

## AGENDA BILL 2010-06-14(7)

**Subject:** *Public hearing* - to consider the appeal filed by Troy and Gina Bundy of the Planning Director's denial of a Water Resource Area (WRA) permit.

**For Council:** June 14, 2010

**Land Use Case Number:** AP-10-01

**Public Hearing:** Yes

**City Manager's Initials:** \_\_\_\_\_

### Attachments:

1. Staff Memo to City Manager
2. Written submittal by appellant's attorney, Michael Robinson
3. Complete Record

### Initiated by:

- Troy and Gina Bundy (1215 Ninth Street, West Linn)

### Budget Impact:

- None

### Sustainability Considerations:

- Restoring the wetlands and drainageway will re-establish their value as a storm detention, storm treatment, flood control and habitat area.

### Policy Questions for Council Consideration:

- Does the application comply with the criteria in the Community Development Code?

### Summary:

- Troy and Gina Bundy applied for a building permit to construct a swimming pool but then installed it without an approved permit in hand. Staff visited the site and determined that the appellant had installed a pool, patio and a non-native landscaped area after filling a wetland and drainageway(s). The appellant then applied for a Water Resource Area (WRA) permit (WAP-09-03). The Planning Director found that the approval criteria had not been met and denied the application. It was also determined that the terms of the Open Space Conservation Easement, which had been conveyed by the original developer to the City of West Linn, the WRA transition and setbacks and the Riparian Corridor had been violated. Troy and Gina Bundy are now appealing the Planning Director's decision. Attorney Michael Robinson has submitted findings on behalf of the Bundys to support approval of their permit. The case is de novo. The approval criteria of Community Development Code Chapter 32 apply.

### Recommended Action:

- Conduct a public hearing

### Council Action Taken:

- Approved
- Denied
- Continued