

Water Resource Area Hardship Application

3232 Sabo Lane

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503-810-7226

32.040 THE APPLICATION

- A. An application for development on property containing a water resource area shall be initiated by the property owner, or the owner's authorized agent, and shall be accompanied by the appropriate fee.
- B. A pre-application conference shall be a prerequisite to the filing of the application.
- C. The application shall include a site plan and topographic map of the parcel pursuant to Section 32.060. The applicant shall submit three copies of all maps and diagrams at original scale and three copies reduced to a paper size not greater than 11 x 17 inches, and an electronic copy of all maps on a compact disc. The Planning Director may require the map to be prepared by a registered land surveyor to ensure accuracy.
- D. The site plan map shall be accompanied by a written narrative addressing the approval criteria in Section 32.050 and if necessary, addressing the reason why the owner wishes to alter the natural drainageway.
- E. All proposed improvements to the drainageway channel or creek which might impact the storm load carrying ability of the drainageway shall be designed by a registered civil engineer.
- F. The applicant shall present evidence in the form of adopted utility master plans or transportation master plans, or findings from a licensed engineer to demonstrate that the development or improvements are consistent with accepted engineering practices.
- G. The applicant shall prepare an assessment of the existing condition of the water resource area consisting of an inventory of vegetation, including percentage ground and canopy coverage.
- H. If necessary, the applicant shall also submit a mitigation plan pursuant to CDC 32.070, and a revegetation plan pursuant to CDC 32.080.

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.

- A private storm drainage way exists on the proposed development site as shown below in Figure 32.050-A1:



Figure 32.050-A1: Existing drainage ways on property (Source: Figure 4.5 Surface Water Collection System map from Surface Water Management Plan 2006; blown up to 1200%)

Note: Figure 32.060-A shows the precise location of the storm drain on the property in the engineering site map

- The location of local wetlands behind the proposed development site is show below in Figure 32.050-A2:

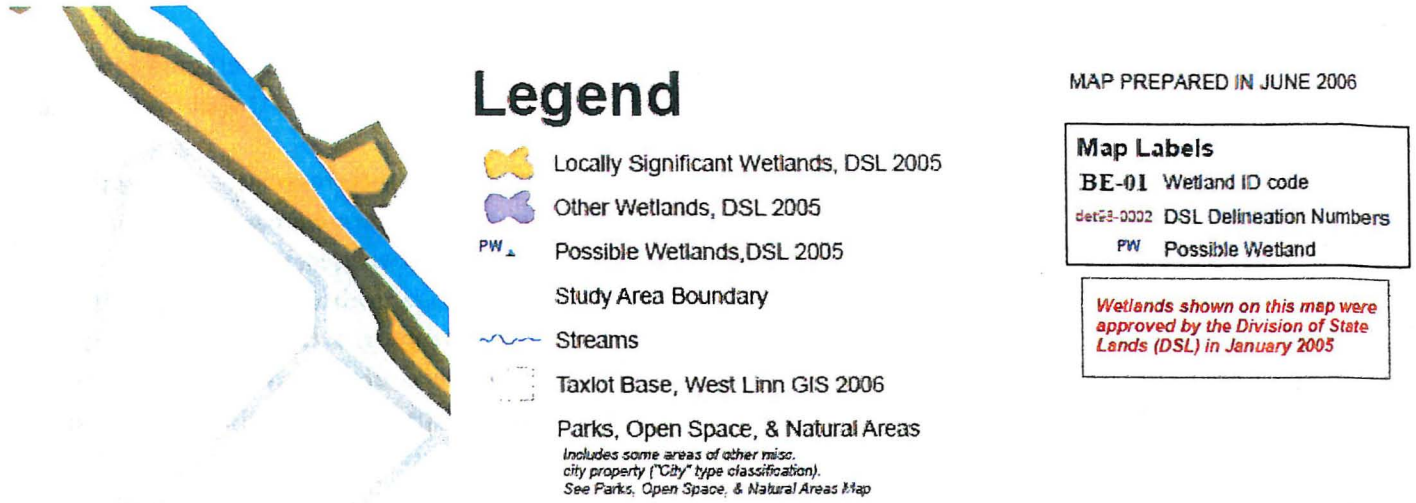


Figure 32.050-A2: Existing wetlands behind property (Source: Local Wetland Inventory, West Linn Goal 5 Inventory, Jan 2005; blown up to 1200%)

- The location of the Riparian Corridor located on and behind proposed development site is show below in Figure 32.050-A3:

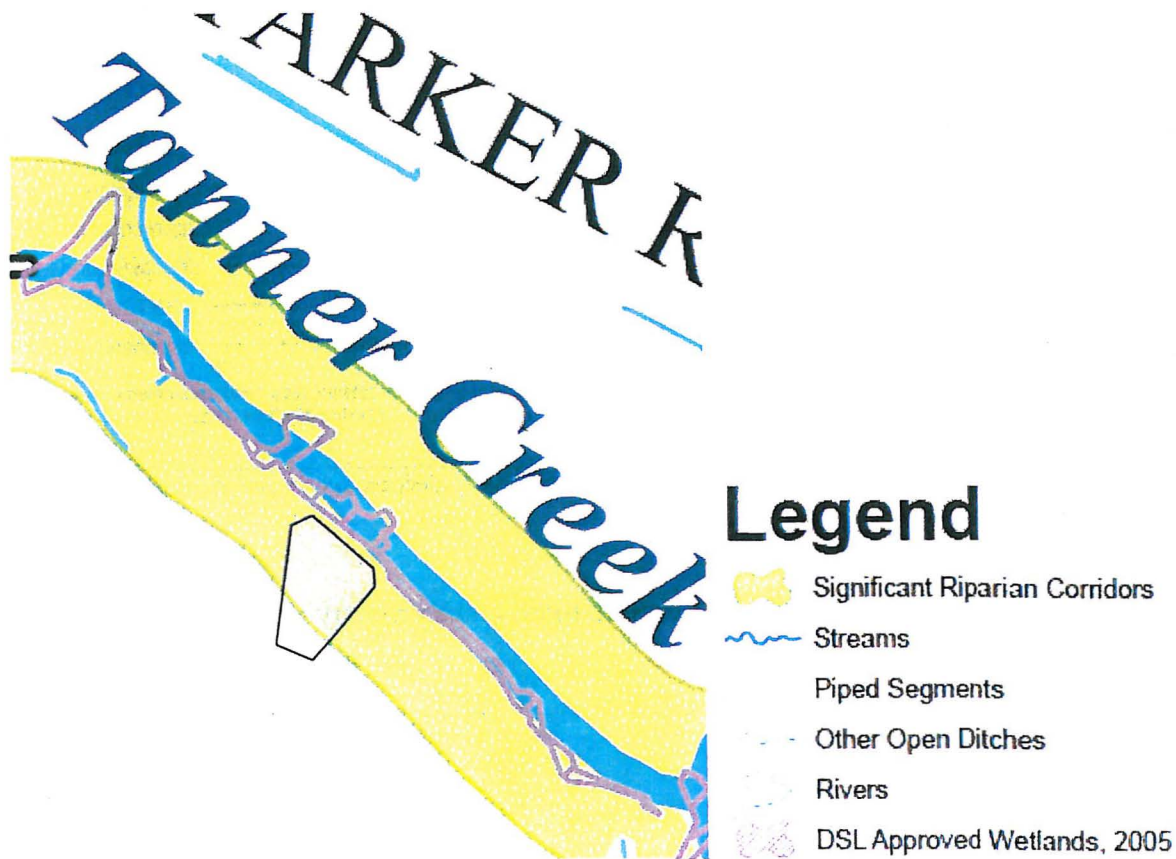


Figure 32.050-A3: Location of lot in relation to riparian corridor (Source: Significant Riparian Corridors, West Linn Goal 5 Inventory, Jan 2007; blown up to 400%)

Note: Figure 32.060-A shows the lot-level location of the riparian corridor on the property

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.

- Proposed development would connect directly into existing storm drain connection located on the property, as engineered when Rogerfield, including Lot 34 (3232 Sabo Lane), was developed. See Figure 32.060-A for exact location of storm drain connection.

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.

- See specific Mitigation Plan detailed in 32.070

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.

- Section 32.050 D does not apply for the proposed use of this property in a pre-developed existing neighborhood

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.

Protected Water Feature Type (see CDC Chapter 2 Definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Setback and Transition Area on each side of the water feature
Wetland, Major Drainageway, Minor Drainageway	0% - 25%	<ul style="list-style-type: none"> Edge of bankful flow or 2-year storm level; Delineated edge of wetland 	50 feet plus structural setback.
Wetland, Major Drainageway, Minor Drainageway	≥ 25% to a distinct top of ravine ¹	<ul style="list-style-type: none"> Edge of bankful flow or 2-year storm level; Delineated edge of wetland 	Distance from starting point of measurement to top of ravine ¹ (30 foot minimum), plus an additional 50-foot setback, plus structural setback.
Wetland, Major Drainageway, Minor Drainageway	≥ 25% for more than 30 feet, and no distinct top of ravine for at least 150 feet	<ul style="list-style-type: none"> Edge of bankful flow or 2-year storm level; Delineated edge of wetland 	200 feet, plus structural setback
Riparian Corridor	any	<ul style="list-style-type: none"> Edge of bankful flow or 2-year storm level 	100 feet or the setback required under major and minor drainageway provisions, whichever is greater., plus structural setback
Formerly Closed Drainage Channel Reopened (see 32.050(N))	n/a	<ul style="list-style-type: none"> Edge of bankful flow or 2-year storm level 	Variable: See CDC 32,050(N)

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

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.

- The setback that affects this lot is categorized as “Riparian Corridor”

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.

- No road, driveways, utilities or passive use recreation facilities will fall within the setback

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.

- Approved fencing will be erected prior to construction

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.

- No paved trails, walkways, or bike paths will fall within the setback

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.

- All lots in the Rogerfield subdivision, including Lot 34, were engineered and approved by the city as a result of SUB-99-02

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

- Appropriate erosion control measures will 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.

- No native trees or shrubs exist on Lot 34 as a result of grading previously approved by the City of West Linn and performed as part of the development of Rogerfield in 2002-2003.
- Despite this fact, we will be mitigating for the upper bank of the property (see specific Mitigation Plan detailed in 32.070) and revegetating the lower bank of the property (see specific Revegetation Plan detailed in 32.080).
- Appropriate erosion control measures will be established throughout all phases of construction per CDC Chapter 31, as stated in 32.050J.

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 $\frac{3}{4}$ 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.

- The proposed development site will not meet the structural setback area requirements. Therefore, this Water Resource Area permit is being applied for under the hardship provision provided in Chapter 32 of the CDC.

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.

- No stormwater treatment facility will reside on the proposed development property; the Rogerfield development has two existing stormwater treatment facility that were designed to include all building sites within Rogerfield, including the proposed building site (Lot 34).

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.

- Proposed property development is a Class I design review; it is neither a land division or Class II Design Review application

- 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 $7\frac{3}{4}$ 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.

- Proposed property development will have a garage 18 feet from the front property line and the structure will be 3 feet from each side property line, which are the minimum setbacks specified in SUB-99-02 for front garages (although fronts of houses can come closer) and interior side yards.

- 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.

- Proposed property development does not alter existing storm drainage channels

32.060 SITE PLAN

A. All site plans and maps shall include the name, address, and telephone number of the applicant, the scale of the plan, a north arrow, and a vicinity map.

B. The applicant shall submit a site plan drawn to a 1"=10' to 1"=30' scale, which contains the following information:

1. Existing and proposed contour lines at the following minimum intervals:
 - a. Two foot intervals for slopes from 0-25 percent; and,
 - b. Five-foot intervals for slopes in excess of 25 percent.
2. A slope map delineating areas greater than and less than 25% slope.
3. Location of the water resource areas on the site.
4. Location of proposed stormwater facilities;
5. Location of all existing natural features including, but not limited to, delineation of water resource areas. The widths of the transition and setback areas described in Table 32-1 shall be shown on the site plan.
6. Location of all trees measured at six inches diameter at breast height (DBH) or greater and a description of existing vegetation species. Where only a portion of a water quality resource area is to be disturbed, the tree inventory need only apply to the impacted area. The remaining treed area shall be depicted by outlining the canopy cover.
7. Detailed site plans of the proposed development outlining total disturbance area, including proposed building footprints, site property improvements, grading plans, accessways, utilities, and landscaping.
8. The presence of wetlands shown on site plans shall be based on wetlands delineations conducted following methods accepted by the U.S. Army Corps of Engineers and the Oregon Division of State Lands. Written concurrence by the Oregon Division of State Lands DSL with the wetlands delineation must be obtained and submitted as part of the development application. The delineation shall be prepared by a certified wetlands specialist.

- See Figure 32.060-A: Site Plan

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.
- No practicable alternative to the requested development exist that will not disturb the water resource area. As shown by Figure 32.060-A, nothing more than a portion of a garage can be built outside the setback and transition area.
 - Development in the water resource area has been limited to the area necessary to allow for a house of equivalent footprint and backyard of equivalent size as the existing homes in the Rogerfield subdivision. The proposed footprint of the home at 3232 Sabo Lane is actually ~9% smaller than the neighborhood average.
 - Average footprint of houses in Rogerfield: ~2300 sqft
 - Proposed footprint of home at 3232 Sabo Lane: 2098 sqft (~9% smaller than neighborhood average)

As Figure 32.060-A shows, the proposed water resource disturbance for the backyard is less than or equal to the neighboring properties and does not extend the full length of the property.

- No additional grading disturbances are planned and a minimum home footprint and backyard size have been proposed. Further land use reductions of this lot would result in greater loss in property resale value.

B. A mitigation plan shall contain the following information:

1. A description of adverse impacts that will be caused as a result of development.
 - There will be no adverse impacts caused by the proposed development. However, the area is classified as riparian corridor.
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).
 - As mitigation of the permanently disrupted area classified as riparian corridor on the owners' property, an area of equivalent size will be revegetated in a different riparian corridor of West Linn. Per the city of West Linn's request, the land owners will pay into a city fund to be used exclusively for mitigation. The cost will be \$1/sqft and \$285 +/-

10%, which includes revegetation per CDC Section 32.080, as well as administrative cost.

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.
 - The land owners (Laura and Damon Sabo) are responsible for paying for the mitigation work and the city of West Linn is responsible for applying the mitigation fee to pay for and/or perform the mitigation work.
 4. A map showing where the specific mitigation activities will occur.
 - Per city request, the city will apply the mitigation fee to a riparian corridor restoration project yet to be determined.
 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.
 - Per city request, the city will apply the mitigation fee to a riparian corridor restoration project yet to be determined. The land owners will pay the mitigation fee to the city after the hardship application is approved, the building permit is approved, and the proposed house and yard have officially broken ground. If the proposed house and yard are not built, the land owners will not be responsible for mitigation. The planned timeline for construction is summer of 2010.
 6. Assurances shall be established to rectify any mitigation actions that are not successful. This may include bonding or other surety.
 - Per the city's request, the city of West Linn will be fully responsible for all mitigation work.
 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.
 - There is no impact on wetlands.
- 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.

- Per city request, the city will prepare and implement a revegetation plan, applying the mitigation fee paid by the land owner, to a riparian corridor restoration project yet to be determined.

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 otherwise specified by the City in an approved wetland mitigation bank.

- There is no impact on wetlands.

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.

- Per the city's request, the city of West Linn will be fully responsible for all mitigation work.

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.
 - Upper bank: A mitigation plan has been submitted for the permanent disturbance of the upper bank (see specific Mitigation Plan detailed in 32.070).
 - Lower bank: Native trees and shrubs will receive temporary irrigation as required
- B. Invasive non-native or noxious vegetation shall be removed within the area to be revegetated prior to planting.
 - On the lower bank of the property, outside of the building and construction zone, invasive species (blackberry bushes) are growing. This area is at the original grade and is true riparian corridor, non-wetlands land. We will remove the blackberry bushes and any other non-native species, to allow this portion of the Tanner Creek riparian corridor to grow naturally, free of invasive species. We will continue to remove any invasive species that re-generate.
- 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.
 - Trees and shrubs will meet requirements
- 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.
 - 5 trees and 20 shrubs will be planted; calculation accounts for dripline of existing tree
- 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.
 - At least two different species of shrubs will be selected. No more than 10 trees will be planted.

- 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.
- Annual reports will be provided showing 80% survival of plants has been achieved for three years.

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.

- Lot is not located completely inside the water resource area

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;

- Development on the lot will not disturb more than 5,000 sqft of the water resource area.
- This property is in an existing neighborhood and is zoned R-7. Figure 32.060-A shows that nothing more than a portion of a garage can be build outside the riparian corridor transition area and setback.
- Development in the water resource area has been limited to the area necessary to allow for a house of equivalent footprint and backyard of equivalent size as the existing homes in the Rogerfield subdivision. The proposed footprint of the home at 3232 Sabo Lane is actually ~9% smaller than the neighborhood average.
 - i. Average footprint of houses in Rogerfield: ~2300 sqft
 - ii. Proposed footprint of home at 3232 Sabo Lane: 2098 sqft (~9% smaller than neighborhood average)
- As Figure 32.060-A shows, the proposed water resource disturbance for the backyard is less than or equal to the neighboring properties and does not extend the full length of the property.
- The site is already construction ready as part of previously approved and completed development of Rogerfield; no additional disturbances to the existing grading are planned.

- Appropriate erosion control measures will be established throughout all phases of construction using Best Management Practices.

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)

- The proposed property use does not drop below the minimum width of 15 feet; the anticipated transition and setback area minimum for the proposed house and yard is 25-30 feet.
- See mitigation plan detailed in 32.070

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

- No further reductions are being requested as part of this application

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.
- No practicable alternative to the requested development exist that will not disturb the water resource area. As shown by Figure 32.060-A, nothing more than a portion of a garage can be built outside the setback and transition area.
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- No additional grading disturbances are planned and a minimum home footprint and backyard size have been proposed. Further land use reductions of this lot would result in greater loss in property resale value.

B. A mitigation plan shall contain the following information:

1. A description of adverse impacts that will be caused as a result of development.
 - There will be no adverse impacts caused by the proposed development. However, the area is classified as riparian corridor.
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).
 - As mitigation of the permanently disrupted area classified as riparian corridor on the owners' property, an area of equivalent size will be revegetated in a different riparian corridor of West Linn. Per the city of West Linn's request, the land owners will pay into a city fund to be used exclusively for mitigation. The cost will be \$1/sqft and \$285 +/-

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.

- Per city request, the city will prepare and implement a revegetation plan, applying the mitigation fee paid by the land owner, to a riparian corridor restoration project yet to be determined.

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 otherwise specified by the City in an approved wetland mitigation bank.

- There is no impact on wetlands.

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.

- Per the city's request, the city of West Linn will be fully responsible for all mitigation work.

- 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.
- Annual reports will be provided showing 80% survival of plants ~~has been~~ achieved for three years.

- Appropriate erosion control measures will be established throughout all phases of construction using Best Management Practices.

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)

- The proposed property use does not drop below the minimum width of 15 feet; the anticipated transition and setback area minimum for the proposed house and yard is 25-30 feet.
- See mitigation plan detailed in 32.070

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

- No further reductions are being requested as part of this application



DEVELOPMENT REVIEW APPLICATION

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"/> <u>Pre-Application Meeting</u> * |
| <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 1850 * No CD required / ** Only one copy needed

Laura + Damon Sabo 2179 Hidden Springs Ct, West Linn OR 97068 (503)810-7226

OWNER'S	ADDRESS	CITY	ZIP	PHONE(res.& bus.)
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APPLICANT'S	ADDRESS	CITY	ZIP	PHONE(res.& bus.)
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CONSULTANT	ADDRESS	CITY	ZIP	PHONE
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SITE LOCATION 3232 Sabo Ln

Assessor's Map No.: 21E2SCC Tax Lot(s): 3000 Total Land Area: 8037

- 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. **Four (4) 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 Laura Sabo

Date 6/1/10

SIGNATURE OF APPLICANT(S)

X _____

Date _____

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: # 935755
 Date : 06/01/2010
 Project: #WA-10-02
 BY: JN

NAME : DAMON SABO
 ADDRESS : 2179 HIDDEN SPRINGS CT
 CITY/STATE/ZIP: WEST LINN OR 97068
 PHONE # : 810-7226

SITE ADD. : 3232 SABO LN

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	\$
MISCELLANEOUS PLANNING		RD	\$ 1850.00
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 \$ 1850.00
 GENERAL MISCELLANEOUS Type: PM \$

TOTAL Check # Credit Card (X) Cash () \$ 1850.00