater.*

**32.050 – F**

We will be developing a house, garage, and driveway within the transition zone as this transition zone encompasses all of 18034 and approximately half of 18000. No alternative for constructing the house outside of the zone on this lot exists due to the size of the transition zone and the steepness of the property. Please see the mitigation plan and the revegetation plan per CDC sections 32.070 and 32.080 respectively.

*G. Prior to construction, the water resource area shall be protected with an anchored chain link fence (or approved equivalent) at its perimeter and shall remain undisturbed except as specifically allowed by an approved water resource area permit. Such fencing shall be maintained until construction is complete. The water resource area shall be identified with City-approved permanent markers at all boundary direction changes and at 30- to 50-foot intervals that clearly delineate the extent of the protected area.*

**32.050 – G**

A welded wire or chain link fence shall be temporarily along the riparian corridor of the creek. This will be held up by metal fence stakes and signs will be placed on it at intervals of thirty feet stating that it is to remain undisturbed. This will be completed upon approval of this application.

*H. Paved trails, walkways, or bike paths shall be located at least 15 feet from the edge of a protected water feature except for approved crossings. All trails, walkways, and bike paths shall be constructed so as to minimize disturbance to existing native vegetation. All trails, walkways, and bike paths shall be constructed with a permeable material and utilize Low Impact Development (LID) construction practices.*

**32.050 – H**

No trails, walks, or bike paths of a paved nature are proposed inside the transition area.

*I. Sound engineering principles regarding downstream impacts, soil stabilization, erosion control, and adequacy of improvements to accommodate the intended drainage through the drainage basin shall be used. Storm drainage shall not be diverted from its natural watercourse. Inter-basin transfers of storm drainage shall not be permitted.*

**32.050 – I**

Erosion control measures are already in place at the site and shall be maintained for the duration of the project.

*J. Appropriate erosion control measures based on CDC Chapter 31 requirements shall be established throughout all phases of construction.*

**32.050 – J**

(See above) Appropriate erosion control measures to protect the creek, following Chapter 31, will be applied throughout construction.

*K. Vegetative improvements to areas within the water resource area may be required if the site is found to be in an unhealthy or disturbed state, or if portions of the site within the water resource area are disturbed during the development process. "Unhealthy or disturbed" includes those sites that have a combination of native trees, shrubs, and groundcover on less than 80% of the water resource area and less than 50% tree canopy coverage in the water resource area. "Vegetative improvements" will be documented by submitting a revegetation plan meeting CDC Section 32.080 criteria that will result in the water resource area having a combination of native trees, shrubs, and groundcover on more than 80% of its area, and more than 50% tree canopy coverage in its area. Where any existing vegetation is proposed to be permanently removed, or the original land contours disturbed, a mitigation plan meeting CDC Section 32.070 criteria shall also be submitted. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Upon approval of the mitigation plan, the applicant is responsible for implementing the plan during the next available planting season.*

**32.050 – K**

Due to digging and disturbance, much of the area is disturbed and the existing vegetation removed. A revegetation plan will be submitted with this application in accordance with **32.080**, as well as a mitigation plan for the vegetation that was/will be permanently removed from the transition zone. The mitigation plan will be for offsite mitigation in accordance with **32.070**.

*L. Structural Setback area: where a structural setback area is specifically required, development projects shall keep all foundation walls and footings at least 15 feet from the edge of the water resource area transition and setback area if this area is located in the front or rear yard of the lot, and 7 ½ feet from the edge of the water resource area transition and setback area if this area is located in the side yard of the lot. Structural elements may not be built on or cantilever over the setback area. Roof overhangs of up to three feet are permitted in the setback. Decks are permitted within the structural setback area.*

**32.050 – L**

This is not applicable as the hardship provisions of **32.090** apply.

*M. Stormwater Treatment Facilities may only encroach a maximum of 25 feet into the outside boundary of the water resource area; and the area of encroachment must be replaced by adding an equal area to the water quality resource area on the subject property. Facilities that infiltrate storm water onsite, including the associated piping, may be placed at any point within the water resource area outside of the actual drainage course so long as the forest canopy and the areas within ten feet of the driplines of significant trees are not disturbed. Only native vegetation may be planted in these facilities.*

**32.050 – M**

There is room for a storm water treatment facility on the northern end of the property. This rain garden is shown on the revegetation and plot plans and will range in size from a maximum of 225 sq ft to a minimum of 120 sq ft meeting the requirements of

such a rain garden as it pertains to impervious surfaces. This rain garden will be piped into the existing Hillside Dr. storm water pipe.

*N. As part of any proposed land division or Class II Design Review application, any covered or piped drainageways identified on the Surface Water Quality Management Plan Map shall be opened, unless the City Engineer determines that such opening would negatively impact the affected storm drainage system and the water quality within that affected storm drainage system in a manner that could not be reasonably mitigated by the project's site design. The design of the reopened channel and associated transition area shall be considered on an individualized basis, based upon the following factors:*

- 1. The ability of the reopened storm channel to safely carry storm drainage through the area.*
- 2. Continuity with natural contours on adjacent properties*
- 3. Continuity of vegetation and habitat values on adjacent properties.*
- 4. Erosion control*
- 5. Creation of filters to enhance water quality*
- 6. Provision of water temperature conducive to fish habitat*
- 7. Consideration of habitat and water quality goals of the most recently adopted West Linn Surface Water Management Plan.*
- 8. Consistency with required site Mitigation Plans, if such plans are needed.*

*The maximum required setback under any circumstance shall be the setback required as if the drainage way were already open.*

*The maximum required setback under any circumstance shall be the setback required as if the drainage way were already open.*

### **32.050 – N**

There is no covered or piped drainage ways on site, so this process is not applicable.

*O. The decision-making authority may approve a reduction in applicable front yard setbacks abutting a public street to a minimum of fifteen feet and a reduction in applicable side yard setbacks abutting a public street to 7 ½ feet if the applicant demonstrates that the reduction is necessary to create a building envelope on an existing or proposed lot of at least 5,000 square feet.*

### **32.050 – O**

No reductions requested

*P. Storm Drainage Channels not identified on the Surface Water Management Plan Map, but identified through the development review process, shall be subject to the same setbacks as equivalent mapped storm drainage channels.*

### **32.050 – P**

No other channels have been discovered at this time but if they are, the set backs will be honored.

### **32.070 MITIGATION PLAN**

*A mitigation plan shall be required if any portion of the water resource area is proposed to be permanently disturbed by development.*

*A. All mitigation plans must contain an alternatives analysis demonstrating that:*

- 1. No practicable alternatives to the requested development exist that will not disturb the water resource area; and,*
- 2. Development in the water resource area has been limited to the area necessary to allow for the proposed use; and,*
- 3. An explanation of the rationale behind choosing the alternative selected, including how adverse impacts to the water resource area will be avoided and/or minimized.*

**32.070 - A**

Two lots were combined into one to allow the development of one house at this location to meet the FAR standards, as this location that mainly consists of steep Type I and II lands. Originally, after combining the lots, the house was proposed with an attached garage in front, which kept the development on what was originally the further north of the originally two lots, further away from the creek along the south side of the original south lot. After this was proposed, it was discovered that this would involve very expensive blasting into the rocky hillside as the house was further back from the street than it would have been without the attached garage. Keeping the house towards the front instead, without a garage in front of it, reduces impacts and damage to the hillside portions of the site. Damage and impacts to the hillside would be much more severe if the garage was placed in front, forcing the house further back. Also, if the house had a front garage at street level, height restrictions would be hard to meet in front since the house footprint is on a steep hill and needs to be above grade in the rear as well as the front.

Since it is not reasonable to demand there be no garage on a large new house in this neighborhood of West Linn, the alternative of putting the house further forward on the lot without an attached garage, but with a detached garage to the south, was chosen. This alternative keeps the largest amount of developed area- the house itself- within the original north lot. Only half of the house footprint will be within the 100-foot transition area. The garage and its driveway will be on the original south lot, closer to the creek. An alternative with a shorter driveway was analyzed, but this would also involve very expensive blasting in order to achieve a driveway slope percentage that meets CDC 48.030(B)(3)'s provision of 15% maximum driveway slope would dictate that the house be deeper into the hillside. The alternative chosen, with a detached garage to the south of the house with a somewhat longer driveway, minimizes expensive blasting and its changes to the contours of the land, while still keeping development towards the front of the lot. Keeping development at the front end (east end) of the lot minimizes environmental effects on the steep and wooded land that comprises the central and western areas of the site. Having the house on the north half of the site and having only the garage and driveway on the original south lot minimizes the amount of development close to the creek.

*B. A mitigation plan shall contain the following information:*

- 1. A description of adverse impacts that will be caused as a result of development.*
- 2. An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, the revegetation provisions of CDC Section 32.050(K).*
- 3. A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site.*

**32.070 – B1-3**

Half of the house footprint and the entire garage and driveway footprint will be within the 100-foot riparian corridor setback of the creek. The areas within the 100-foot setback that will not be developed will be revegetated with native vegetation appropriate for a significant riparian corridor. An area off site in the Midhill Park Riparian Corridor will be returned to its native state and vegetated with all native vegetation appropriate for a significant riparian corridor. This area will be equivalent in square footage to the square footage of area within the 100-foot setback that will be developed. The remaining property on site will be placed in a conservation easement, as will be all areas within the setback that are west and south of proposed development. The owner/applicant is Kazi Ahmed, and contractor is Garrett Rupp of Kelly Rupp Family Construction.

*4. A map showing where the specific mitigation activities will occur.*

**32.070 – B4**

See the attached map

*5. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting, and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife water work periods.*

**32.070 – B5**

The Contractor will work with City Parks and Recreation as to establish an appropriate course of action for working in the Midhill Park Riparian areas under the guidance of a landscape architect and a mutually developed plan, meeting all the needs of CDC 32.070-B5. This is to be commenced upon approval of this application with the plan to be complete at the time of permit issue.

*6. Assurances shall be established to rectify any mitigation actions that are not successful. This may include bonding or other surety.*

**32.070 – B6**

Applicant will fund a bond with the City of West Linn upon the approval of the Water Resources Area permit.

*7. Evidence that a Joint Permit Application (to the U.S. Army Corps and OR DSL) if impacts to wetlands are greater than 0.10 acres, has been submitted and accepted for review.*

**32.070 – B7**

There are no wetlands on site.

*C. Mitigation of any water resource areas that are not wetlands that are permanently disturbed shall be accomplished by creation of a mitigation area equal in size to the area being disturbed. Mitigation areas may be land that is either*

- 1. On-site, not within the water resource area, and is characterized by existing vegetation qualifying that does not meet the standard set forth in CDC Section 32.050(K), or*
- 2. Off-site, and is characterized by existing vegetation that does not meet the standard set forth in CDC Section 32.050(K).*

*The applicant shall prepare and implement a revegetation plan for the mitigation area pursuant to CDC Section 32.080, and which shall result in the area meeting the standards set forth in CDC Section 32.050(K). Adequacy of off-site mitigation areas on city property must be consistent with and meet approval of the City Department of Parks and Recreation. Any off-site mitigation occurring on privately-owned land shall be protected with a conservation easement.*

**32.070 – C**

Off site mitigation is proposed. See response to 32.070(B) above.

*D. The Mitigation Plan for any wetland area to be disturbed shall be 1) prepared and implemented with the guidance of professionals with experience and credentials in wetland areas and values, and 2) be consistent with requirements set forth by regulatory agencies (U.S. Army Corps and OR DSL) in a Joint Permit Application, if such an Application is necessary for the disturbance. Where the alternatives analysis demonstrates that there are no practicable alternatives for mitigation on site, off-site mitigation shall be located as follows:*

*1. As close to the development site as is practicable above the confluence of the next downstream tributary, or if this is not practicable;*

*2. Within the watershed where the development will take place, or as 32-18 otherwise specified by the City in an approved wetland mitigation bank.*

*E. To ensure that the mitigation area will be protected in perpetuity, proof that the area has been dedicated to the City or a conservation easement has been placed on the property where the mitigation is to occur is required.*

**32.070 – D**

There are no wetlands on site.

**32.080 REVEGETATION PLAN REQUIREMENTS**

*Metro's native plant list is incorporated by reference as a part of CDC Chapter 32, and all plants used in revegetation plans shall be plants found on the Metro native plant list. Performance standards for planting upland, riparian and wetland plants include the following:*

*A. Native trees and shrubs will require temporary irrigation from June 15 to October 15 for the three years following planting.*

*B. Invasive non-native or noxious vegetation shall be removed within the area to be revegetated prior to planting.*

*C. Replacement trees must be at least one-half inch in caliper, measured at 6 inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round) unless they are oak or madrone, which may be one gallon size. Shrubs must be in at least a one-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.*

*D. Trees shall be planted between 8 and 12 feet on-center and shrubs shall be planted between 4 and 5 feet on-center, or clustered in single species groups of no more than 4 plants, with each cluster planted between 8 and 10 feet on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing requirements.*

*E. Shrubs must consist of at least two different species. If 10 trees or more are planted, then no more than 50% of the trees may be of the same species.*

*F. The responsible party shall provide an appropriate level of assurance documenting that 80 percent survival of the plants has been achieved after three years, and shall provide annual reports to the Planning Director on the status of the revegetation plan during the three year period.*

**32.080 – A-F**

See the revegetation plan by MJD Landscape Design

**32.090 REDUCTION IN STANDARDS FOR HARDSHIP**

*The purpose of CDC Section 32.090 is to ensure that compliance with CDC Chapter 32 does not cause unreasonable hardship. To avoid such instances, the requirements of CDC Chapter 32 may be reduced. Reductions are also allowed when strict application of CDC Chapter 32 would deprive an owner of all economically viable use of land. The decision making authority may impose such conditions as are deemed necessary to limit any adverse impacts that may result from granting relief.*

*A. Lots located completely inside the water resource area. Development may 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)*

**32.090 – A-B**

The lot is partially within the transition area. A different alternative for development would force the applicant to do very expensive blasting into the hill behind the proposed house footprint and garage. See the response to 32.070(A) above. Putting the garage beside the house to the south avoids this. Making the house narrow and long east-to-west would also involve expensive blasting into the hillside further west. Moving the development further west would also have other negative environmental impacts besides any impacts to the riparian corridor, as steep wooded slopes lie to the west. This is an R-10 zoned property and therefore mainly only single-family homes such as this are allowed. Single-family homes such as this tend to have the least environmental impact and smallest development footprint of the uses allowed in R-10.

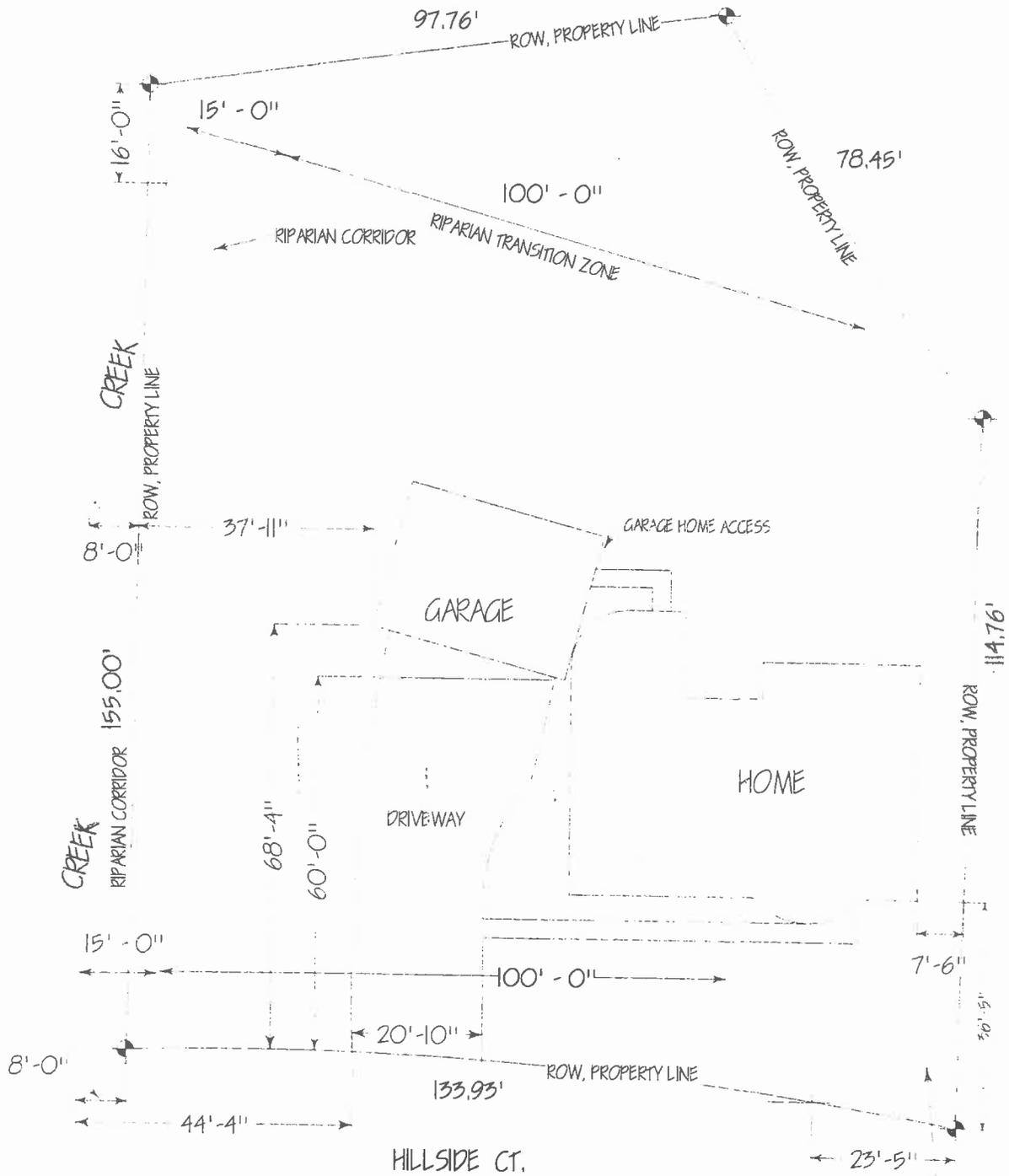
The 15 foot minimum in (C)(1) above will be respected. The closest corner of the development to the drainage course will be the southwest corner of the garage; this will be approximately 18 feet from the actual drainage course.

An area outside the 100-foot setback, with square footage equal to the square footage of development proposed within the 100-foot setback, will be revegetated with native vegetation and will be placed in a conservation easement. All areas south and west of the proposed development that are within the 100-foot setback will also be placed in a conservation easement.

*C. Any further reduction of the standards of this chapter shall require approval of a Variance pursuant to CDC Chapter 75.*

**32.090 – C**

No further reduction of the standards is requested.



SQUARE FOOTAGES

HOME	1069
GARAGE	768
F. SIDEWALK	186
R. SIDEWALK	44
DRIVEWAY	1525

TOTAL 3591 SQ. FT.

PLOT PLAN

Scale 1" = 100'



LOT 20, 21 HILLSIDE CT.  
WEST LINN, OR

STORM WATER  
TREATMENT AREA,  
SIZE PER CITY CODE.

COLLEGE HILL ESTATES  
ANNEX NO. 1

Chevron with **TECHRON**.  
 Get better mileage tips  
 for your trip.



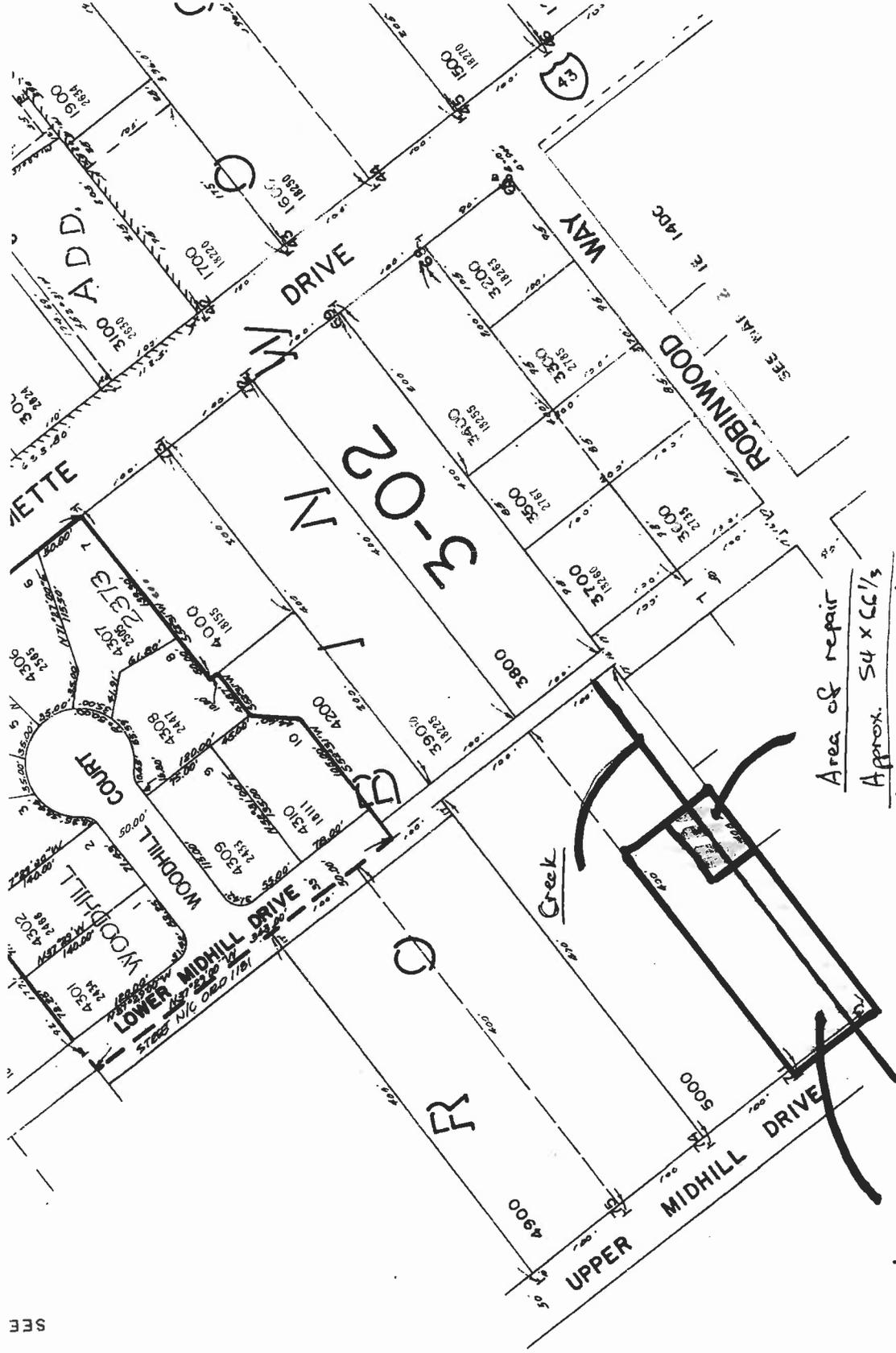

>> Find the fuel-efficient  
 way to San Jose

[www.Chevron.com/techron](http://www.Chevron.com/techron)

A: [18700-18999] Upper Midhill Dr, West Linn, OR 97068



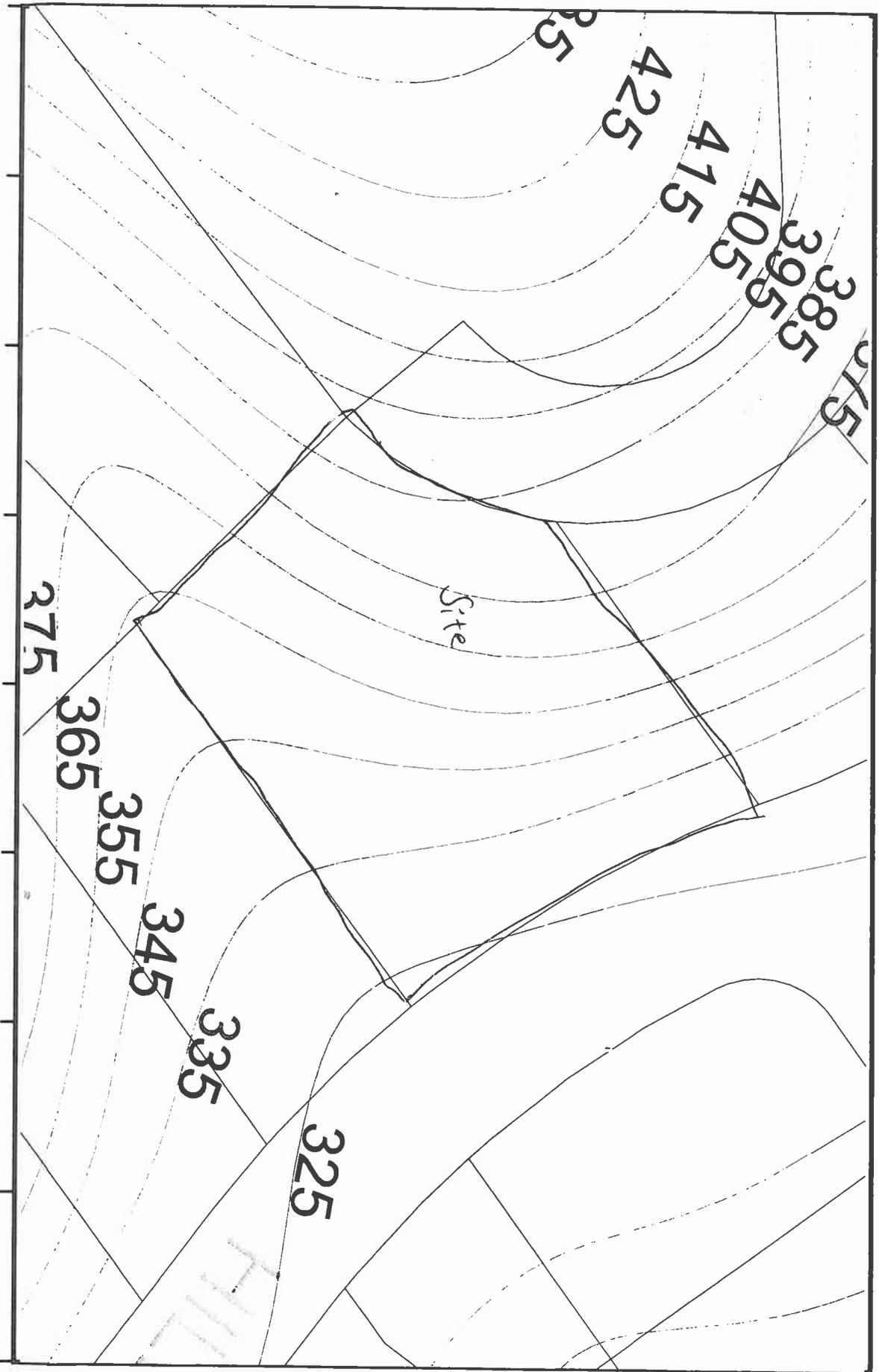
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Area of repair  
 Approx. 54 x 66 1/2  
 (Area to mitigate)

Area of Invasives - infested  
 area

SEE

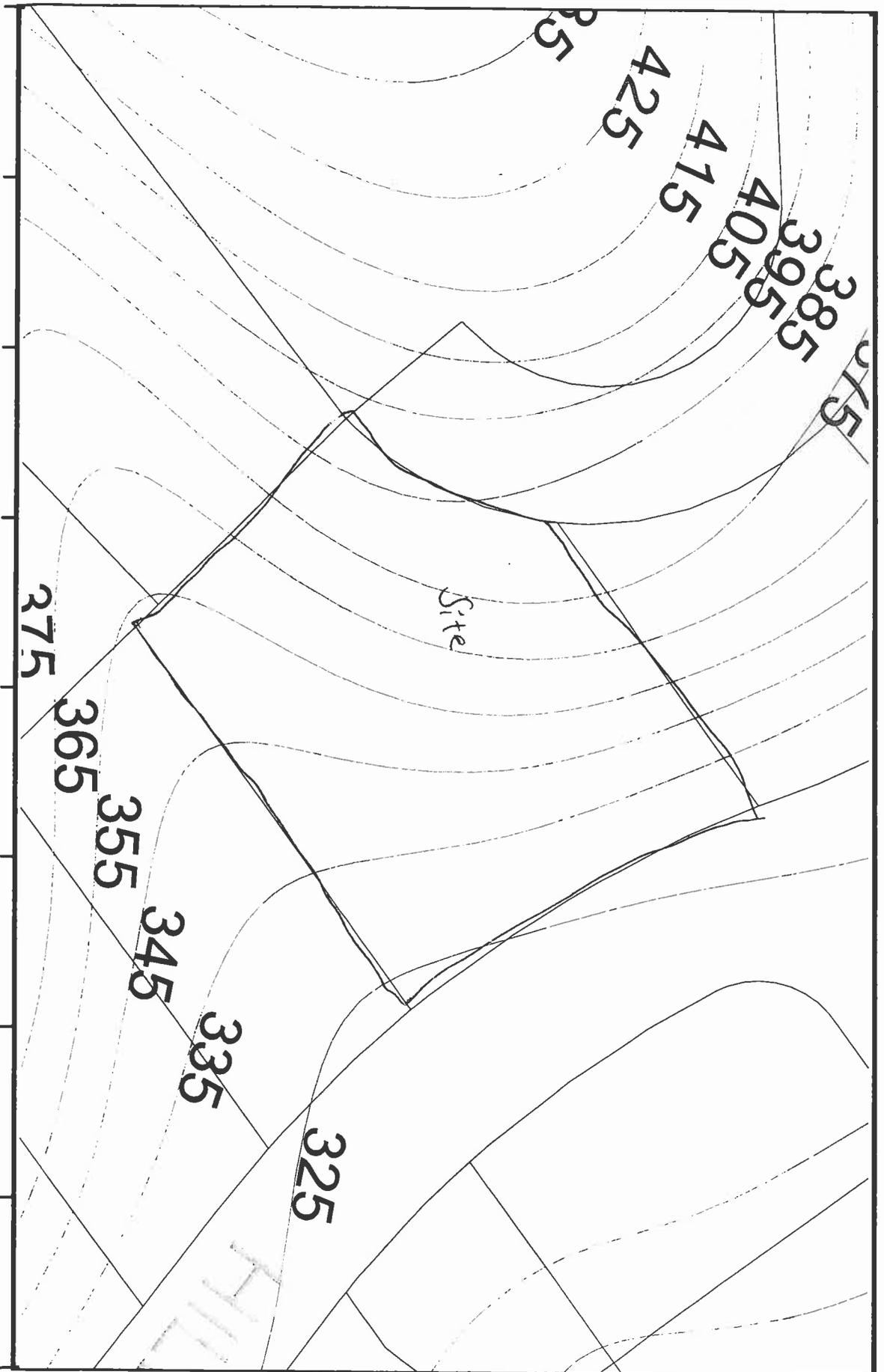


City of West Linn SnapMap, Geographic Information System, Date: 8/28/2008

MAP DISCLAIMER:

This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Scale: 0.56 Feet  
 $GRAV = 2.5\% + \text{Slope}$



City of West Linn SnapMap, Geographic Information System, Date: 8/28/2008

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Scale: 0.56 Feet



THIS DETAIL DRAWING SHALL NOT BE ALTERED OR CHANGED IN ANY MANNER EXCEPT BY THE CITY ENGINEER. IT IS THE RESPONSIBILITY OF THE USER TO ACQUIRE THE MOST CURRENT VERSION OF THE DETAIL.

THE NATIVE SOIL IN THE TOP 18 INCHES OF ALL STORM WATER PLANTERS SHALL BE AMENDED WITH A MIX OF ONE PART IMPORTED ORGANIC COMPOST AND ONE PART GRAVELLY SAND, SUCH THAT THERE ARE EQUAL PARTS COMPOST, SAND AND NATIVE SOIL. THIS WILL REQUIRE THE STORMWATER PLANTER AREA TO BE OVER EXCAVATED BY APPROXIMATELY 12 INCHES PRIOR TO ADDING SAND AND COMPOST. THE SPECIFICATIONS INCLUDED HEREIN SHALL BE USED FOR THIS PURPOSE AND INCLUDED ON THE PERMIT PLANS. THE MIX SHALL BE THOROUGHLY TILLED TOGETHER ON-SITE, AND SHALL BE CAPABLE OF INFILTRATING WATER WITHOUT PROLONGED PONDING ON THE SURFACE. IF SUCH PONDING OCCURS, ORGANIC COMPOST AND SAND MUST BE ADDED AND RE-TILLED UNTIL INFILTRATION PERFORMANCE IS ENHANCED. A 2-INCH LAYER OF SHREDDED BARK MULCH (NOT BARK DUST OR BARK CHIPS) SHALL BE USED OVER THE AMENDED SOIL AND BETWEEN THE PLANTING TO COMPLETELY COVER THE SOIL AND PREVENT EROSION OR WEED INTRUSION.

**ORGANIC COMPOST**

ORGANIC COMPOST SHALL HAVE THE FOLLOWING PROPERTIES:

- 100% SHALL PASS A 3/8 INCH SCREEN.
- pH BETWEEN 5.5 AND 7.0.
- CARBON NITROGEN RATION BETWEEN 20:1 AND 35:1 (35:1 CN RATIO RECOMMENDED FOR NATIVE PLANTS.)
- ORGANIC MATTER CONTENT BETWEEN 40 AND 50 PERCENT.

ORGANIC COMPOST MAY CONSIST OF THE FOLLOWING:

**MUSHROOM COMPOST** - THE USED BEDDING MATERIAL FROM COMMERCIAL MUSHROOM PRODUCTION.

**COMPOSTED YARD DEBRIS** - COMMERCIALLY MANUFACTURED MATERIAL, MADE FROM DEAD PLANT MATERIAL SUCH AS GRASS CLIPPINGS, WEEDS, GREEN AND DEAD DRY LEAVES, GARDEN AND VEGETABLE MATERIAL, AND GROUND BRANCHES OF TREES AND SHRUBS. FURNISH A PRODUCT THAT IS COMPOSTED UNDER CONTROLLED AEROBIC DECOMPOSITION, WITH THE INTERNAL TEMPERATURE REACHING 57°C (135°F) FOR 15 DAYS, WITHOUT EXCEEDING 68°C (155°F). ENSURE THAT IT CONTAINS A MAXIMUM OF 10% BACTERIA AND 10% FUNGUS.

**PEAT MOST** - HORTICULTURAL GRADE, NATURAL PEAT MOST IN AIR-DRY CONDITION, FREE FROM WOODY SUBSTANCES, IN BALES BAGS LABELED FOR CONTENT AND VOLUME. ONLY PEAT MOST USED IN COMBINATION WITH ONE OF THE ABOVE COMPOSTS IS ACCEPTABLE.

**GRAVELLY SAND**

GRAVELLY SAND SHALL BE FREE OF ORGANIC MATERIAL, CONTAMINANTS, AND HAZARDOUS MATERIALS, AND SHALL CONFORM TO THE FOLLOWING GRADATION:

U.S. SIEVE SIZE	PERCENT PASSING
2-INCH	100
3/4-INCH	70-100
3/8-INCH	50-80
NO. 40	15-40
NO. 200	0-3

**MIXING**

MIX COMPOST, SAND AND NATIVE SOIL TO A HOMOGENEOUS CONSISTENCY. DO NOT MIX COMPOST, SAND, AND NATIVE SOIL IN THE RAIN OR WET CONDITIONS.

**STORAGE**

STORE STOCK PILES OF ORGANIC SOIL MIX IN A MANNER THAT PREVENTS THEM FROM BECOMING WET FROM RAIN, STORMWATER RUNOFF, OR OTHER SOURCES OF WATER, OR CONTAMINATED BY FINE SOIL OR OTHER UNDESIRABLE MATERIALS. ALL STOCKPILES OF MIXED SOIL MATERIAL SHALL BE PROTECTED AND COVERED.

**PLACEMENT**

PLACE AMENDED SOIL MIX IN RAIN GARDENS AND STORMWATER PLANTERS IN LIFTS NOT EXCEEDING 6 INCHES IN LOOSE THICKNESS. AFTER ALL LIFTS HAVE BEEN PLACED, GRADE SOIL TO FINISH GRADES AS SPECIFIED ON THE PLANS. DO NOT OVER COMPACT SOIL MIX WITH MECHANICAL EQUIPMENT AFTER PLACEMENT.

**MULCH**

SHREDDED BARK MULCH (NOT BARK DUST OF BARK CHIPS) SHALL BE USED IN A 2-INCH LAYER MINIMUM OVER THE AMENDED SOIL MIX AND BETWEEN THE PLANTINGS TO COMPLETELY COVER THE SOIL AND PREVENT EROSION OR WEED INTRUSION.

**INFILTRATION TESTING**

WET THE SURFACE OF THE RAIN GARDEN OR STORMWATER PLANTER WITH A SPRINKLER OR HOSE UNTIL SATURATED. SMALL RAIN GARDENS AND PLANTERS (<100 SQUARE IN SURFACE) AREA CAN BE TESTED FULL-SCALE, WHILE LARGE RAIN GARDENS AND PLANTERS CAN UTILIZE ISOLATED FALLING HEAD TEST (MINIMUM 2 PER 100 SQUARE FEET OF AREA). FILL THE TESTING AREA TO A DEPTH OF 4-INCHES AND TRACK THE TIME IT TAKES TO COMPLETELY DRAWN DOWN. REPEAT TEST 3 TIMES. IF THE WATER IN ANY OF THE TEST FAILS TO DRAWN DOWN IN LESS THAN AN HOUR, ADD COMPOST AND GRAVELLY SAND TO THE MIX AND RE-TILL. REPEAT THIS PROCEDURE UNTIL FAVORABLE TEST RESULTS ARE ACHIEVED.

**SOIL ADMENDMENT AND MULCH SPECIFICATION**

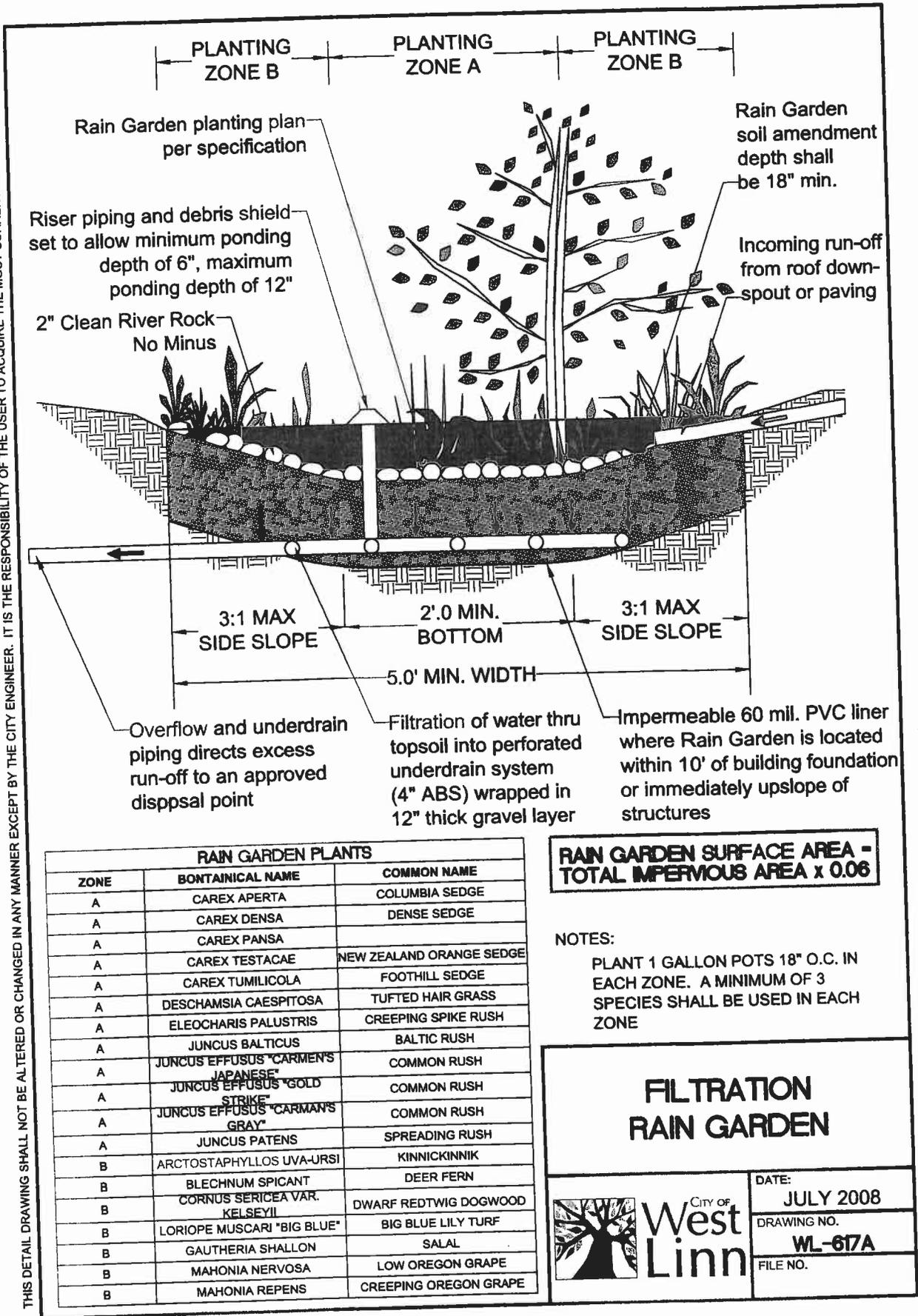


CITY OF  
**West Linn**

JULY 2008

WL-617B

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**RAIN GARDEN PLANTS**

ZONE	BONTAINICAL NAME	COMMON NAME
A	CAREX APERTA	COLUMBIA SEDGE
A	CAREX Densa	DENSE SEDGE
A	CAREX PANSA	
A	CAREX TESTACAE	NEW ZEALAND ORANGE SEDGE
A	CAREX TUMILICOLA	FOOTHILL SEDGE
A	DESCHAMISIA CAESPITOSA	TUFTED HAIR GRASS
A	ELEOCHARIS PALUSTRIS	CREEPING SPIKE RUSH
A	JUNCUS BALTICUS	BALTIC RUSH
A	JUNCUS EFFUSUS "CARMEN'S JAPANESE"	COMMON RUSH
A	JUNCUS EFFUSUS "GOLD STRIKE"	COMMON RUSH
A	JUNCUS EFFUSUS "CARMAN'S GRAY"	COMMON RUSH
A	JUNCUS PATENS	SPREADING RUSH
B	ARCTOSTAPHYLLOS UVA-URSI	KINNICKINNIK
B	BLECHNUM SPICANT	DEER FERN
B	CORNUS SERICEA VAR. KELSEYII	DWARF REDTWIG DOGWOOD
B	LORIOPE MUSCARI "BIG BLUE"	BIG BLUE LILY TURF
B	GAUTHERIA SHALLON	SALAL
B	MAHONIA NERVOSA	LOW OREGON GRAPE
B	MAHONIA REPENS	CREEPING OREGON GRAPE

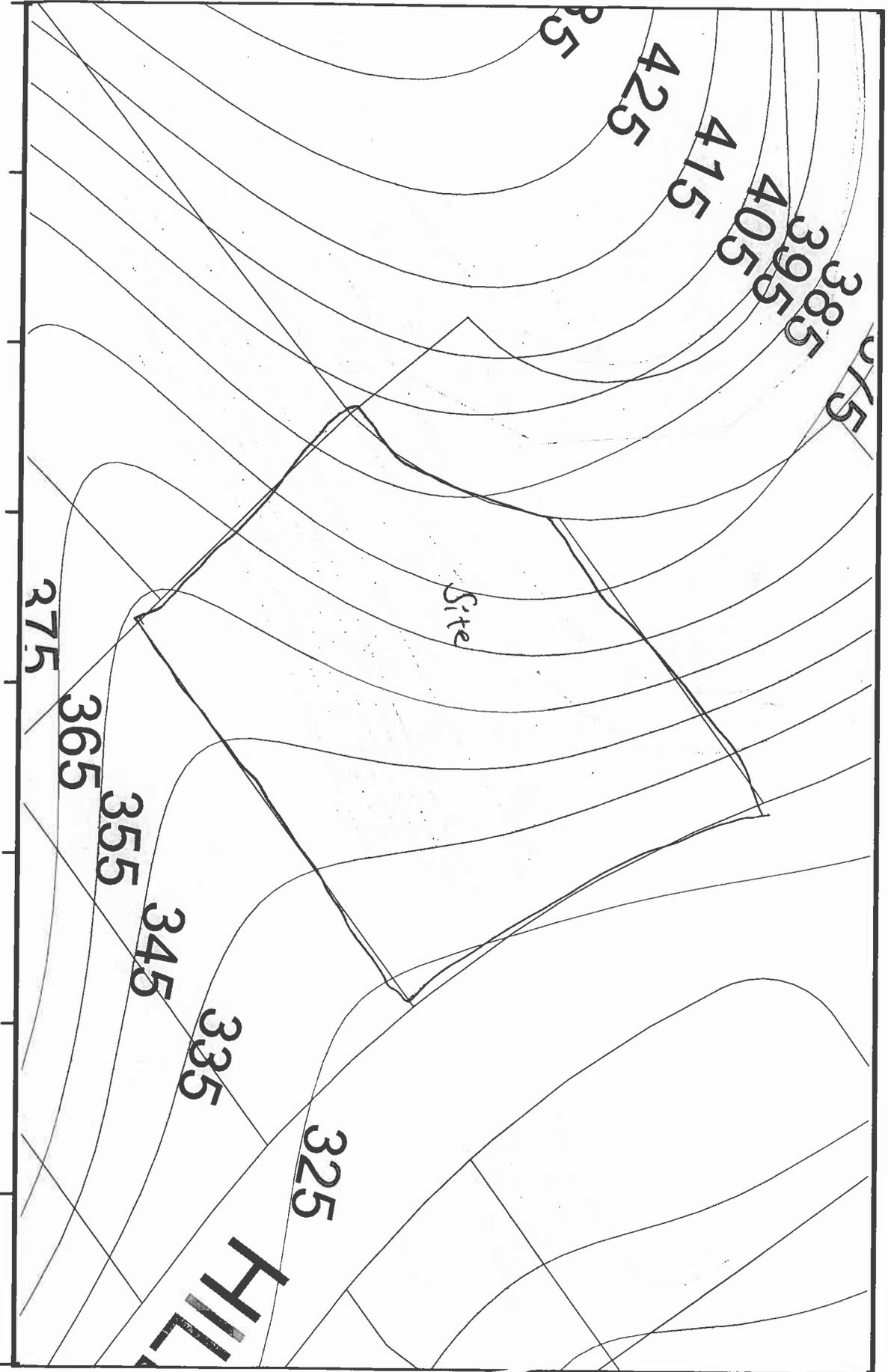
**RAIN GARDEN SURFACE AREA - TOTAL IMPERVIOUS AREA x 0.06**

NOTES:  
 PLANT 1 GALLON POTS 18" O.C. IN EACH ZONE. A MINIMUM OF 3 SPECIES SHALL BE USED IN EACH ZONE

**FILTRATION RAIN GARDEN**

	DATE: JULY 2008
	DRAWING NO. WL-617A
	FILE NO.

WEST LINN GIS



Site

HILL

42

City of West Linn ShapMap, Geographic Information System, Date: 8/28/2008

MAP DISCLAIMER:

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Scale: 0.56 Feet  
 $GRAV = 2.5\% + \text{slope}$

West Linn

# DEVELOPMENT REVIEW APPLICATION

WA-08406

TYPE OF REVIEW (Please check all boxes that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Annexation                                 | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures            |
| <input type="checkbox"/> Appeal and Review *                        | <input type="checkbox"/> One-Year Extension *                              |
| <input type="checkbox"/> Conditional Use                            | <input type="checkbox"/> Planned Unit Development                          |
| <input type="checkbox"/> Design Review                              | <input type="checkbox"/> Pre-Application Meeting *                         |
| <input type="checkbox"/> Easement Vacation                          | <input type="checkbox"/> Quasi-Judicial Plan or Zone Change                |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities         | <input type="checkbox"/> Street Vacation                                   |
| <input type="checkbox"/> Final Plat or Plan                         | <input type="checkbox"/> Subdivision                                       |
| <input type="checkbox"/> Flood Plain Construction                   | <input type="checkbox"/> Temporary Uses *                                  |
| <input type="checkbox"/> Hillside Protection and Erosion Control    | <input type="checkbox"/> Tualatin River Greenway                           |
| <input type="checkbox"/> Historic District Review                   | <input type="checkbox"/> Variance  |
| <input type="checkbox"/> Legislative Plan or Change                 | <input checked="" type="checkbox"/> Water Resource Area Protection/Wetland |
| <input type="checkbox"/> Lot Line Adjustment * /**                  | <input type="checkbox"/> Willamette River Greenway                         |
| <input type="checkbox"/> Minor Partition (Preliminary Plat or Plan) | <input type="checkbox"/> Other/Misc  |

Home Occupation / Pre-Application / Sidewalk Use Application \* / Permanent Sign Review \* / Temporary Sign Application require individual application forms available in the forms and application section of the City Website or at City Hall.

TOTAL FEES/DEPOSIT \_\_\_\_\_

\* No CD required / \*\* Only one copy needed

Kazi Ahmed                      18649 Midhill Cir.                      West Linn    97068                      503 320 1293

OWNER'S	ADDRESS	CITY	ZIP	PHONE(res. & bus.)
Kelly Rupp Construction	29030 SW Town Ctr. Lp. E. Suite 202 #443, Wilsonville	97070		503 577 1708

APPLICANT'S	ADDRESS	CITY	ZIP	PHONE(res. & bus.)
Garrett Rupp				

CONSULTANT	ADDRESS	CITY	ZIP	PHONE

SITE LOCATION 180<sup>34</sup> Hillside Dr., West linn OR 97068

Assessor's Map No.: 02s01e14ca                      Tax Lot(s): 20 & 21                      Total Land Area: \_\_\_\_\_

- All application fees are non-refundable (excluding deposit).
- The owner/applicant or their representative should be present at all public hearings.
- A denial or grant may be reversed on appeal. No permit will be in effect until the appeal period has expired.

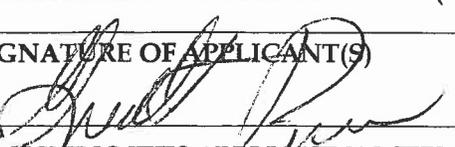
4. **Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application. One (1) complete set of digital application materials must also be submitted on CD in PDF format.**

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application.

SIGNATURE OF PROPERTY OWNER(S)

X \_\_\_\_\_ Date \_\_\_\_\_

SIGNATURE OF APPLICANT(S)

X  \_\_\_\_\_ Date 8/26/08

BY SIGNING THIS APPLICATION, THE CITY IS AUTHORIZED REASONABLE ACCESS TO THE PROPERTY. ACCEPTANCE OF THIS APPLICATION DOES NOT INFER A COMPLETE SUBMITTAL. COMPLETENESS WILL BE DETERMINED WITHIN 30 DAYS OF SUBMITTAL.

**PLANNING AND BUILDING; 22500 SALAMO RD #1000; WEST LINN, OR 97068; PHONE: 656-4211 FAX: 656-4106**

CITY OF WEST LINN  
22500 Salamo Rd.  
West Linn, OR. 97068  
(503) 656-4211

**PLANNING RECEIPT**  
Receipt: # 933535  
Date : 08/28/2008  
Project: #WA-08-06  
BY: WS

\*\*\*\*\*

NAME : KELLY RUPP CONSTRUCTION  
ADDRESS : 29030 SW TOWN CNTR, LP, #443  
CITY/STATE/ZIP: WILSONVILLE, OR 97070  
PHONE # : 557-1708

SITE ADD. : 18034 HILLSIDE DRIVE

\*\*\*\*\*

TYPE I HOME OCCUPATIONS		HO	\$	
PRE-APPLICATIONS	Level I ( ), Level II ( )	DR	\$	
HISTORIC REVIEW	Residential Major ( ), Minor ( ), New ( )	DR	\$	
	Commercial Major ( ), Minor ( ), New ( )			
SIGN PERMIT	Face ( ), Temporary ( ), Permanent ( )	DR	\$	
SIDEWALK USE PERMIT		DR	\$	
APPEALS	Plan. Dir. Dec. ( ), Subdivsion ( ),	DR	\$	
	Plan Comm./City Coun. ( ), Nbhd ( )			

LOT LINE ADJUSTMENT		LA	\$	
CITY/METRO BUSINESS LICENSE		BL	\$	

\*\*\*\*\*

The following items are paid by billing against the up-front deposit estimate.  
If the amount of time billed to your project exceeds the amount covered by the  
deposit, additional payment may be required.

DESIGN REVIEW	Class I ( ), Class II ( )	RD	\$	
VARIANCE	Class I ( ), Class II ( )	RD	\$	
SUBDIVISION	Standard ( ), Expedited ( )	RD	\$	
ANNEXATION	"Does Not Include Election Cost"	RD	\$	
CONDITIONAL USE		RD	\$	
ZONE CHANGE		RD	\$	
MINOR PARTITION		RD	\$	0.00
MISCELLANEOUS PLANNING		RD	\$	

Boundry Adjustments	( )			
Modification to approval	( )	Water Resource		
Code Amendments	( )	Area Protection	(X)	
Comp. Plan Amendments	( )	Street Vacations	( )	
Temporary Permit Admin.	( )	Easement Vacations	( )	
Temporary Permit Council	( )	Will. River Greenway	( )	
Flood Management	( )	Tualatin River Grwy.	( )	
Inter-Gov. Agreements N/C	( )	Street Name Change	( )	
Alter Non-Conforming Res.	( )	Code Interpretations	( )	
Alter Non-Conforming Comm.	( )	Type II Home Occ.	( )	
Measure 37 Claims	( )	Planned Unit Dev. PUD	( )	

TOTAL REFUNDABLE DEPOSIT		RD	\$	0.00
GENERAL MISCELLANEOUS Type:		PM	\$	

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TOTAL	Check #	Credit Card ( )	Cash ( )	\$	0.00
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