

**STAFF REPORT**

**PLANNING DIRECTOR DECISION**

DATE: July 22, 2010

FILE NO.: WAP-10-02 (Planning Directors Decision)

REQUEST: Request to build a new house on a vacant lot of record that is partially in the water resource transition area for Tanner Creek, requiring a Water Resources Area permit

PLANNER: Tom Soppe, Associate Planner

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## SPECIFIC DATA

**OWNER/  
APPLICANT:** Laura and Damon Sabo, 2179 Hidden Springs Court, West Linn, OR 97068

**SITE LOCATION:** 3232 Sabo Lane

**SITE SIZE:** 8,037 square feet

**LEGAL  
DESCRIPTION:** 2 1E 25 CC Tax Lot 3000

**COMP PLAN  
DESIGNATION:** Low-Density Residential

**ZONING:** R-7, Single-Family Residential Detached and Attached

**APPROVAL  
CRITERIA:** CDC Chapter 32 Water Resource Area Protection

**120-DAY RULE:** The application became complete on June 25, 2010. The 120-day period therefore ends on October 23, 2010.

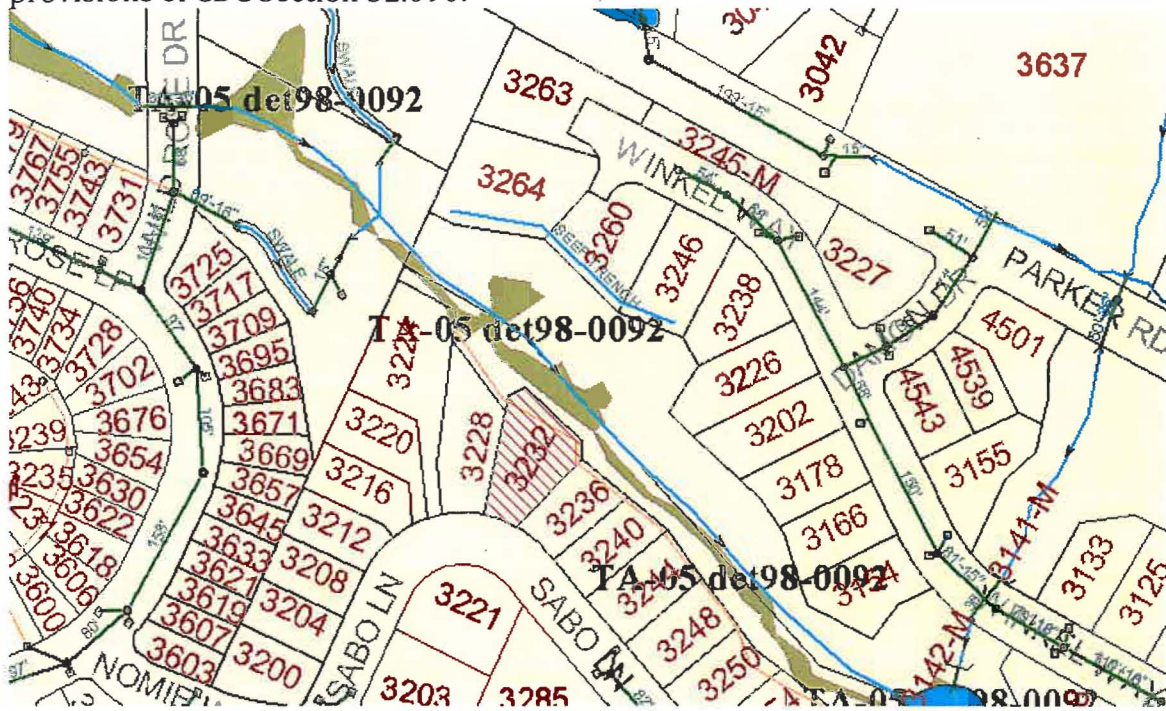
**PUBLIC NOTICE:** Notice was mailed to property owners within 500 feet of the subject property and the Parker Crest Neighborhood Association on September 1, 2010. The notice was printed in the West Linn Tidings. A sign was placed on the property and on the nearest through street on July 8, 2010. The notice was also posted on the City's website. Therefore, public notice requirements of Community Development Code Chapter 99 have been met.

## BACKGROUND

The subject property is shown with red hatch lines on the following map. It is an R-7 zoned lot located in the Rogerfield PUD subdivision. It is on the north side of Sabo Lane and backs up to a publicly-owned tract containing Tanner Creek and adjacent wetlands.

The subject lot is part of the Rogerfield PUD which was applied for and received Planning approval in 1999. The PUD was platted in phases, Rogerfield (the first phase) in 2000 and Rogerfield 2 in 2002. The site is part of Rogerfield 2. Rogerfield was approved and platted before the 2007 amendments to CDC Chapter 32 which increased the setbacks for water resource areas. After a subdivision passes the date marking 10 years after it was initially applied for, all new regulations apply including increased water resource area setbacks. Since Rogerfield was applied for in 1999, any development in what is now the water resource transition area on Rogerfield lots must meet the setbacks specified in

Chapter 32, or a Water Resource Area permit must be applied for under the hardship provisions of CDC Section 32.090.



**Vicinity Map** (Site with red lines, Tanner Creek and other storm channels are light blue lines, wetlands are dark green areas)

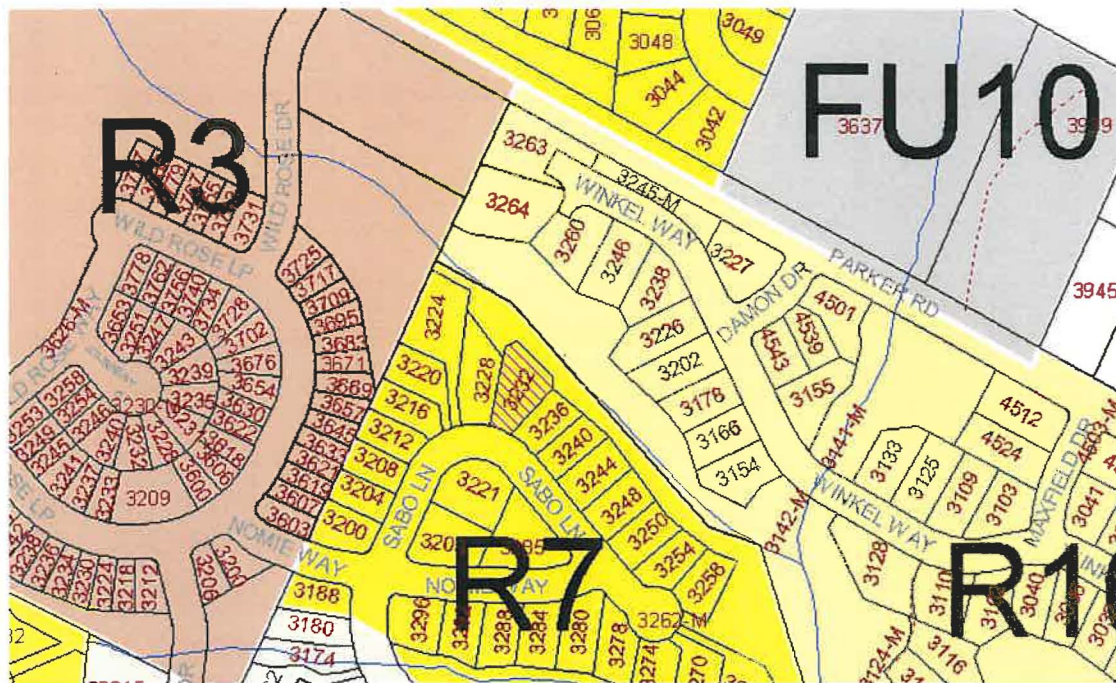
Site Conditions. The site is located on the north side of Sabo Lane. The entire north side of Sabo Lane backing up to the Tanner Creek corridor consists of lots that slope downhill towards the creek that were graded to provide a level front building site and a level daylight basement and backyard in the rear. The site conditions reflect that grading. The lot is 34.45' wide at the front and approximately 95 wide across the rear, and it is approximately 100 feet deep. The "pie shaped" nature of the lot, with the narrow area in front outside the transition area, exacerbates the issue of how to plan development on the lot while affecting the transition area as little as possible.

Over half of the subject lot is in the transition area of Tanner Creek and adjacent wetlands (see above vicinity map, and see the applicant's site plan on Page 68 of Exhibit PD-10). It would be very hard, if not impossible, to build a modern sized house that is comparable to the rest of the neighborhood without developing some of the transition area.

Transition areas are measured per Section 32.050(E). Tanner Creek is bounded by a significant riparian corridor identified in the West Linn Goal 5 inventory. As shown in the vicinity map above, there is also a long, narrow wetland between Tanner Creek and the site. Per Section 32.050(E), the transition area at this location would measure either 50 feet south from the wetland or 100 feet south from the creek (because it is a significant riparian corridor), whichever stretches further to the south. The applicant has correctly submitted the site plan (Page 68 of Exhibit PD-10) showing the transition area 100 feet from the creek. There are 25% or steeper grade slopes on site but they are not directly

adjacent to the wetland and creek and do not continue with this grade for more than a 30- foot wide (north to south) area, so the basic 100 feet and/or 50 feet transition areas apply here instead of as described above.

**Project Description.** The applicant proposes a two-story home with a daylight basement and a usable rear yard area. The house will be similar to but moderately smaller than those already in the subdivision. The applicant proposes to mitigate for both the yard area and the house footprint area within the transition area, by restoring disturbed transition areas in Fields Bridge Park in the Willamette neighborhood (see applicant's mitigation area map on Page 71 of Exhibit PD-10). In cooperation with the Parks and Recreation Department, the mitigation for the house footprint and yard areas will be fully paid for by the applicant but will be done by the City on City park land contiguous to other mitigation and restoration projects. This will maximize the restoration value and longevity of the mitigation. In addition, another advantage to this is that the geographic pooling of such projects enhances their ecological impact and avoids the mere restoration of small isolated areas that become overtaken by invasives quickly after restoration.



**Zoning Vicinity Map (Site with red lines, creeks are blue lines, light gray at the south end is R-20, white is unincorporated areas)**

**Surrounding Land Use.** The site is in the Rogerfield PUD, and is across the Tanner Creek corridor from the Maxfield PUD to the site's rear. The site backs up to two City-owned tracts, one in Rogerfield and one in Maxfield, that were designated for the Tanner Creek and wetland corridor as part of their respective subdivision approvals. One of the few undeveloped residential lots in the surrounding area south of the creek is a flag lot two lots west of the site, which is also mainly in what is now the water resource transition area.

The site is zoned R-7 as are the surrounding areas of Rogerfield at this end of Sabo Lane and along Nomie Way. The remainder of Rogerfield, to the south, is zoned R-20 (the gray area at the south end of the map above). The Maxfield PUD across Tanner Creek is zoned R-10. The Mackenzie Rose area to the west of Rogerfield is zoned R-3. North of this is the R-7 zoned Rosemont Summit 3 north of Parker Road. All of these are single-family residential detached housing subdivisions despite the differences in zoning and lot size. In most of them, most lots are now developed; the exception being Maxfield which has many vacant lots but which is steadily developing. Across Parker Road are some FU-10 (Future Urban) parcels and some unincorporated parcels, which are still larger and contain one house each at most. West and north of Mackenzie Rose, also in R-3 zoning is Tanner Creek Park.

Approval Criteria The proposed house site falls partially within the transition area for Tanner Creek and adjacent wetland and the proposed development of the usable backyard area is completely within the transition area. This requires a Water Resource Area permit. CDC Section 32.025 states, "No person shall be permitted to fill, strip, install pipe, undertake construction, or in any way alter an existing water resource area without first obtaining a permit to do so from the decision making authority, paying the requisite fee, and otherwise complying with all applicable provisions of this ordinance." Per Section 32.030(D), new single-family homes on lots of record existing before the current Chapter 32 setbacks, such as this lot, are only exempt from the Water Resource Area permit if they meet the setbacks and stay out of the transition area, which this application does not.

Per Section 32.040(D), the approval criteria of Section 32.050 apply to all Water Resource Area permits. Per Section 32.090 the hardship provisions of Section 32.090 apply to ensure that Chapter 32 "does not cause unreasonable hardship" and when "strict application of CDC Chapter 32 would deprive an owner of all economically viable use of land." This applies here as all but approximately 2,000 square feet of the 8,037 square foot lot is within the transition area and, as previously noted, that portion of the lot is relatively narrow. If encroachment within the transition area is approved under the hardship provision, parts of the transition area will be permanently developed, therefore the Mitigation Plan provisions of Section 32.070 also apply. The Revegetation Plan provisions of 32.080 apply as well because of areas to be temporarily disturbed during construction and because the entire transition area on site is in an unhealthy state (see 32.050[K] and Finding No. 9 below).

## **PUBLIC COMMENTS**

No public comments have been received.

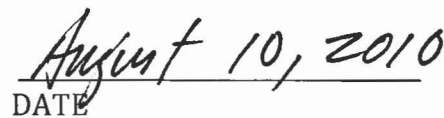
**RECOMMENDATION**

Based on findings contained in the applicant's submittal in the City record and the staff findings, there are sufficient grounds to **approve** this application (WAP-10-02) subject to the following conditions of approval:

1. Site Plan. The improvements shall conform to the site plan on Page 68 of Exhibit PD-10, except as modified by these conditions of approval. A revised site plan conforming to these conditions of approval shall be submitted to the planning department prior to issuance of a building permit.
2. Rear yard. The developed rear and side yard areas within the transition area shall match that on the applicant's site plan (as adjusted by the house footprint location modification in Condition 3 below) except that a minimum of one foot of buffer shall be maintained between the top of slope and the developed rear yard area. All remaining areas on site within the transition area, including this 1+ foot wide area, shall be placed in a conservation easement. This easement shall be recorded with Clackamas County before the final certificate of occupancy is issued for the house.
3. House footprint location. The house footprint shall be placed 3 feet south of where it is shown on the site plan on Page 68 of Exhibit PD-10, as allowed by Section 32.050(O) which provides for a 15-foot front setback.
4. Revegetation on site. In relation to the applicant's submitted site plan, the transition area on site that will remain undeveloped will increase in size due to the provisions of Condition 2 above. The applicant's revegetation of the property shall therefore include all portions of the transition area on the property developed as house footprint or usable yard area under this decision.
5. Off-site mitigation. The size of the mitigation area in Fields Bridge Park shall be based on the house and usable yard area allowed for development in the transition area by this decision in conditions 2 and 3.

I 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.

  
\_\_\_\_\_  
JOHN SONNEN, Planning Director

  
\_\_\_\_\_  
DATE

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is \$400. The appeal must be filed by an individual who has established standing by submitting written comments prior to or on July 22, 2010.

Approval will lapse 3 years from effective approval date unless an extension is obtained.

Mailed this 11 day of August, 2010.

Therefore, the 14-day appeal period ends at 5 p.m., on

August 25, 2010.

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# ADDENDUM

## APPROVAL CRITERIA AND FINDINGS

### WAP-10-02

Staff recommends adoption of the findings for approval contained within the applicant's submittal, with the following exceptions and additions:

#### **32.90 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.*

#### **FINDING NO. 1:**

The lot is located partially, not completely, in the water resource transition area. Section A does not apply.

- 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.*

**FINDING NO. 2:**

Staff consulted with Pacific West Bank in West Linn regarding the minimum value of house relative to the value of the lot that banks are generally willing to provide construction loans for in West Linn. As can be seen on the emails from Jeff Tainer of Pacific West Bank (see pages 40-42 of Exhibit PD-7), new home construction can be expected to be about \$100 per square foot of living area and improvement costs should be approximately 3 times the value of the lot. Per the Clackamas County data available on City GIS, the current value of the site is \$148,239. Therefore improvements on the site should cost approximately \$444,717. At \$100 per square foot, the house would then be expected to have approximately 4,447 square feet. The applicant told staff the house had a square footage of 2,985 square feet (see the email on Page 39 of Exhibit PD-6). As shown in the pre-application conference materials, the house selected for the site was Design #2223AD from the Alan Mascord Collection (see Page 38 of Exhibit PD-5). Page 37 of Exhibit PD-4 is a print out of the primary page regarding this plan on the Mascord website. This page says the main and upper floors have 2,820 square feet, so the applicant is apparently proposing a modified version of this. If there is a basement under the main floor living area and it is finished, as could be expected for a house on a lot that provides for a daylight basement, than the square footage is increased to approximately 4,422. This is approximately the same as the 4,447 square feet calculated to be the minimum economic viability for the site per the bank information referenced above.

While the living areas (and/or potential living areas depending on the basement) within this house plan meet the criteria of minimum economic viability in terms of the square footage itself, the question remained after the above calculations as to whether there were other available house plans of similar economic viability that encroached fewer square footage into the transition area on site. After all, even with proposed Condition of Approval 3, the living areas could potentially extend further to the front with another house plan if such a plan is available, because non-garage areas of the house only have a 5-foot required front setback in Rogerfield. Also Plan 2223AD does not take advantage of having a completely full second floor (i.e., areas above the garage, for example).

To do a reasonable amount of research to investigate this issue, staff explored the Mascord website and several other house plan catalog websites to see if there were other plans available with similar square footage, front loading garages (which is needed since the creek is toward the rear of the lot, and no alley or street is located in the rear), and footprints that matched the narrowness of the lot along the street frontage (approximately 34.45 feet). Staff researched the square footage and footprint sizes of houses on these websites, keeping in mind the potential for daylight basement finished space below the main floor of any potential house. Staff did not find any other plan that

would meet these requirements while also having a depth that would result in less encroachment into the transition area.

Therefore staff finds the criteria are met in regard to the house plan chosen by the applicant, upon the fulfillment of Condition of Approval 3.

The applicant proposes a rear yard area that is part of the "up to 5,000 square feet" area for development that will be mitigated for in Fields Bridge Park. In addition to the house plan related sections of this finding, staff also had to find what the "minimum necessary" backyard size would be at this location "to allow economically viable use of the subject property." Bank information stated that for the most part, rear yard size is not a major part of the calculation of whether a construction loan would be granted for a house (see Page 40 in Exhibit PD-7).

The Rogerfield PUD has a minimum rear yard setback of 10 feet, but no house in Rogerfield currently has a rear yard that small. The smallest rear yard in Rogerfield, per staff analysis using City GIS, is at 3274 Sabo Lane. At that property, the rear lot line is somewhat diagonal to the house. At one end of the house the rear lot line is approximately 13 feet from the house, and at the other end it is approximately 21 feet for an average of approximately 17 feet. See Exhibit PD-1 on Page 19, the site plan for 3274 from its 2003 building permit.

Adjacent to Rogerfield, to the west, is the Mackenzie Rose subdivision. This is an R-3 zoned area that consists of single family houses. Staff analysis on City GIS revealed that while rear yard setbacks range from approximately 11 feet to 30 feet in Mackenzie Rose, it is very common for properties there to have a rear setback of 14 to 18 feet.

The 17-foot setback at the smallest rear yard for existing homes in Rogerfield and the 14 to 18 foot setbacks common at the adjacent Mackenzie Rose subdivision are similar to the developed, usable rear yard area of the property immediately east of the subject site, 3236 Sabo Lane. 3236 Sabo Lane has a usable rear yard area that extends approximately 16 feet and 7 inches behind the house. However 3236 Sabo Lane was built in 2002; similarly most if not all of the houses in Rogerfield and Mackenzie Rose were built before the current economic downturn began 3 years ago. The current valuation of the property at 3236 Sabo Lane, for example, is \$396,982 according to the county data on City GIS, approximately \$200,000 less than the final valuation demanded for the property by lenders currently, as discussed in the first paragraph of this finding. ( $\$148,239 + \$444,717 = \$592,956$ )

In several communications that are part of Exhibit 11, the applicant and Jim Collins of M & T Bank make the case that restricting the usable rear yard area to 17 feet would make development on the property less than economically viable in the current lending climate. This information from the applicant and Mr. Collins is persuasive to staff, and Condition of Approval 2 is written above to adopt only a slightly modified version of the applicant's proposal.

The modification proposed in Condition of Approval 2 is that the usable rear yard area shall not come within 1 foot of the top of the slope behind the proposed house. Condition of Approval 2 includes this stipulation because fertilizers and other chemicals that are often used on developed lawn areas shall be prevented as best as possible from draining in the riparian corridor. Sloped sites need more space to filter such runoff than flat sites. The extra foot or more of flat area that is restored to its natural state rather than developed as a usable lawn area will assist in this necessary filtration.

The areas of the property not developed for the house and yard that are within the 100-foot transition area of Tanner Creek shall remain functioning as transition area with native plants.

3. *The proposed reduction will comply with CDC Chapter 31, Erosion Control;*

**FINDING NO. 3:**

Chapter 31 Erosion Control will be complied with. Erosion control is always reviewed by the Engineering Department during the construction phase for any building permit. The criterion is met.

*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.*

**FINDING NO. 4:**

The proposed development will not be within 15 feet of a wetland or drainageway. The criterion is met.

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)*

**FINDING NO. 5:**

Because of the small front yard, the areas to be developed, and the transition area in the rear of the site, all mitigation must be done off-site. See Finding No. 21 and the applicant's findings regarding 32.070 on pages 61-63 of Exhibit PD-10.

### **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. 6:**

The submittal shows the transition area on and off site, and the creek and wetland just off site. 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.*

#### **FINDING NO. 7:**

The property will use the existing stormwater facilities for the subdivision which it is in. These facilities drain to Tanner Creek. There will be no changes to the creek or wetland (only the transition area) due to development on site. The criterion is met.

*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.*

#### **FINDING NO. 8:**

There would be no way to develop a house on the lot, except for an unfunctionally small and unusual shaped house far toward the front of the lot, without breaching the transition area boundary. The applicant discusses in the finding related to this criterion

(on Page 55 of Exhibit PD-10) the other alternative that was considered. There will be no development in the wetland or drainageway, only the transition area, and this development will be mitigated for. The applicant has prepared a mitigation plan; see Finding No. 21 below.

*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. 9:**

The applicant proposes both a house and usable backyard area as part of the hardship provisions allowing applicants to develop within the transition area on an existing lot of record. All areas north of the usable backyard area, as well as all areas beside the backyard and the house that are north of the transition area line, will be within a conservation easement per Condition of Approval 2. This is a small property, and splitting the property into an applicant-owned lot and a City-owned tract would not be proportionate to the development's impact. Therefore a conservation easement is preferable to dedication in this situation. Condition of Approval 2 requires this easement.

*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:*

**FINDING NO. 10:**

The applicant shows the transition area on the site plan. Because this is a legal lot of record existing before the current transition area setbacks were determined, the applicant is applying to partially develop the transition area. As discussed in Finding No.9, Condition of Approval 2 ensures that all of the transition area on site that is not developed for the house and usable backyard area will be placed in a conservation easement.

*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.*

**FINDING NO. 11:**

A usable backyard area is proposed as part of a reasonable, usable, and economically viable single-family house development on site. This will be mitigated for along with the other development (i.e. part of the house) proposed on site. The storm drainage for the house will drain to the existing drain pipe on site which will convey it to the existing stormwater drainage facilities for the subdivision. The criterion is met.

*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.*

**FINDING NO. 12:**

The applicant is compliant with the requirement to use this fencing during the construction phase.

*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. 13:**

None of the above facilities are proposed, so the criterion is not applicable.

*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.*

**FINDING NO. 14:**

Staff adopts the applicant's findings on Page 57 of Exhibit PD-10 to find that these criteria are met.

*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. 15:**

Virtually the entire property consists of non-native and invasive species. The applicant will mitigate for developed areas and revegetate the remainder of the transition area on site per Section 32.080. Condition of Approval 4 ensures that these vegetative improvements in the transition area on site will be implemented in the entire transition area on site that is not developed for the house and usable rear yard area, which is necessary due to the modification of the site plan by conditions 2 and 3.

*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 ¾ 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. 16:**

The applicant is applying under the hardship provisions of Section 32.090, which allow development in the transition area where it would otherwise not be possible on an existing lot of record. Therefore the setback from the transition area is not applicable.

*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. 17:**

There will not be a new stormwater facility as the stormwater from development on the lot will drain to an existing pipe that will convey stormwater to the existing facilities for the subdivision. The criterion is not applicable.

*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.*

**FINDING NO. 18:**

The application does not involve design review or land division. The criterion 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 ¾ 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. 19:**

The applicant's plans conform to the front setback for the Rogerfield PUD subdivision in which it is located. The above criterion provides for a 15-foot front setback for a property where development is occurring in what is now delineated as the transition area. The applicant plans an 18-foot setback as this is the minimum garage setback for Rogerfield. Staff's measurements show that the entire house as planned would still meet Rogerfield side setbacks if moved three feet to the south as compared to how it is shown



on the site plan. This would provide for a 15-foot front setback which this criterion allows. Condition of Approval 3 requires this.

*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. 20:**

No additional channels have been identified.

**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.*

*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.*
- 4. A map showing where the specific mitigation activities will occur.*
- 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.*
- 6. Assurances shall be established to rectify any mitigation actions that are not successful. This may include bonding or other surety.*
- 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.*

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.*

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.*

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.*

**FINDING NO. 21:**

Because small, isolated native plant restoration areas used for mitigation can be overrun by non-natives again quickly, the City is pursuing pooling the mitigation square footage of each application that requires mitigation into larger areas where restoration is needed, including in Fields Bridge Park. In such cases the applicant pays the City for all of the resources, labor, and other expenses that it will take for the City to implement mitigation per the provisions above at Fields Bridge Park. This practice makes the mitigation implementation process smoother for both the applicant and the City Parks and Recreation Department, and it is expected to produce better and more long-lasting results environmentally because larger, pooled mitigation areas are not as quickly and easily overrun by non-natives after restoration occurs. The applicant has agreed to implementing mitigation via this practice as shown by their findings regarding 32.070 on pages 61-63 of Exhibit PD-10. Staff finds the mitigation criteria are met by adopting the

applicant's findings in response to the sections of 32.070, and by referencing staff's own Finding No. 2 above (the latter regarding the lack of a practicable alternative as discussed in 32.070[A] above). Condition 5 has also been added to ensure that the mitigation square footage is based on the square footage of transition area development allowed by the other conditions.

### **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.*

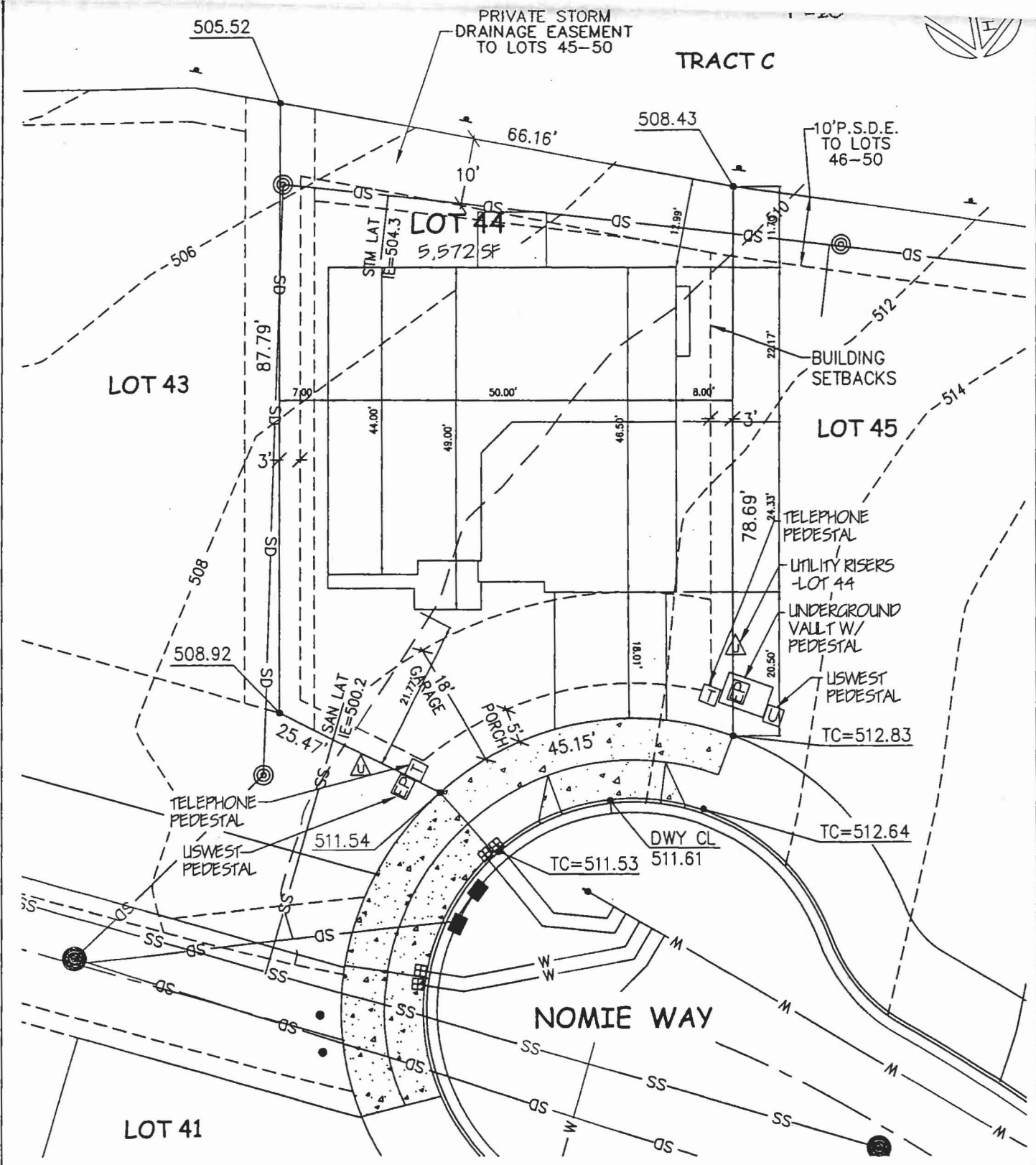
### **FINDING NO. 22:**

Staff adopts the applicant's findings on pages 64-65 of Exhibit PD-10. Condition of Approval 4 is added to ensure that the revegetation area includes all areas of the transition area on site not developed for the house and usable yard area.

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Bldg Permit 03-208



**CENTEX HOMES**

16520 UPPER BOONES FERRY ROAD  
SUITE 200  
PORTLAND, OREGON 97224

**ROGERFIELD**

3274 ~~NOMIE WAY~~ SABO LN

19

LOT 44 DI ANI 2027 A

**Soppe, Tom**

**From:** Damon Sabo [damon.sabo@gmail.com]  
**Sent:** Thursday, July 22, 2010 10:10 AM  
**To:** Soppe, Tom  
**Subject:** Re: Disregard previous email



Tom,

We have done extensive research looking for homes that will fit on the lot. This plan is the only one that fits the lot and the neighborhood. The challenge is that this is a pie shaped lot, with all the "useable" space and lot value in the back. When you tighten the boundary conditions to a narrow street face (narrower than all neighbors), an 18 ft garage set back (min setback specified in SUB-99-02; as stated in pre-application letter), and a house that is in keeping with the neighborhood, this is the only house plan that fits the bill. We have looked at thousands of plans. Since we cannot utilize the width of the property by pushing the house further back onto the property, we are extremely limited in choices.

As for the 10 foot backyard, that is not economically viable for this lot. You would be chopping the property roughly in half, leaving a non-restricted portion of the property that is not R7 by any standard. You cannot prohibit the development and use of the most valuable portion of the property and call it economically viable. Further, it is not a comparable argument to say that a 10 foot yard on a 5,000-6,000 sqft lot should define "the minimum economically viable yard for a house in Rogerfield" when some lots are several thousand sqft larger. If you analyze the average selling price for homes in Rodgerfield comparing a 3000 sqft home with a 2K yard to the same sized home with a 3K+ yard, you see a jump in average selling price of 10% of the home value. You cannot ignore this economic value. We are already teetering on the cost-value point for building this house, where the cost of building the house vs what we could sell it for in this neighborhood begins to become a losing proposition. By limiting the yard to less than what is stated in the hardship application, the city would truly be crossing the line of minimum economic viability for this property.

And finally, Metro classifies this property as a Class II riparian, which is a moderate (not high) habitat conservation area. The city is taking the restrictions too far. We have already compromised our plans and conceded both land and mitigation funds to the city.

It sounds like we should come in and talk.

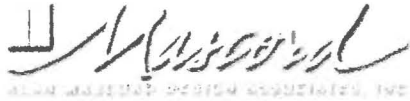
Thanks,  
 Laura and Damon

On Wed, Jul 21, 2010 at 2:37 PM, Soppe, Tom <[tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov)> wrote:

Damon and Laura,

For now at least, you can disregard my email sent yesterday as I have done some alternative house plan research of my own.

Thanks,



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**Plan W-21125**  
The Barnsley

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Rear Rendering



Main Floor Plan



Upper Floor Plan



Plan 21125

**Heated Area:**  
Upper Floor: 909 Sq. Ft.  
Main Floor: 1,080 Sq. Ft.  
**Total Area:** 1,989 Sq. Ft.

**Amenities:**  
Bedrooms: 4  
Full Baths: 2  
Half Baths: 1  
Garage Bays: 2

**Dimensions:**  
Width: 34 Ft.  
Depth: 58 Ft.

Foundation: Crawl Space



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**Plan W-21125**  
The Barnsley

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Plan 21125

Heated Area:

Upper: 909 Sq. Ft.  
Floor: 1,080 Sq. Ft.

Total Area: 1,989 Sq. Ft.

Amenities:

Bedrooms: 4  
Full Baths: 2  
Half Baths: 1  
Garage Bays: 2

Dimensions:

Width: 34 Ft.  
Depth: 58 Ft.

Foundation: Crawl Space

1989  
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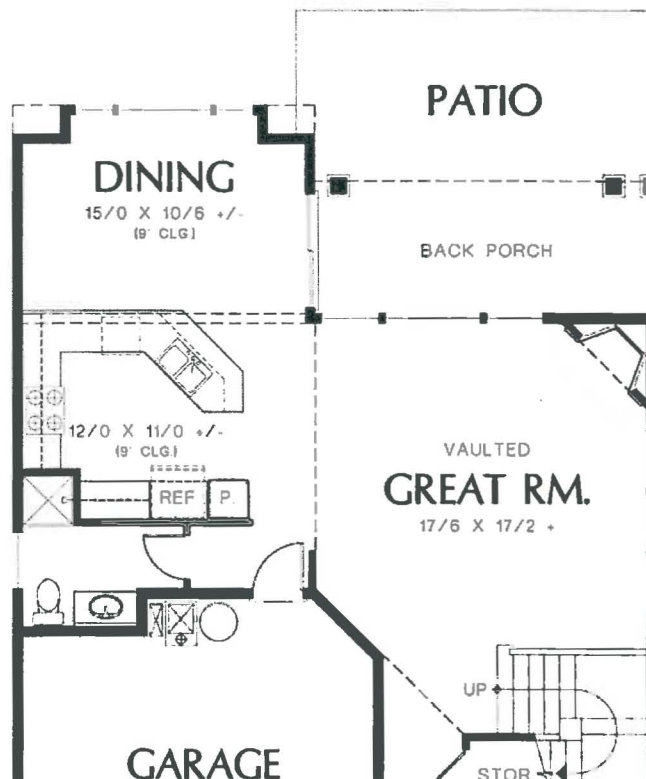
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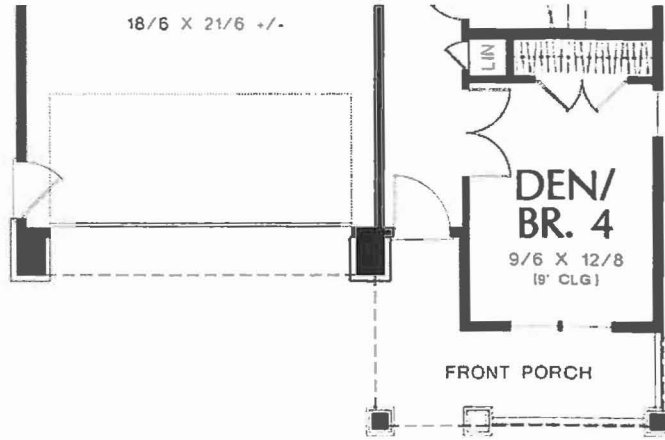


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**Craftsman Home Plan with Bonus Room**  
**Plan No:** W6903AM  
**Style:** Northwest, Craftsman  
**Total Living Area:** 1,946 sq. ft.  
**Main Flr.:** 1,082 sq. ft.  
**2nd Flr.:** 864 sq. ft.  
**Attached Garage:** 2 Car, 610 sq. ft.  
**Bedrooms:** 3/4  
**Full Bathrooms:** 2      **Half Bathrooms:** 1  
**Width:** 40'      **Depth:** 52'  
**Maximum Ridge Height:** 27'0"  
**Exterior Walls:** 2x6  
**Standard Foundations:** Crawl  
**Optional Foundations:** Slab (\$95), Basement (\$225)  
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**For a Front-Sloping Lot**  
**Plan No:** W6924AM  
**Style:** Northwest, Contemporary  
**Total Living Area:** 2,262 sq. ft.  
**Main Flr.:** 1,302 sq. ft.  
**2nd Flr.:** 960 sq. ft.  
**Attached Garage:** 2 Car, 1,242 sq. ft.  
**Bedrooms:** 3  
**Full Bathrooms:** 2      **Half Bathrooms:** 1  
**Width:** 40'      **Depth:** 40'  
**Maximum Ridge Height:** 35'0"  
**Exterior Walls:** 2x6  
**Standard Foundations:** Daylight  
**Optional Foundations:** [Request a modification price quote.](#)  
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**Great Style on a Budget**  
**Plan No:** W6991AM  
**Style:** Northwest, Craftsman  
**Total Living Area:** 2,002 sq. ft.  
**Main Flr.:** 1,117 sq. ft.  
**2nd Flr.:** 885 sq. ft.  
**Attached Garage:** 2 Car, 418 sq. ft.  
**Bedrooms:** 3  
**Full Bathrooms:** 2      **Half Bathrooms:** 1  
**Width:** 40'      **Depth:** 45'  
**Maximum Ridge Height:** 26'0"  
**Exterior Walls:** 2x6  
**Standard Foundations:** Crawl  
**Optional Foundations:** Slab (\$105), Basement (\$250)  
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**Sloping Lot Country Cottage**  
**Plan No:** W6884AM  
**Style:** Country, Cottage, Shingle Style  
**Total Living Area:** 1,978 sq. ft.  
**Main Flr.:** 1,106 sq. ft.  
**2nd Flr.:** 872 sq. ft.  
**Attached Garage:** 2 Car, 841 sq. ft.  
**Bedrooms:** 3  
**Full Bathrooms:** 2      **Half Bathrooms:** 1  
**Width:** 38'      **Depth:** 35'  
**Maximum Ridge Height:** 39'0"  
**Exterior Walls:** 2x6  
**Standard Foundations:** Slab  
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**Vaulted Master and Den**  
**Plan No:** W69475AM  
**Style:** Craftsman, Northwest  
**Total Living Area:** 2,211 sq. ft.  
**Main Flr.:** 1,116 sq. ft.  
**2nd Flr.:** 1,095 sq. ft.  
**Attached Garage:** 2 Car, 450 sq. ft.  
**Bedrooms:** 3/4  
**Full Bathrooms:** 2      **Half Bathrooms:** 1  
**Width:** 38'      **Depth:** 51'  
**Exterior Walls:** 2x6  
**Standard Foundations:** Crawl  
**Optional Foundations:** Slab (\$105), Basement (\$250)  
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**Elegant European Living**  
**Plan No:** W21092DR  
**Style:** Mediterranean, Canadian  
**Total Living Area:** 2,119 sq. ft.  
**Main Flr.:** 1,087 sq. ft.  
**2nd Flr.:** 1,032 sq. ft.  
**Attached Garage:** 1 Car, 242 sq. ft.  
**Bedrooms:** 4  
**Full Bathrooms:** 2      **Half Bathrooms:** 1  
**Width:** 38'      **Depth:** 38'  
**Maximum Ridge Height:** 26'2"  
**Exterior Walls:** 2x6  
**Standard Foundations:** Basement  
**Optional Foundations:** Slab (\$295), Crawl (\$295)  
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**Craftsman With Two Story Great Room**  
**Plan No:** W69035AM  
**Style:** Northwest  
**Total Living Area:** 2,262 sq. ft.  
**Main Flr.:** 1,302 sq. ft.  
**2nd Flr.:** 960 sq. ft.  
**Attached Garage:** 2 Car, 625 sq. ft.  
**Bedrooms:** 3  
**Full Bathrooms:** 2      **Half Bathrooms:** 1  
**Width:** 40'      **Depth:** 40'  
**Maximum Ridge Height:** 37'0"  
**Exterior Walls:** 2x6  
**Standard Foundations:** Walkout  
**Optional Foundations:** [Request a modification price quote.](#)  
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**A Wall of Windows**  
**Plan No:** W6900AM  
**Style:** Northwest, Craftsman  
**Total Living Area:** 1,904 sq. ft.  
**Main Flr.:** 1,097 sq. ft.  
**2nd Flr.:** 807 sq. ft.  
**Attached Garage:** 3 Car, 636 sq. ft.  
**Bedrooms:** 3  
**Full Bathrooms:** 2      **Half Bathrooms:** 1  
**Width:** 40'      **Depth:** 45'  
**Maximum Ridge Height:** 29'0"  
**Exterior Walls:** 2x6  
**Standard Foundations:** Crawl  
**Optional Foundations:** Slab (\$95), Basement (\$225)  
[Click here to view prices and options](#)

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------------------------------	-------------------------------------

		<p><b>Vaulted Ceilings</b>  <b>Plan No:</b> W36277TX  <b>Style:</b> French Country, Luxury, European  <b>Total Living Area:</b> 3,428 sq. ft.  <b>Main Flr.:</b> 2,264 sq. ft.  <b>2nd Flr.:</b> 1,164 sq. ft.  <b>Attached Garage:</b> 2 Car, 453 sq. ft.  <b>Bedrooms:</b> 3  <b>Full Bathrooms:</b> 3      <b>Half Bathrooms:</b> 2  <b>Width:</b> 34'      <b>Depth:</b> 40'  <b>Maximum Ridge Height:</b> 34'0"  <b>Exterior Walls:</b> 2x4  <b>Standard Foundations:</b> Slab  <b>Optional Foundations:</b> <a href="#">Request a modification price quote.</a>  <a href="#">Click here to view prices and options</a></p>
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		<p><b>Cozy Craftsman with Photos</b>  <b>Plan No:</b> W15924AT  <b>Style:</b> Craftsman, Northwest  <b>Total Living Area:</b> 2,120 sq. ft.  <b>Main Flr.:</b> 850 sq. ft.  <b>2nd Flr.:</b> 1,270 sq. ft.  <b>Attached Garage:</b> 2 Car, 426 sq. ft.  <b>Bedrooms:</b> 4  <b>Full Bathrooms:</b> 2      <b>Half Bathrooms:</b> 1  <b>Width:</b> 30'      <b>Depth:</b> 49'  <b>Maximum Ridge Height:</b> 29'0"  <b>Exterior Walls:</b> 2x6  <b>Standard Foundations:</b> Slab, Crawl  <b>Optional Foundations:</b> <a href="#">Request a modification price quote.</a>  <a href="#">Click here to view prices and options</a></p>
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# Architectural Designs ...selling quality house plans for over 30 years.

Plan W23075JD: Two Story Family Room with Dropped Beam Ceiling



House plans are Copyright © 2010 by our architects and designers.

- Designed for a narrow lot, this stylish home plan adds lots of drama with special ceiling treatments throughout. A popular design, it comes in three different exteriors - all share the same interior that makes this so attractive.
- Tray ceilings can be found in the foyer as well as the formal living and dining rooms.
- The two-story family room has a distinctive coffered ceiling and is open to the nook and large kitchen with angled island.
- Vaulted ceilings grace the master bedroom with private bath. A hall balcony overlooks the family room below and an upstairs laundry room adds convenience.
- A walkout basement offers you a fourth bedroom, a bath, rec room and storage.
- Related Plans: Building on a crawl space? See house plan 2339JD.
- Be sure to see these alternate exteriors: 23076JD and 23077JD.
- Additional fees apply when building in the State of Washington. Contact us for more information.

Style: Craftsman, Northwest

Total Living Area: 3215

Main Flr.: 1365

2nd Flr.: 1155

Lower Level: 695

Attached Garage: 3 Car, 552 sq. ft.

Bedrooms: 4

Full Bathrooms: 3

Half Bathrooms: 1

Width: 40'

Depth: 52'

Of 250  
narrow lot  
plans that would  
fit on this  
lot, this  
is the only  
one of similar  
sq. footage,  
due to width & depth  
it would encroach WRA  
very similarly

29

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Fax 1-203-761-8600 :: Email: [info@architecturaldesigns.com](mailto:info@architecturaldesigns.com)

Maximum Ridge Height: 29'

Exterior Walls: 2x6

Ceiling Height:

Other: 2-Story Family Room; Vaulted MBR& BR#3; Tray Living, Dinnig & Den

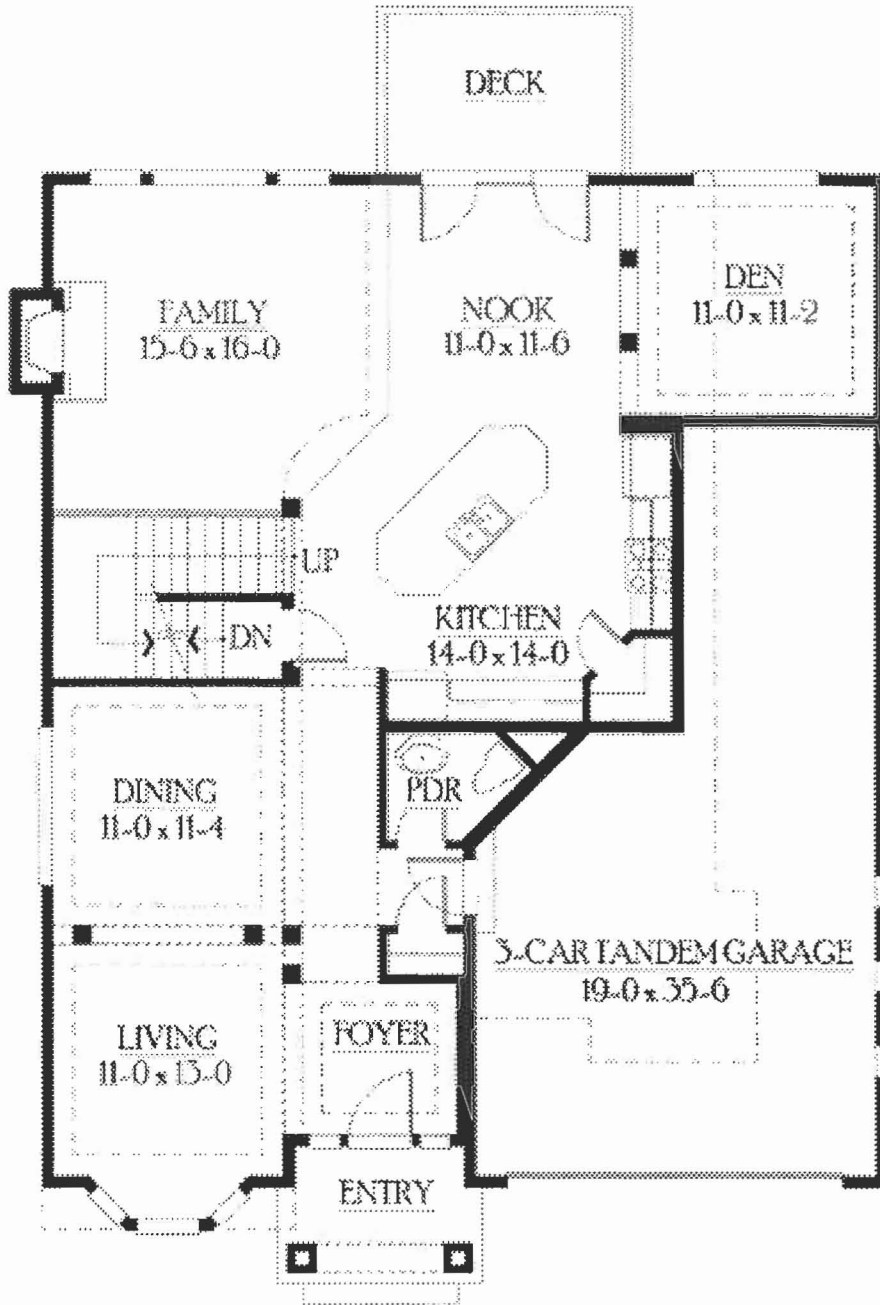
Standard Foundations: Walkout

Special Features: Loft, CAD Available, Den-Office-Library-Study, Sloping Lot, Narrow Lot, Media-Game-Home Theater, Photo Gallery, PDF

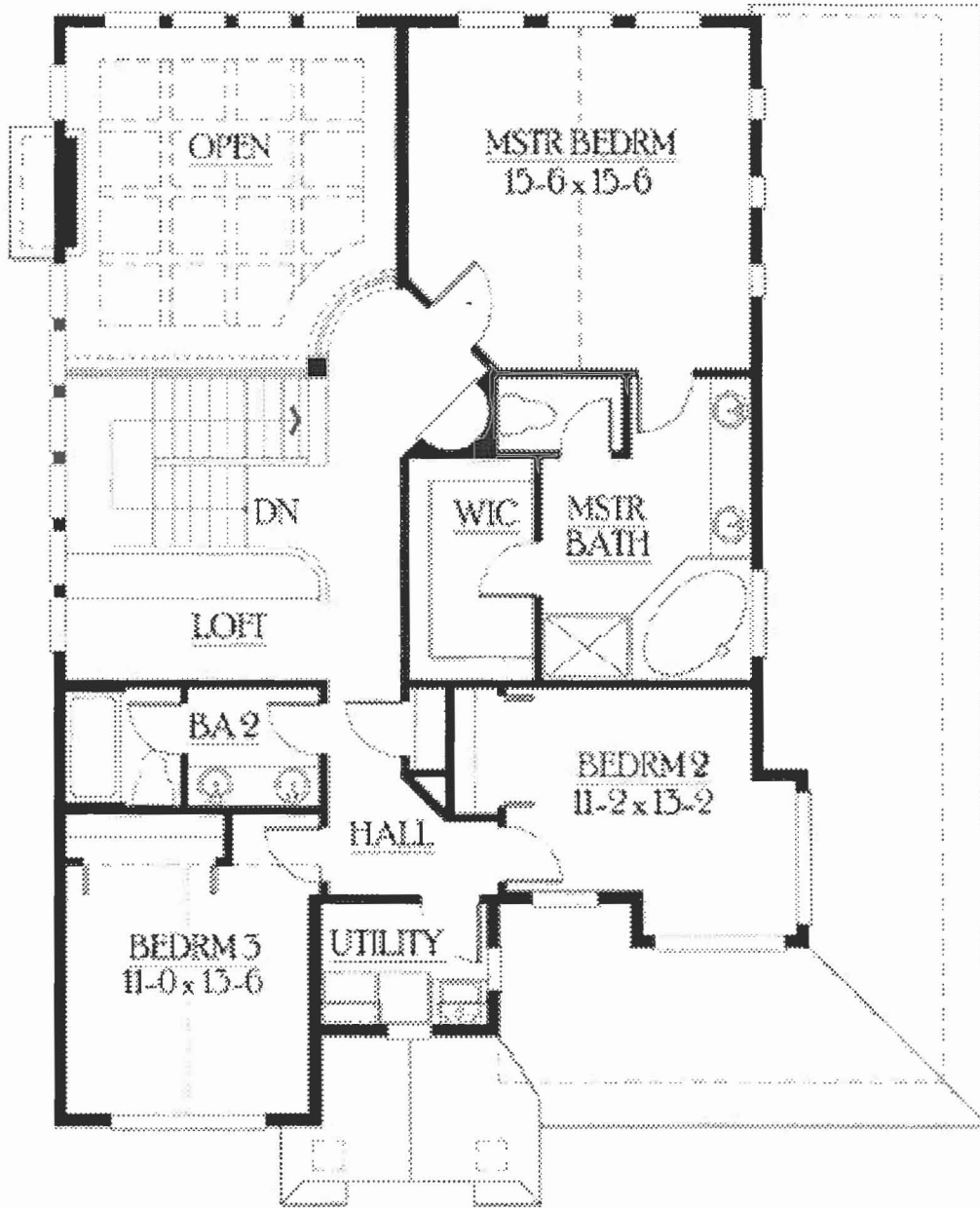
One Set	Five Sets	Eight Sets	Reproducible	PDF File	CAD
\$750	\$795	\$850	\$1,050	\$1,050	\$1,850



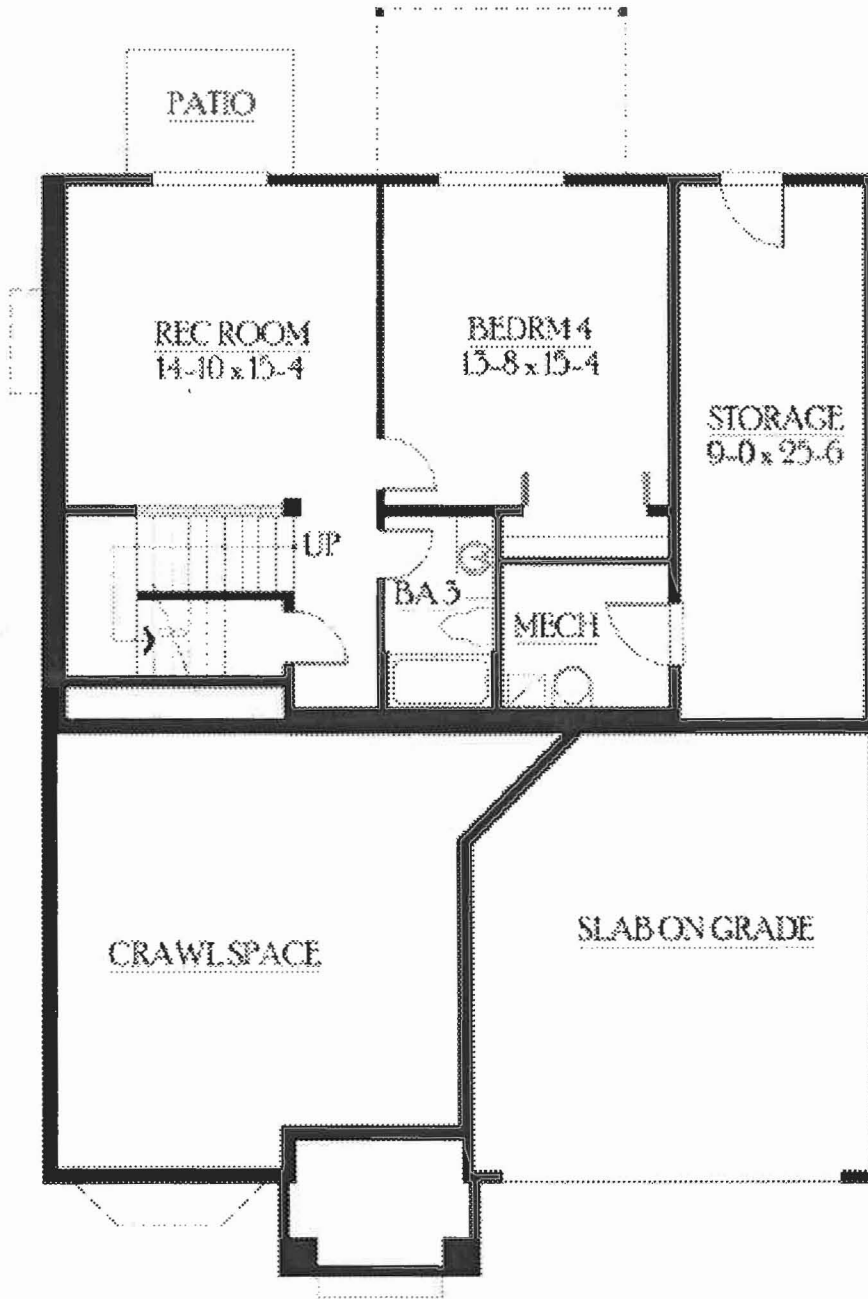
Main Level



2nd Level



Lower Level



# Architectural Designs ...selling quality house plans for over 30 years.

Photo



34

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Rear View




REAR ELEVATION

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**Plan No:** W4287MJ  
**Style:** Luxury, Traditional  
**Total Living Area:** 4,441 sq. ft.  
**Main Flr.:** 1,216 sq. ft.  
**2nd Flr.:** 1,307 sq. ft.  
**3rd Flr.:** 1,298 sq. ft.  
**Attached Garage:** 2 Car, 583 sq. ft.  
**Bedrooms:** 4  
**Full Bathrooms:** 5+      **Half Bathrooms:** 1  
**Width:** 25'      **Depth:** 105'8"  
**Maximum Ridge Height:** 45'7"  
**Exterior Walls:** Block  
**Standard Foundations:** Slab  
**Optional Foundations:** [Request a modification price quote.](#)  
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**Plan No:** W42001MJ  
**Style:** Traditional, Luxury  
**Total Living Area:** 4,441 sq. ft.  
**Main Flr.:** 1,216 sq. ft.  
**2nd Flr.:** 1,307 sq. ft.  
**3rd Flr.:** 1,298 sq. ft.  
**Attached Garage:** 2 Car, 583 sq. ft.  
**Bedrooms:** 4  
**Full Bathrooms:** 5+      **Half Bathrooms:** 1  
**Width:** 25'      **Depth:** 105'8"  
**Maximum Ridge Height:** 45'7"  
**Exterior Walls:** Block  
**Standard Foundations:** Slab  
**Optional Foundations:** [Request a modification price quote.](#)  
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Total Living Area (sq. ft.)  
 4,000  to 5,000

Sort by:  
 Sales Popularity

Number of Floors:  
 All

Garage Type: Garage Size:  
 Attached  2 Car

House Plan Style:  
 All

Bedrooms: Bathrooms:  
 All  All

Exterior Walls:  
 All

Foundation:  
 All

Maximum Dimensions:  
 Width (feet) Depth (feet)  
 30'0"

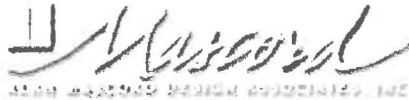
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Plan Details

**Plan W-2223AD**  
The Sabine



Plan 2223AD

<b>Heated Area:</b>	
Upper	1,437 Sq. Ft.
Floor:	
Main Floor:	1,383 Sq. Ft.
<b>Total Area:</b> 2,820 Sq. Ft.	
<b>Amenities:</b>	
Bedrooms:	4
Full Baths:	3
Half Baths:	1
Garage Bays:	2
<b>Dimensions:</b>	
Width:	42 Ft.
Depth:	53 Ft.
Height:	Info 33 Ft.
Foundation:	Crawl Space



Chat with us Online:

 [Plan Specialist](#)  
 How can I help you?

Available During Office Hours:  
Mon-Fri: 8am - 5pm Pacific

Email us a Question about Plan 2223AD

Open a Scalable / Printable PDF Page

Get a Cost to Build estimate for Plan 2223AD

Realtor Products

Graphics files for MLS/Flyers

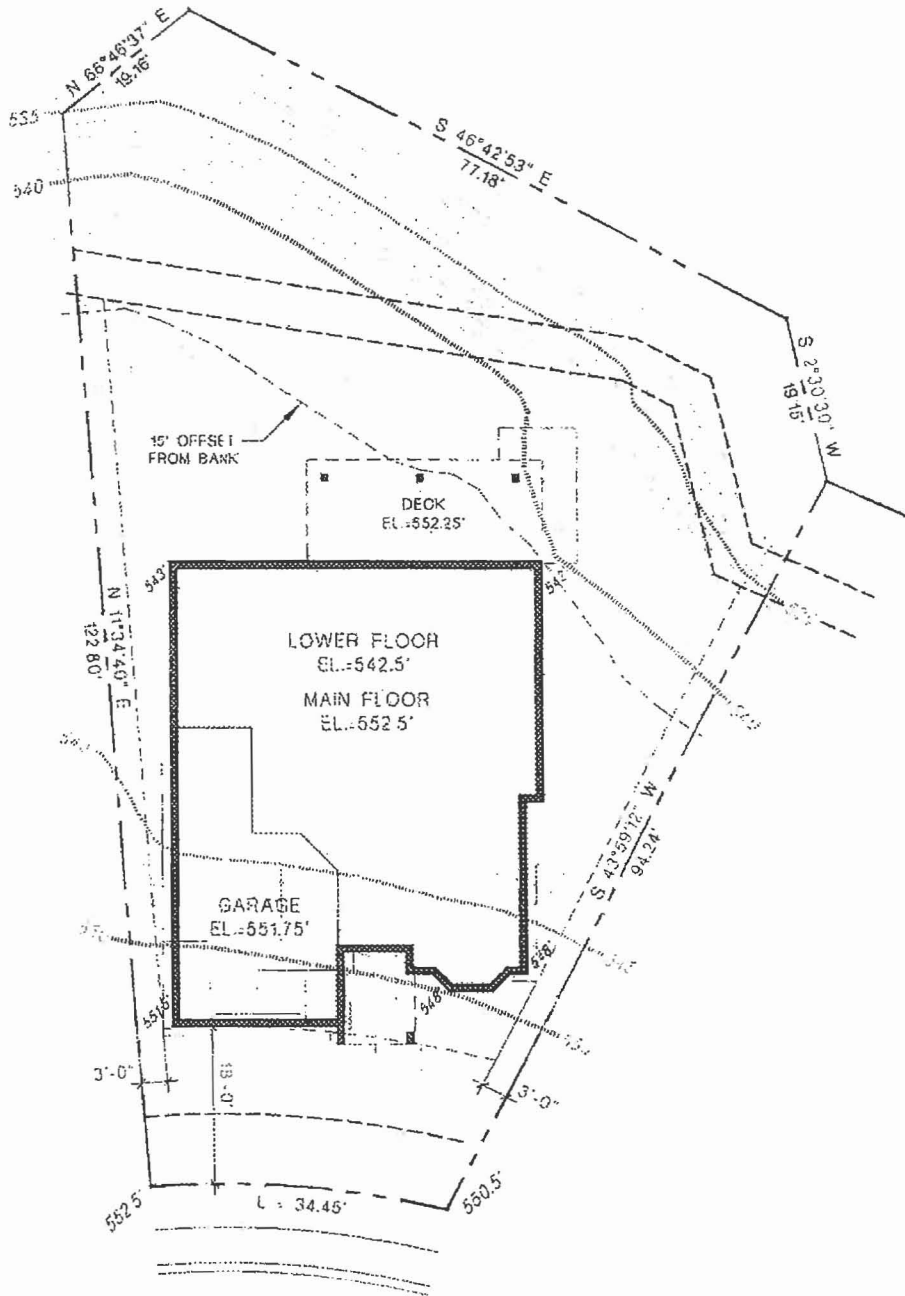
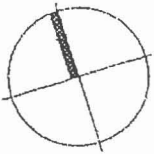
Click Images to open Lightbox

[Main Floor Plan](#)
[Upper Floor Plan](#)
[Rear Elevation](#)

**Sabine**

This home has all the features that are important to today's discerning home buyer. Beautiful exterior details include multiple gables and an arched entry. The interior floor plan creates an open and welcoming environment for easy living.

The main floor is flexible to accommodate the needs of any family. The area next to the entry could serve as a den, complete with a cozy fireplace, or a formal living room with close proximity to the dining room- it's perfect for entertaining. A spacious two-story great room features a second fireplace. A wall of windows in the great room, a corner sink in the kitchen, and french



SABO LANE

02/24/2010 MRR

SCALE 1" = 20'-0"



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CITY OF WEST LINN  
 ROGERFIELD NO.2  
 LOT 34

2223AD

FOR: THE SABO RESIDENCE

( 8,037 S.F.)



**Soppe, Tom**

**From:** Soppe, Tom  
**Sent:** Monday, July 19, 2010 8:15 AM  
**To:** 'Damon Sabo'  
**Subject:** RE: House square footage

Thanks very much. Is the 2985 not counting the garage then, and counting the first and second floor or basement also? If not, is the basement full?

Thanks

Tom Soppe  
Associate Planner  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068  
ph. (503) 742-8660  
fax (503) 656-4106  
[tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov)



**From:** Damon Sabo [<mailto:damon.sabo@gmail.com>]  
**Sent:** Sunday, July 18, 2010 8:54 PM  
**To:** Soppe, Tom  
**Subject:** Re: House square footage

Tom,

It looks like our house would be ~2985 sqft, giving us a FAR of about 0.37. The garage is about 550 sqft.

In case it helps, the average FAR for the houses backing to Tanner Creek on Sabo Lane (all the houses in our row) is 0.57. The average house size on the row is ~3350 sqft. Our proposed FAR is 0.20 smaller than the other houses "impacting" the creek.

Thanks,  
Damon

On Thu, Jul 8, 2010 at 4:33 PM, Soppe, Tom <[tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov)> wrote:  
Thanks for getting back to me. It isn't part of the completeness review. You've provided a response to every criteria so you are complete. It does help us best analyze. It does allow us to most credibly analyze if the proposal meets 32.090(B)(2), "The proposed intrusion is the minimum necessary to allow economically viable use of the subject property." Is it something you have on hand? I figured it was since you had a house plan.

Tom Soppe  
Associate Planner  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068  
ph. (503) 742-8660  
fax (503) 656-4106  
[tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov)



**Soppe, Tom**

**From:** Jeff Tainer [JTainer@bankpacificwest.com]  
**Sent:** Thursday, July 22, 2010 2:05 PM  
**To:** Soppe, Tom  
**Subject:** RE:

Appraisers almost never comment on the size of the back yard unless there is functional obsolescence (ie: power line, etc).

Having said that buyers may place a reasonable value on a back yard if they have children (say \$10,000). In this market it may be the difference in selling quickly or not at all. There are too many choices for buyers.

A buyer for your lot probably will not have children.

**From:** Soppe, Tom [mailto:tsoppe@westlinnoregon.gov]  
**Sent:** Thursday, July 22, 2010 11:46 AM  
**To:** Jeff Tainer  
**Subject:**

Jeff,

This email is one more question regarding the "economic viability" issue in the water resource area permit that caused me to ask you the "lending rules of thumb" questions before.

It turns out the house proposed for this case is right about at \$100 per square foot, as calculated via three times the value of the lot, as the rules you gave me stipulated.

The lot is 8,037 square feet and is in a planned unit development with a minimum 10 foot rear yard setback. Because of the minimum rear setback we propose to give them 10 feet of usable yard area beyond the rear of the house with the rest of the rear yard preserved as native plant water resource area. This would result in a rear yard of approximately 10 x 48 in this case.

Would this be something banks would be willing to loan to, or does the size of the rear yard matter so much? Is there a rule of thumb calculation regarding rear yards for the West Linn area for new houses?

Thanks so much again for your time,

Tom Soppe  
Associate Planner  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068  
ph. (503) 742-8660  
fax (503) 656-4106  
[tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov)

Tom Soppe  
[tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov)  
Associate Planner  
22500 Salamo Rd

**Soppe, Tom**

---

**From:** Soppe, Tom  
**Sent:** Thursday, July 01, 2010 9:42 AM  
**To:** 'Jeff Tainer'  
**Subject:** RE: Property values

Jeff,

Thanks very much for your time and willingness to do this. It does help.

Tom Soppe  
Associate Planner  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068  
ph. (503) 742-8660  
fax (503) 656-4106  
[tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov)

---

**From:** Jeff Tainer [mailto:JTainer@bankpacificwest.com]  
**Sent:** Thursday, July 01, 2010 9:28 AM  
**To:** Soppe, Tom  
**Subject:** Property values

Our rules of thumb on new homes are:

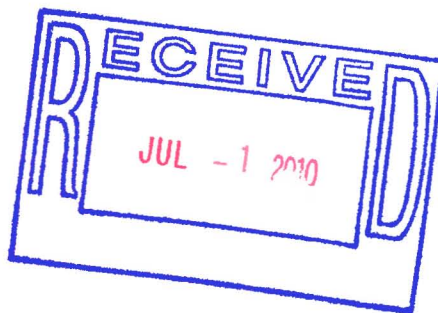
Cost of improvements should be at least 3 times the value of the lot. On a \$50,000 lot you expect at least a \$150,000 home for a total of a \$200,000 appraised value.

New home construction is going for about \$100/sf unless there are high end finishes. In the example above the home would be about 1,500/sf. You might want to confirm with your tax assessor but a \$200,000 home at \$133/sf all-in is about right in West Linn these days.

There are exceptions for view lots and high end finishes.

I hope this helps.

jeff



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**Soppe, Tom**

---

**From:** Soppe, Tom  
**Sent:** Monday, July 19, 2010 8:44 AM  
**To:** 'Jeff Tainer'  
**Subject:** RE: Property values

Okay, great, thanks

Tom Soppe  
Associate Planner  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068  
ph. (503) 742-8660  
fax (503) 656-4106  
[tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov)



---

**From:** Jeff Tainer [mailto:JTainer@bankpacificwest.com]  
**Sent:** Monday, July 19, 2010 8:34 AM  
**To:** Soppe, Tom  
**Subject:** RE: Property values

The garage and unfinished basement are typically not included in the \$100/sf calculation. If the basement was finished then its s.f. would be multiplied by \$100.

---

**From:** Soppe, Tom [mailto:tsoppe@westlinnoregon.gov]  
**Sent:** Monday, July 19, 2010 8:39 AM  
**To:** Jeff Tainer  
**Subject:** RE: Property values

Jeff,

To confirm, in the dollars per square footage calculation you would include garage and (finished or unfinished) basement space?

Thanks again,

Tom Soppe  
Associate Planner  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068  
ph. (503) 742-8660  
fax (503) 656-4106  
[tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov)

Tom Soppe  
[tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov)  
Associate Planner  
22500 Salamo Rd  
West Linn, OR, 97068  
P: (503) 742-8660

42

# 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-10-07 Applicant's Name Laura & Damon Sabo  
Development Name WAP at 3232 Sabo Lane  
Scheduled Meeting/Decision Date July 22, 2010

**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 below)

## TYPE A

- A. The applicant (date) 7/1/10 (signed) SR
- B. Affected property owners (date) 7/1/10 (signed) SR
- C. School District/Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- D. Other affected gov't. agencies (date) 7/1/10 (signed) SR
- E. Affected neighborhood assns. (date) 7/1/10 (signed) SR
- F. All parties to an appeal or review (date) 7/1/10 (signed) SR

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) 7/8/10 (signed) [Signature]  
City's website (posted date) 6/29/10 (signed) [Signature]

## 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) July 8, 2010 (signed) [Signature]

**NOTICE:** Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

## 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) \_\_\_\_\_

**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-10-02**

The West Linn Planning Director is considering the request of Laura and Damon Sabo for a Water Resource Area permit for a new single-family residence at 3232 Sabo Lane. The permit is necessary because part of the lot, and part of the proposed building site on the lot, are within the transition area of Tanner Creek and its adjacent wetland. The decision will be based on the approval criteria in Chapter 32 of the Community Development Code (CDC). The approval criteria from the CDC are available for review at City Hall, at the City Library, and on the Planning Department's page of the City's website under Documents/CDC.

You have been notified because County records show you own property within 500 feet of the site located at Tax Lot 3000, Clackamas County Assessor's Map 2-1E-25CC or because you are otherwise required to be sent notice per CDC 99.080.

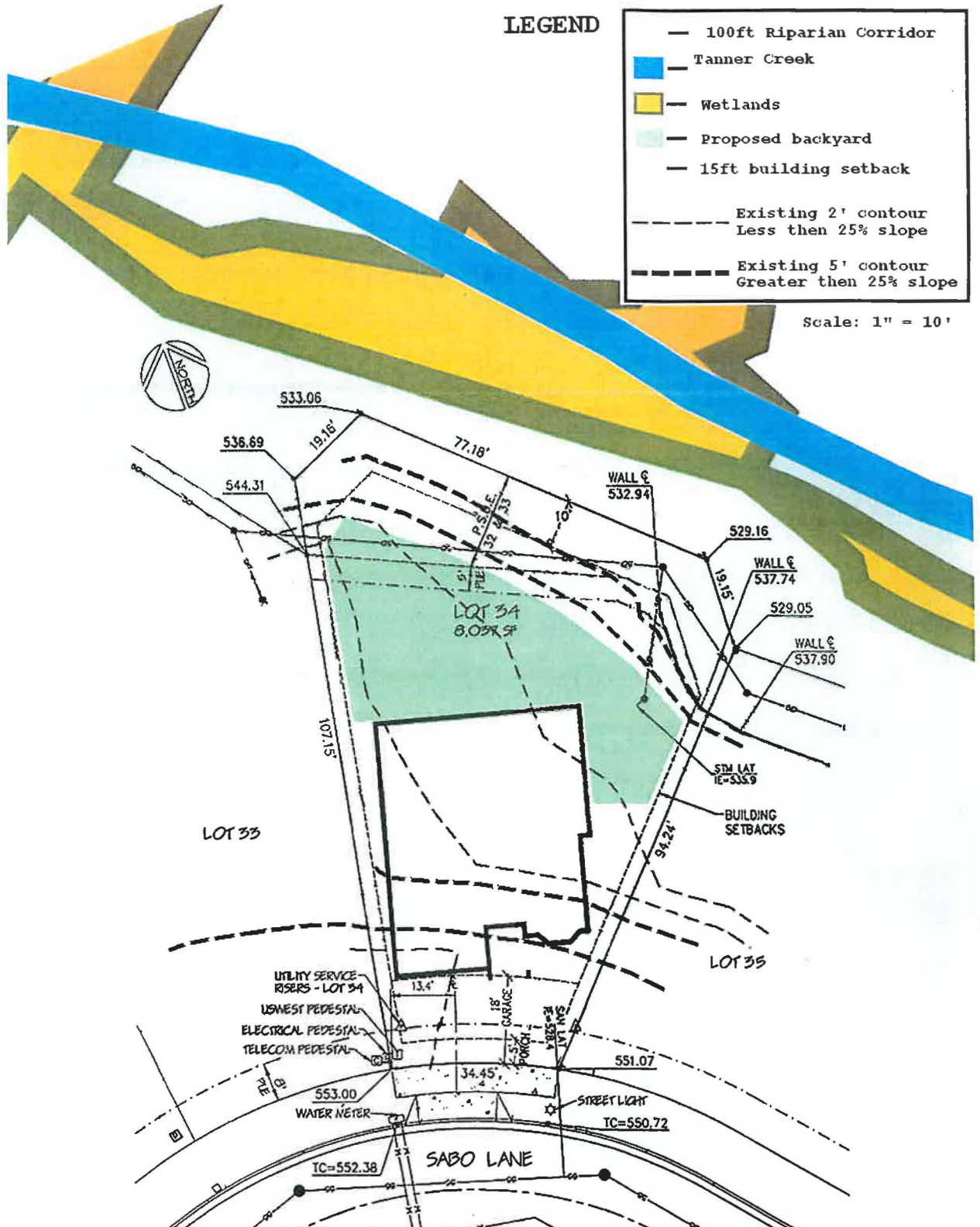
All relevant materials in the above noted file are available for inspection at no cost, also available on the city web site at <http://westlinnoregon.gov/planning/3232-sabo-lane-water-resources-area-permit> or copies may be obtained for a minimal charge per page. Although there is no public hearing, 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, July 22, 2010**, 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@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov).

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.

**LEGEND**

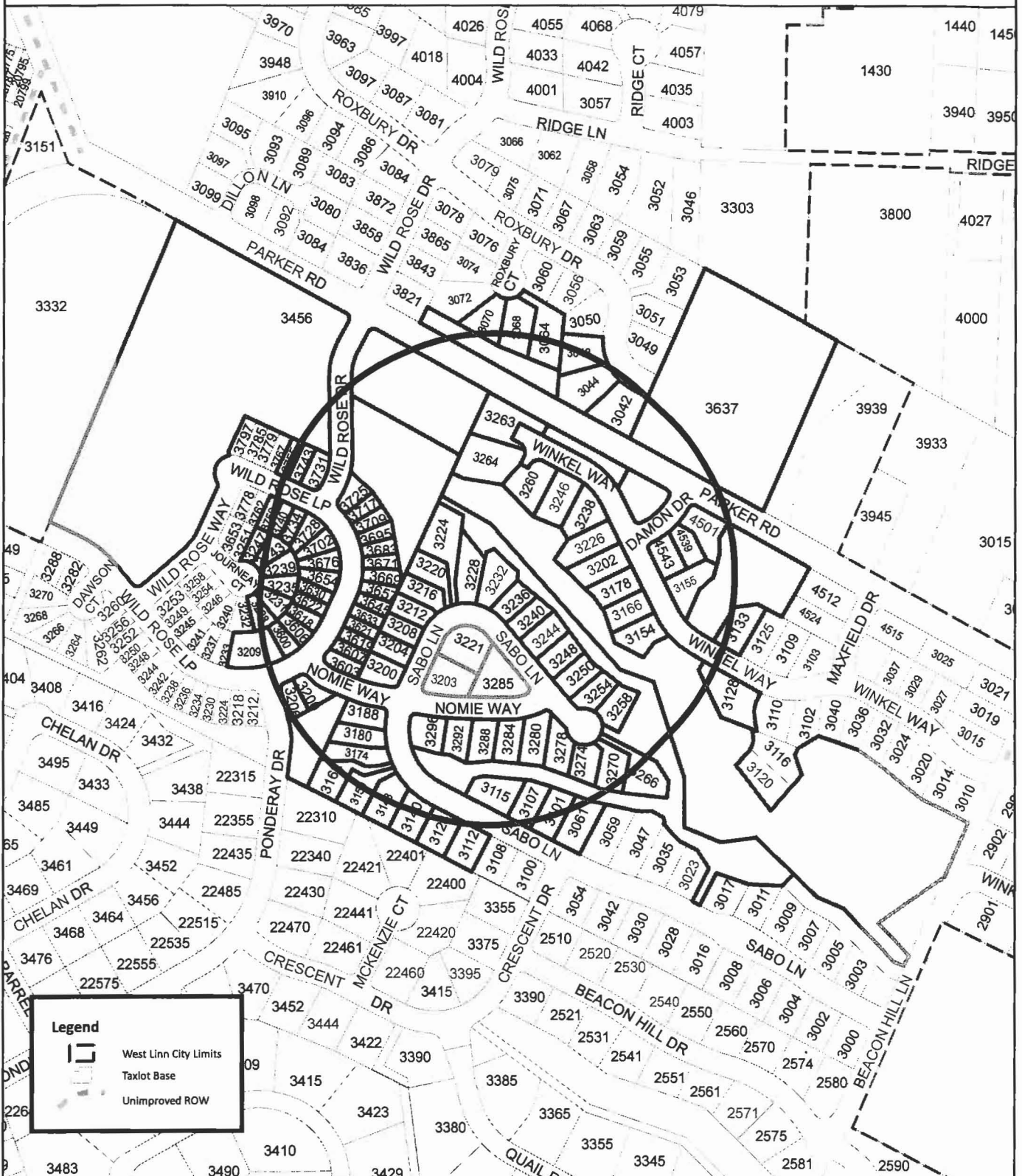
- 100ft Riparian Corridor
- Tanner Creek
- Wetlands
- Proposed backyard
- 15ft building setback
- Existing 2' contour  
Less than 25% slope
- Existing 5' contour  
Greater than 25% slope

Scale: 1" = 10'



Laura and Damon Sabo 2179 Hidden Springs Ct. West Linn, OR 97068 (503) 810-7226	ROGERFIELD 3252 SABO LANE LOT 34
--	--

# WAP-10-02 3232 Sabo Lane



**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: Metro RLIS

NOT TO SCALE



SNAPNOTIFY.MXD / AHA APP 6-16-09

User Name: T Zak  
 Map Creation Date: Jun 29, 2010

46



AITCHISON THOMAS P & JAN  
3048 ROXBURY DR  
WEST LINN OR 97068

ALLIGOOD MICHAEL & SUZANNE  
3124 SABO LN  
WEST LINN OR 97068

ANDREWS BRUCE B & THERESA L  
3228 JOURNEY CT  
WEST LINN OR 97068

BACIGALUPI CLIFFORD M JR  
3228 SABO LN  
WEST LINN OR 97068

BAILEY LANCE DON & LESLIE  
3061 SABO LN  
WEST LINN OR 97068

BARANY BELA  
3254 SABO LN  
WEST LINN OR 97068

BASAK INDRANIL & GLORIA  
3622 WILD ROSE LOOP  
WEST LINN OR 97068

BETTERMANN SPENCER G & LEAH  
3258 SABO LN  
WEST LINN OR 97068

BISENIUS PATRICIA G  
3702 WILD ROSE LOOP  
WEST LINN OR 97068

BRIGGS DAVID C & KAREN E  
3288 NOMIE WAY  
WEST LINN OR 97068

BROWNE MICHAEL E  
3600 WILD ROSE LOOP  
WEST LINN OR 97068

BUTUSO DAYNA M  
3231 JOURNEY CT  
WEST LINN OR 97068

CHAN ALLAN S & ELLEN Y P  
2185 ALPINE DR  
WEST LINN OR 97068

CHAN CHENG SUNG  
3280 NOMIE WAY  
WEST LINN OR 97068

CHIANG GILBERT W & APRIL J  
3220 SABO LN  
WEST LINN OR 97068

CHUN GLENN C & KYE H  
3246 WINKEL WAY  
WEST LINN OR 97068

CIHAK PAUL J  
3266 SABO LN  
WEST LINN OR 97068

CORDELL BARBARA A  
3206 WILD ROSE LOOP  
WEST LINN OR 97068

CRAMER ESTHER TRUSTEE  
3148 SABO LN  
WEST LINN OR 97068

DIMM JEFFREY B & AMY L  
3447 COEUR D ALENE DR  
WEST LINN OR 97068

EDWARDS JULIE A  
3107 SABO LN  
WEST LINN OR 97068

EGAN LISA & RAYMOND  
3292 NOMIE WAY  
WEST LINN OR 97068

EMMETT JAMES R & ALICE S  
PO BOX 81  
WEST LINN OR 97068

ESTEVE PABLO H  
3755 WILD ROSE LOOP  
WEST LINN OR 97068

EVALLE MINDA M  
3600 SW 170TH AVE  
BEAVERTON OR 97006

FARNHAM ERNEST J  
3208 SABO LN  
WEST LINN OR 97068

FINNERTY STEVEN M & STACEY J  
3216 SABO LN  
WEST LINN OR 97068

FRANZEN PAUL M & KRIS M  
3064 ROXBURY CT  
WEST LINN OR 97068

FROIDCOEUR BERNARD JOSEPH &  
3284 NOMIE WAY  
WEST LINN OR 97068

GARCIA GREGORY P & JULIE S YU  
3236 SABO LN  
WEST LINN OR 97068

GOLDEN JOSHUA M  
3250 SABO LN  
WEST LINN OR 97068

GRANT MARSEA L  
3044 ROXBURY DR  
WEST LINN OR 97068

GRAY AMY H  
3654 WILD ROSE LOOP  
WEST LINN OR 97068

GREEN MARVIN L  
3112 SABO LN  
WEST LINN OR 97068

GUERINS KENNETH & CHRISTINA  
2109 CLUB HOUSE DR  
WEST LINN OR 97068

HARDING CARY & ALICIA Z  
3264 WINKEL WAY  
WEST LINN OR 97068

HE HAOLI  
3203 SABO LN  
WEST LINN OR 97068

HEATH ANDREW P  
3734 WILD ROSE LOOP  
WEST LINN OR 97068

HERBERT ANNE E  
3671 WILD ROSE LOOP  
WEST LINN OR 97068

HOPKINS DANIEL G & CONNIE L  
3285 NOMIE WAY  
WEST LINN OR 97068

HOSS CLARK  
2709 RIDGE LN  
WEST LINN OR 97068

HUNT CHARMAINE L & WILLIAM S  
15748 BOONES WAY  
LAKE OSWEGO OR 97035

ISAACSON DOUGLAS & DAWN  
3235 JOURNEAY CT  
WEST LINN OR 97068

KAPOOR ASHISH  
3270 SABO LN  
WEST LINN OR 97068

KEIZUR TERESA L  
3676 WILD ROSE LOOP  
WEST LINN OR 97068

KOCZIAN KAROLY K  
3180 SABO LN  
WEST LINN OR 97068

KRISHNAN AMUDHAN & M  
3274 SABO LN  
WEST LINN OR 97068

LEPINE BRYAN C  
3188 SABO LN  
WEST LINN OR 97068

LOVETT RYAN & ELIZABETH K  
3657 WILD ROSE LOOP  
WEST LINN OR 97068

M & T BANK  
5285 MEADOWS RD STE 290  
LAKE OSWEGO OR 97035

MACKENZIE ROSE HO ASSN  
4386 SW MACADAM AVE STE 102  
PORTLAND OR 97239

MARES JESSIKA G  
3743 WILD ROSE LOOP  
WEST LINN OR 97068

MARKS ROBERT W  
3618 WILD ROSE LOOP  
WEST LINN OR 97068

MAUST TREY C & ELIZABETH A  
3162 SABO LN  
WEST LINN OR 97068

MAXFIELD OWNERS ASSN  
12755 SW 69TH AVE #100  
PORTLAND OR 97223

MAZZIA KENT W & MISTI L  
3240 SABO LN  
WEST LINN OR 97068

MCBRIDE TODD & JULIA  
3740 WILD ROSE LOOP  
WEST LINN OR 97068

MCDOWELL RALPH D TRUSTEE  
3200 SABO LN  
WEST LINN OR 97068

MELIGAN JACK L  
4543 DAMON DR  
WEST LINN OR 97068

MOORE MICHAEL G & STEPHANIE J  
3133 WINKEL WAY  
WEST LINN OR 97068

MORAN SHERI L  
3070 ROXBURY CT  
WEST LINN OR 97068

MORROW CRAIG T  
3042 ROXBURY DR  
WEST LINN OR 97068

MURPHY TIMOTHY P TRUSTEE  
4960 IRELAND LN  
WEST LINN OR 97068

NARAYANAN ANANTA & K  
RAMASWAMY  
3244 SABO LN  
WEST LINN OR 97068

NG EDWIN  
3212 SABO LN  
WEST LINN OR 97068

NGUYEN KHANH B & PHUONG V  
3607 WILD ROSE LOOP  
WEST LINN OR 97068

PETERSON JANET M TRUSTEE  
3645 WILD ROSE LOOP  
WEST LINN OR 97068

PINELLI FRANK V & JOANNE A  
3068 ROXBURY CT  
WEST LINN OR 97068

PRELIGERA EMERSON T  
3115 SABO LN  
WEST LINN OR 97068

RICHMOND ALICE KELLEDJIAN  
3939 PARKER RD  
WEST LINN OR 97068

ROBERTS MICHAEL ALAN &  
BARBARA K  
3200 WILD ROSE LOOP  
WEST LINN OR 97068

SABO DAMON J & LAURA PADILLA  
2179 HIDDEN SPRINGS CT  
WEST LINN OR 97068

SABO SAMUEL R CO-TRUSTEE  
18171 S WALDOW RD  
OREGON CITY OR 97045

SARRAM MASOUD MAC  
3695 WILD ROSE LOOP  
WEST LINN OR 97068

SCHULTZ TED J & AMY E  
3278 SABO LN  
WEST LINN OR 97068

SCHWARZ SHAWN & ADENIKE  
3731 WILD ROSE DR  
WEST LINN OR 97068

SIEGEL MARCIA C & J D KITTRELL  
3243 JOURNEAY CT  
WEST LINN OR 97068

SKOCZYLAS MELISSA  
3709 WILD ROSE LOOP  
WEST LINN OR 97068

SONNEN CLAUDIA  
23172 SW STAFFORD RD  
TUALATIN OR 97062

SOYK KEVIN J  
3221 SABO LN  
WEST LINN OR 97068

STEIN GREGORY SCOTT & AMANDA  
3606 WILD ROSE LOOP  
WEST LINN OR 97068

STREIFEL GERARD & KATHLEEN  
3154 WINKEL WAY  
WEST LINN OR 97068

SUNSET STAR GROUP CORP CORP  
3296 NOMIE WAY  
WEST LINN OR 97068

TIBBETTS DANIEL & R  
3204 SABO LN  
WEST LINN OR 97068

TIBBETTS DANIEL & R  
3204 SABO LN  
WEST LINN OR 97068

TURNER MICHAEL K  
3756 WILD ROSE LOOP  
WEST LINN OR 97068

TYACK JAMES H & LISA M  
PO BOX 749  
CLATSKANIE OR 97016

WARNER MARSHA M  
3717 WILD ROSE LOOP  
WEST LINN OR 97068

WORRALL DAN & BERNADETTE  
3248 SABO LN  
WEST LINN OR 97068

ZOGBY BONNIE A  
3621 WILD ROSE LOOP  
WEST LINN OR 97068

TAMI HUBERT  
 OREGON DEPT OF STATE LANDS  
 775 SUMMER ST NE  
 SALEM OR 97301-1279

BILL DAVIS  
 US ARMY CORPS OF ENGINEERS  
 PO BOX 2946  
 PORTLAND OR 97208

HABITAT BIOLOGIST  
 OREGON DEPT OF FISH & WILDLIFE  
 18330 NW SAUVIE ISLAND RD  
 PORTLAND OR 97231

STEVE GARNER  
 BHT NA PRESIDENT  
 3525 RIVERKNOLL WAY  
 WEST LINN OR 97068

ALMA COSTON  
 BOLTON NA DESIGNEE  
 PO BOX 387  
 WEST LINN OR 97068

SALLY MCLARTY  
 BOLTON NA PRESIDENT  
 19575 RIVER RD # 64  
 GLADSTONE OR 97027

SUSAN VAN DE WATER  
 HIDDEN SPRINGS NA DESIGNEE  
 6433 PALOMINO WAY  
 WEST LINN OR 97068

ALEX KACHIRISKY  
 HIDDEN SPRINGS NA PRESIDENT  
 6469 PALOMINO WAY  
 WEST LINN OR 97068

JEFF TREECE  
 MARYLHURST NA PRESIDENT  
 1880 HILLCREST DR  
 WEST LINN OR 97068

BILL RELYEA  
 PARKER CREST NA PRESIDENT  
 3016 SABO LN  
 WEST LINN OR 97068

KEVIN BRYCK  
 ROBINWOOD NA DESIGNEE  
 18840 NIXON AVE  
 WEST LINN OR 97068

THOMAS BOES  
 ROBINWOOD NA PRESIDENT  
 18717 UPPER MIDHILL DR  
 WEST LINN OR 97068

DEAN SUHR  
 ROSEMONT SUMMIT NA PRESIDENT  
 21345 MILES DR  
 WEST LINN OR 97068

DAVE RITTENHOUSE  
 SAVANNA OAKS NA PRESIDENT  
 2101 GREENE ST  
 WEST LINN OR 97068

KRISTIN CAMPBELL  
 SKYLINE RIDGE NA PRESIDENT  
 1391 SKYE PARKWAY  
 WEST LINN OR 97068

TROY BOWERS  
 SUNSET NA PRESIDENT  
 2790 LANCASTER ST  
 WEST LINN OR 97068

DOREEN VOKES  
 SUNSET NA SEC/TREAS  
 4972 PROSPECT ST  
 WEST LINN OR 97068

BETH KIERES  
 WILLAMETTE NA PRESIDENT  
 1852 4TH AVE  
 WEST LINN OR 97068

Total 108



CITY OF

**West Linn**

**PLANNING AND DEVELOPMENT**

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**FILE NO.:**            **WAP-10-02**

**REQUEST:**        **PERMIT TO BUILD A SINGLE-FAMILY HOME ON A LOT  
OF RECORD PARTIALLY IN THE TRANSITION AREA OF  
TANNER CREEK AND ADJACENT WETLAND**

**APPLICANTS SUBMITTAL**

### 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.

#### Inventory of vegetation:

- 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.
- A non-native invasive species (blackberries) accounts for ~25% of the ground cover.
- Only 1% of the property falls under canopy coverage provided by a tree off the property (in east corner).

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:

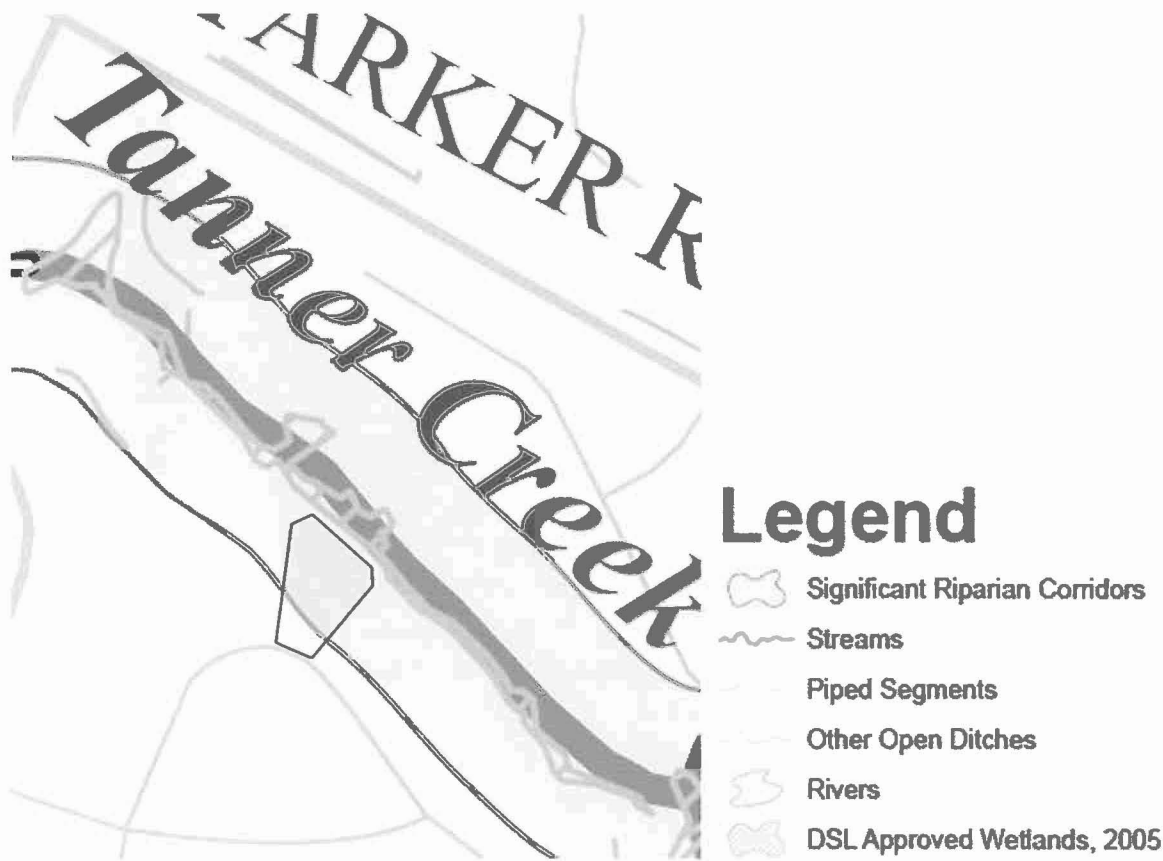


Figure 32.050-A3: Location of lot in relation to riparian corridor (Source: Significant Riparian Corridors, West Linn Goal 5 Inventory, Jan 2007; blown up to 400%)

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.

- Landowner's original desire was to utilize the entire property by putting up a retaining wall at the back property line and infilling the lower tier to be level with the upper tier. This would increase the usable back yard by approximately 50%. The three neighbors directly to the east of the landowner's property all have retaining walls. The land owner wanted to continue the existing retaining wall. The landowner highly values the usable size of the back yard, as well as recognizes the added property value of maximizing the utility of their land.
- In order to minimize adverse impact on the water resource area, the land owner has sacrificed the additional functionality and personal use of their property, as well as the increase resell value provided by the retaining wall. Instead, the property owner has proposed only utilizing the area on the upper tier of their property. In addition, the property owner has provided plans to revegetate the lower tier.
  1. See specific Mitigation Plan detailed in 32.070 for upper tier
  2. See specific Revegetation Plan detailed in 32.080 for lower tier

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.

- For the lower tier not being developed, the landowner is proposing a protective easement following the 539 foot elevation line.

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

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

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 this property (Lot 34), were engineered and approved by the city as a result of SUB-99-02. The proposed house will not alter existing drainage ways or soil stabilization within the water resource area as engineered by OTAK and completed by Centex in 2002-2003. The proposed house will be connected to a storm drainage system already existing on site (completed as part of Rogerfield project), which was engineered to accommodate a house on this property.

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

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 ¼ 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

### 32.070 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 +/-

LpD

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.

604

### 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;

- The following uses are permitted outright in this zone (R-7).

1. Single-family detached residential unit.
2. Single-family attached residential units.
3. Community recreation.
4. Family day care. (ORD. 1226)
5. Residential home. (ORD. 1500)
6. Utilities, minor.
7. Transportation facilities (Type I) (ORD. 1584)

All other properties in the Rogerfield neighborhood are single-family detached residential units. In order to avoid loss of all economically viable use of the lot, the property needs to conform to the neighborhood and therefore must also be a single-family detached residential unit.

- Development on the lot will not disturb more than 5,000 sqst 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

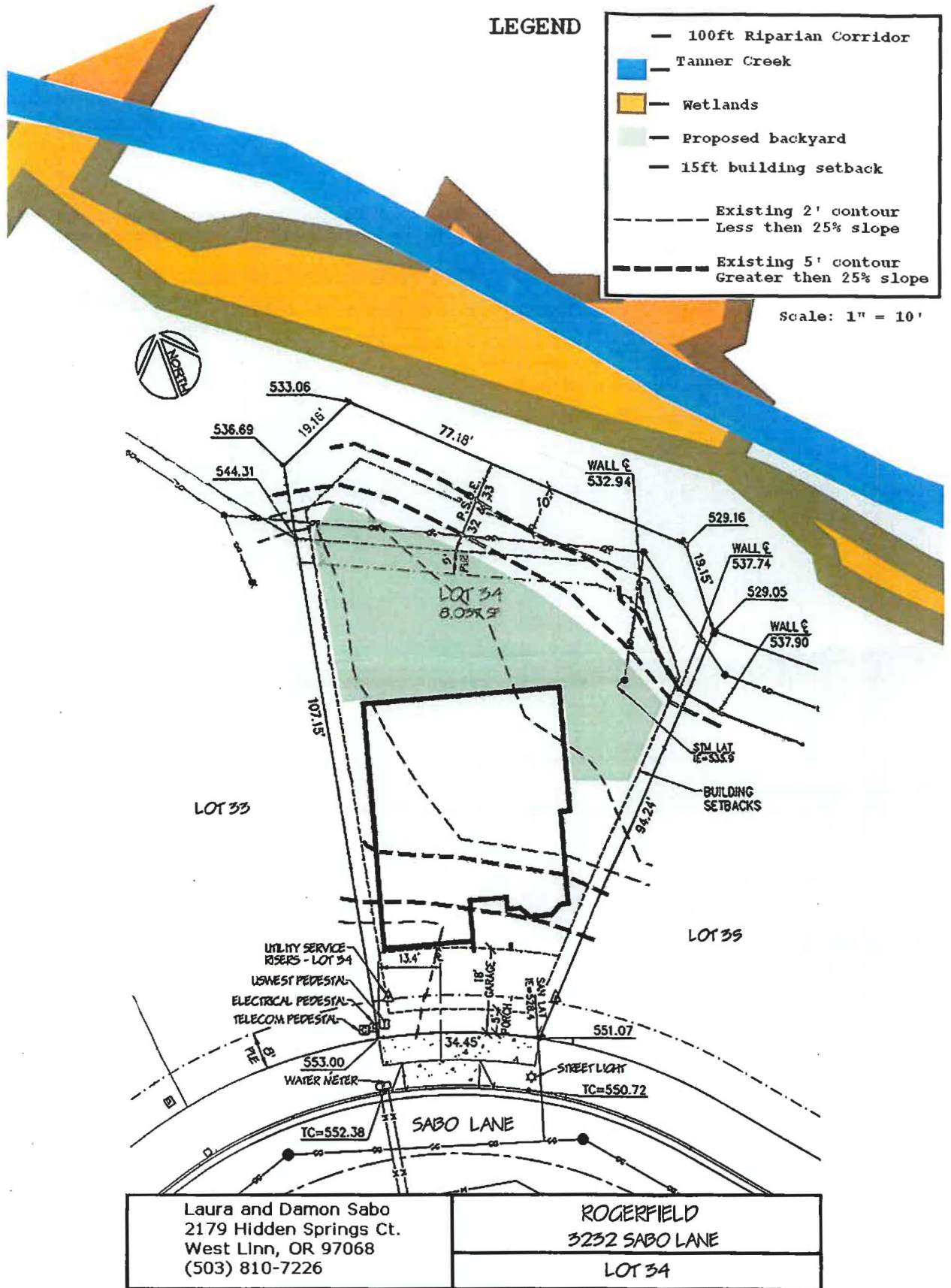
D. Any further reduction of the standards of this chapter shall require approval of a Variance pursuant to CDC Chapter 75.

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

**LEGEND**

- 100ft Riparian Corridor
- Tanner Creek
- Wetlands
- Proposed backyard
- 15ft building setback
- - - Existing 2' contour  
Less than 25% slope
- - - Existing 5' contour  
Greater than 25% slope

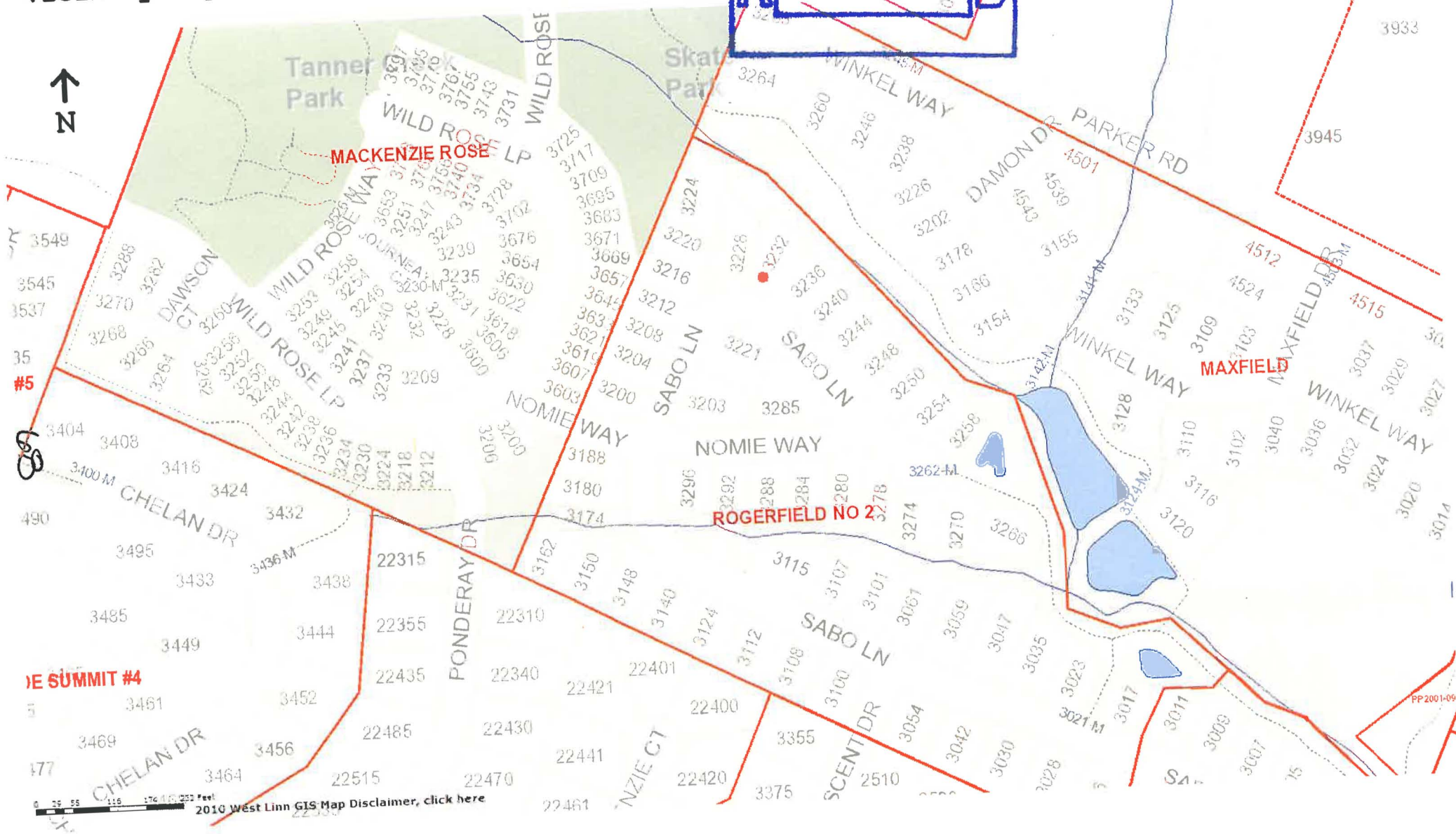
Scale: 1" = 10'



Vicinity map: 3232 Sabo Ln.



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



#5

IE SUMMIT #4

PP2001-09

Vicinity map: 3232 Sabo Ln.

RECEIVED  
JUN 25 2010

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



# Restoration Area - Field's Bridge Park

RECEIVED  
JUN 25 2010

710



City of West Linn GIS (Geographic Information System), SnapMap Date: 5/6/2010

Scale: 140 Feet

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.

Water Resource Area Hardship Application

3232 Sabo Lane

Laura and Damon Sabo  
2179 Hidden Springs Ct.  
West Linn, OR 97068  
503-810-7226

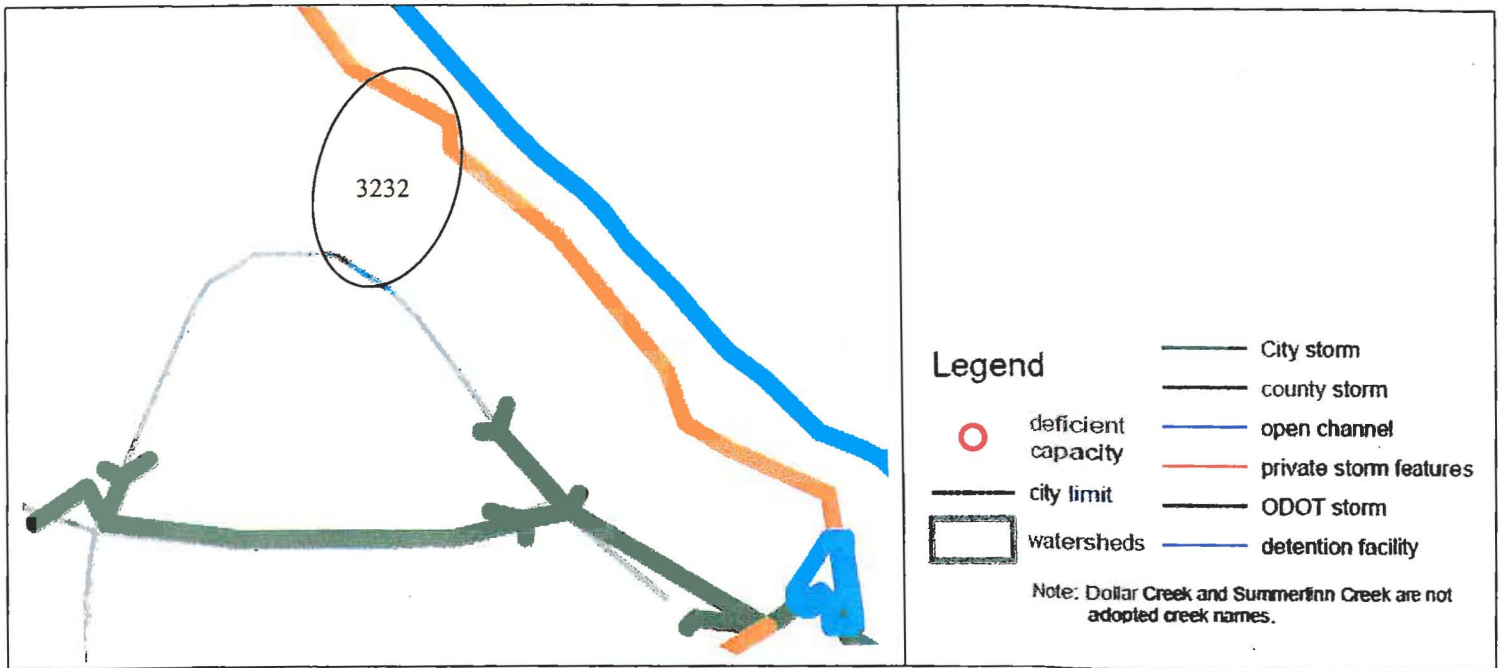


### 32.050 APPROVAL CRITERIA

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:



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:

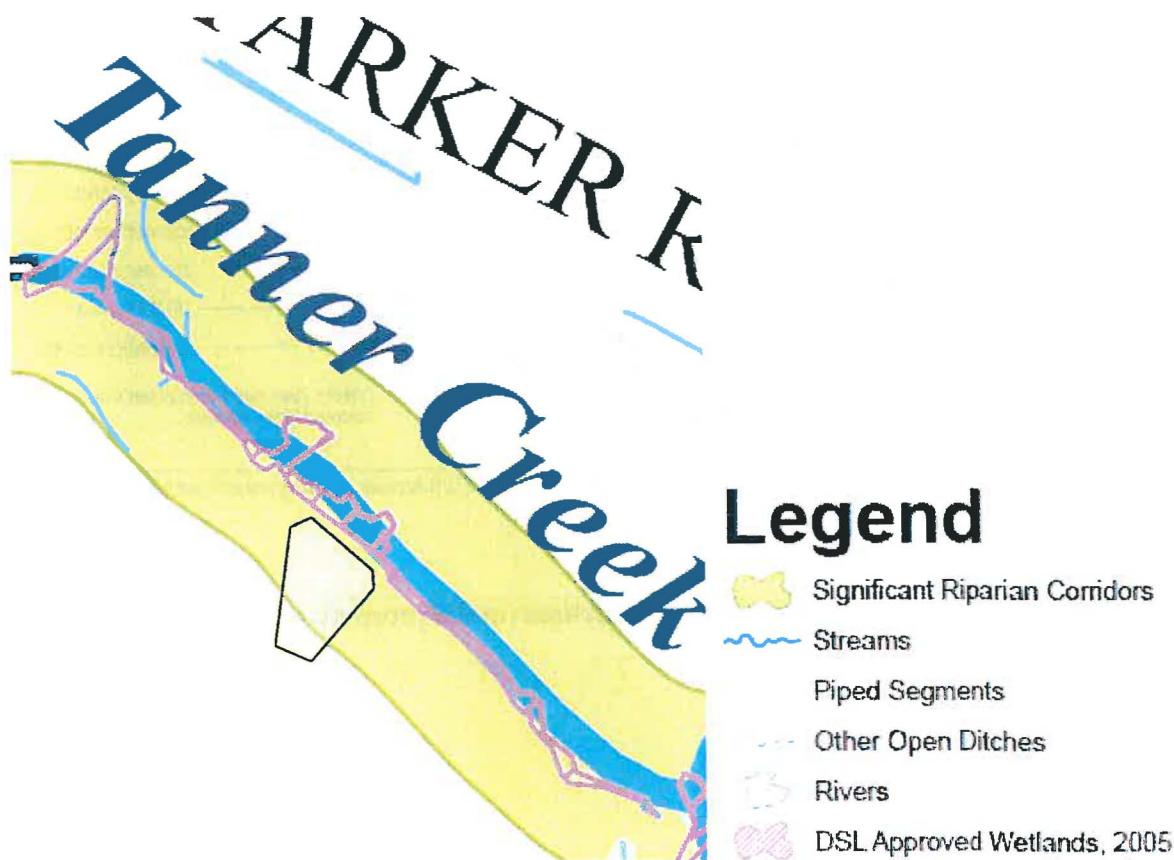


Figure 32.050-A3: Location of lot in relation to riparian corridor (Source: Significant Riparian Corridors, West Linn Goal 5 Inventory, Jan 2007; blown up to 400%)

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

7A-10-02



# 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 (433)810-7226

OWNER'S	ADDRESS	CITY	ZIP	PHONE(res. & bus.)
---------	---------	------	-----	--------------------

APPLICANT'S	ADDRESS	CITY	ZIP	PHONE(res. & bus.)
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CONSULTANT	ADDRESS	CITY	ZIP	PHONE
------------	---------	------	-----	-------

SITE LOCATION 3232 Sabo Ln

Assessor's Map No.: 21E25CC 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 Damon 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**

Soppe, Tom

From: Soppe, Tom  
Sent: Tuesday, August 10, 2010 10:19 AM  
To: 'JAMES COLLINS'  
Subject: RE: FW: Sabo Lot

Thank you

Tom Soppe

Associate Planner

City of West Linn

22500 Salamo Road

West Linn, OR 97068

ph. (503) 742-8660

fax (503) 656-4106

[tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov)



From: JAMES COLLINS [mailto:jcollins@mtb.com]  
Sent: Tuesday, August 10, 2010 10:12 AM  
To: Soppe, Tom  
Subject: Re: FW: Sabo Lot

Hi Tom,

Thanks for your response. I see the plat attached and unfortunately it doesn't satisfy our concerns regarding the usable yard size for the lot. It does make an improvement on the side yard; however, the back yard is still much too small for usable space. The ~17 foot set back from the back of the house is not sufficient for homes in the neighborhood. It seems the natural break would be the hillside or very near the hill. This would give a backyard that would be comparable to other homes in the neighborhood and allow the home to be considered comparable in our underwriting guidelines.

Thanks again for your time.

Jim

Jim Collins  
M&T Bank, Vice President  
West Division Construction Manager  
4949 SW Meadows Rd Ste 500  
Lake Oswego OR 97035  
Direct Line: 503-534-4678  
E-Mail: [jcollins@mtb.com](mailto:jcollins@mtb.com)

>>> "Soppe, Tom" <[tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov)> 8/9/2010 4:28 PM >>>

Mr. Collins

Thank you for your communication regarding the Sabo land use application. What we actually have been planning to propose is a condition in which all of the green shaded areas on the attached map are allowed to be usable backyard area without the riparian area restrictions (this counts both the green shaded areas against the light gray and the darker gray on the attachment. Does this modify the content of your response?

Thanks for your help.

Tom Soppe

Associate Planner

City of West Linn

22500 Salamo Road

West Linn, OR 97068

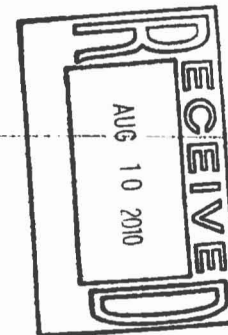
ph. (503) 742-8660

fax (503) 656-4106

[tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov)

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8/10/2010



**Soppe, Tom**

**From:** Padilla, Laura Y [laura.y.padilla@intel.com]  
**Sent:** Monday, August 09, 2010 7:38 PM  
**To:** Soppe, Tom  
**Subject:** RE: Sabo Hardship

Tom,

Welcome back. Hope you had a nice vacation.

Per John's direction, we have agreed to an extension of "a commensurate amount of time". Given that Jim was able to respond so quickly after returning from vacation this morning, we don't need as more time. So if the city wants to add 1 day to the 120-day clock to account for today, that would be fine.

We have provided in writing a bank's rejection, stating the city's water resource area restrictions as the sole reason for rejection. The bank West Linn staff consulted also brought up similar issues as M&T: both banks effectively stating "functional obsolescence" as a primary concern.

The other information referred to in our email agreeing to an extension sent this morning was comp analysis of homes in Rogerfield. While it was summarized in the prior email, here is the full data:

Rogerfield Address	Price	date sold	Square footage	Lot size	Acres	Status	Days on Market	RMLS	Assessment of backyard
<b>Still on market 1 yr or withdrawn</b>									
3054 Sabo Lane	549,900	N/A	3901	7K-9999SF	0.18	Active	375	9052463	medium sized for Rogerfield
3023 Sabo Lane	647,000	N/A	4632	5K-6,999SF	0.17	Withdrawn	318	9062151	no useable backyard, all plants on a slope
<b>Same size home, smaller lot, minimal-small backyard</b>									
3248 Sabo Lane	381,000	4/2/2010	3935	5K-6,999SF	0.14	Sold	304 (at least)	9014626/10001019	minimal useable backyard
3292 Nomie Way	445,000	3/19/2010	3984	5K-6,999SF	0.12	Sold	269	9080820	small useable backyard
<b>Same size home, same sized lot, large useable backyard</b>									
3266 Sabo Lane	525,000	7/26/2010	3426	7K-9999SF	0.21	Sold	180 (at least)	9061721/10021457	large useable backyard
3007 Sabo Lane	529,950	6/23/2010	3403	7K-9999SF	0.17	Sold	178	9088400	large useable backyard

We continue to argue that the top of bank is the minimum the city can define and be in compliance with 32.090 in providing the owner with "economically viable use of land". In truth, the data is actu suggesting that we need the entire 8037 sqft lot, with the lot restrictions returning to the original Rogerfield PUD – making our lot just like all the other lots in the neighborhood.

Thanks,  
 Laura and Damon

8/10/2010

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## Soppe, Tom

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**From:** Soppe, Tom  
**Sent:** Monday, August 09, 2010 4:24 PM  
**To:** Damon Sabo; 'Padilla, Laura Y'  
**Attachments:** SPWKonica10080915140.pdf






Damon and Laura

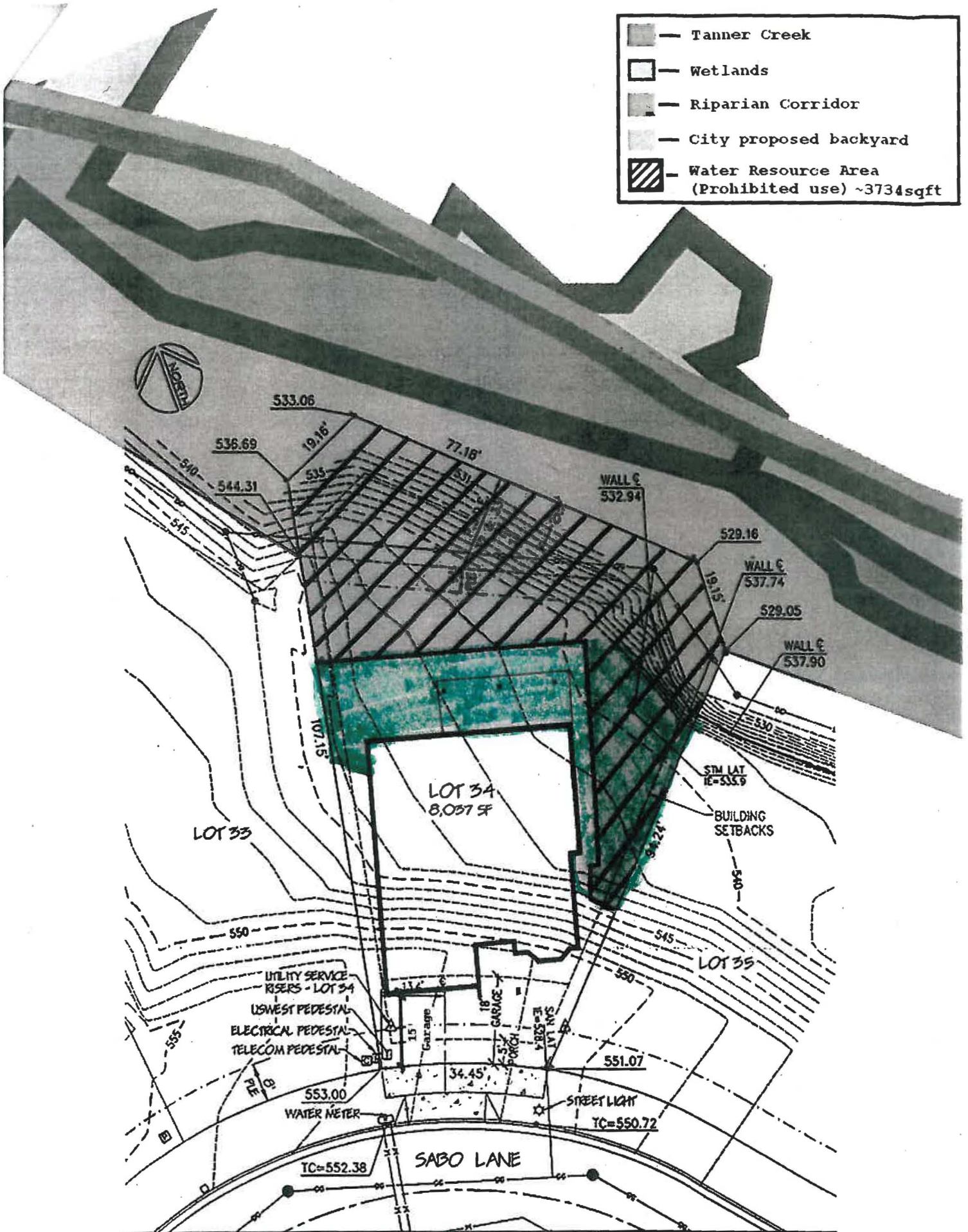
Due to a misunderstanding between John and I, I didn't phrase Condition 2 the way it was really intended to be put forth to you in the draft we sent a couple of weeks ago. I've taken your "city proposed backyard" map and revised it (see green on attached map) to match the intended wording of the condition, which is now drafted below:

2. Rear yard. The developed rear yard area within the transition area (as measured 100 feet perpendicular to Tanner Creek and shown on the site plan) shall be limited to the area lying south of a line drawn east from the west property line at a point 17 feet north of the rear of the house (measured from the house placement required by Condition of Approval 3), east from this point to the top of the ravine, then southeast along the top of the ravine to the east boundary of the lot. This shall exclude any areas at the northeast corner of the lot that are outside the "proposed backyard" area as proposed on the applicant's site plan. All remaining areas on site within the transition area shall be placed in a conservation easement. This easement shall be recorded with Clackamas County before the final certificate of occupancy is issued for the house.

We're providing this now to you and to Mr. Collins.

Tom Soppe  
Associate Planner  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068  
ph. (503) 742-8660  
fax (503) 656-4106  
[tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov)

-  — Tanner Creek
-  — Wetlands
-  — Riparian Corridor
-  — City proposed backyard
-  — Water Resource Area (Prohibited use) ~3734sqft



<p><b>City proposed backyard</b></p> <p>Backyard = ~ 1080sqft          Water Resource Area = ~ 3734sqft          W.R.A. ratio = ~ 46.5% of lot</p>	<p style="text-align: center;">78      ROGERFIELD          3232 SABO LANE          LOT 34</p>
--	---

**Soppe, Tom**

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**From:** PWKonica@ci.west-linn.or.us  
**Sent:** Monday, August 09, 2010 5:15 PM  
**To:** Soppe, Tom  
**Subject:** Message from PWKonica  
**Attachments:** SPWKonica10080915140.pdf



Soppe, Tom

From: Soppe, Tom  
Sent: Monday, August 09, 2010 4:28 PM  
To: 'jcollins@mtb.com'  
Subject: FW: Sabo Lot  
Attachments: SPWKonica10080915140.pdf

Mr. Collins

Thank you for your communication regarding the Sabo land use application. What we actually have been planning to propose is a condition in which all of the green shaded areas on the attached map are allowed to be usable backyard area without the riparian area restrictions (this counts both the green shaded areas against the light gray and the darker gray on the attachment. Does this modify the content of your response?

Thanks for your help.

Tom Soppe

Associate Planner

City of West Linn

22500 Salamo Road

West Linn, OR 97068

ph. (503) 742-8660

fax (503) 656-4106

tsoppe@westlinnoregon.gov

From: Sonnen, John  
Sent: Monday, August 09, 2010 3:21 PM  
To: Soppe, Tom  
Subject: FW: Sabo Lot

John Sonnen, Planning Director  
Planning and Building, #1524

*West Linn Sustainability* Please consider the impact on the environment before printing a paper copy of this email.  
*Public Records Law Disclosure* This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: JAMES COLLINS [mailto:jcollins@mtb.com]  
Sent: Monday, August 09, 2010 2:00 PM  
To: Sonnen, John  
Cc: damon.sabo@gmail.com; laura.y.padilla@intel.com  
Subject: Sabo Lot

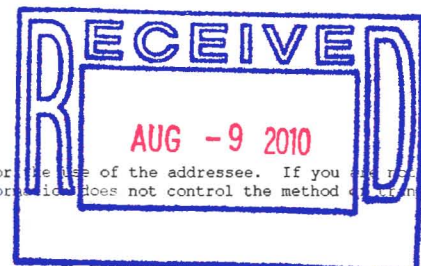
Hi John,

Damon Sabo asked that I send you a letter, which is attached, clarifying why M&T Bank will not finance the vertical construction on the Sabo's lot given the current lot "green" space restrictions. Please see attached letter and feel free to contact me with any questions.

Thanks  
Jim

Jim Collins  
Vice President  
M&T Bank (NYSE:MTB)  
4848 SW Meadows Rd Ste 500  
Lake Oswego OR 97035  
Office: 503-534-4878  
E-Mail: jcollins@mtb.com

\*\*\*\*\*  
This email may contain privileged and/or confidential information that is intended solely for the use of the addressee. If you are not the intended recipient, you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake. Please do not control the method of transmission.  
\*\*\*\*\*





M&T Bank  
Jim Collins  
Vice President  
4949 SW Meadows Rd Ste 500  
Lake Oswego OR 97035

Office: 503-534-4676

Email: jcollins@mtb.com

Date: 8/9/10

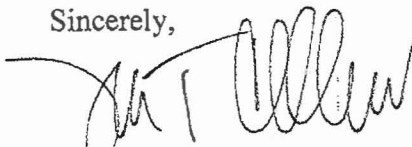
City of West Linn  
John Sonnen

Dear John Sonnen:






This letter is regarding a lot owned by Damon Sabo in West Linn. Mr. Sabo has approached M&T Bank to secure construction financing on the lot. During the course of our due diligence we discovered that the lot has a "green space" easement, for lack of a better term, attached to the property. My understanding is that it creates a "green" or "wetland" use for much of the lot. M&T will not be able to provide financing on the lot with the amount of "green" land allocated because it greatly diminishes the property compared to the like properties in the neighborhood. Our main concern is that the home has the same value as like homes in the neighborhood. With the amount of the lot being allocated to "green" space it creates a lot where the home owner can't create a yard. In the adjacent subdivision, Marxfield, the lots take advantage of the "green" space for views, yet provide the home owner with a yard.

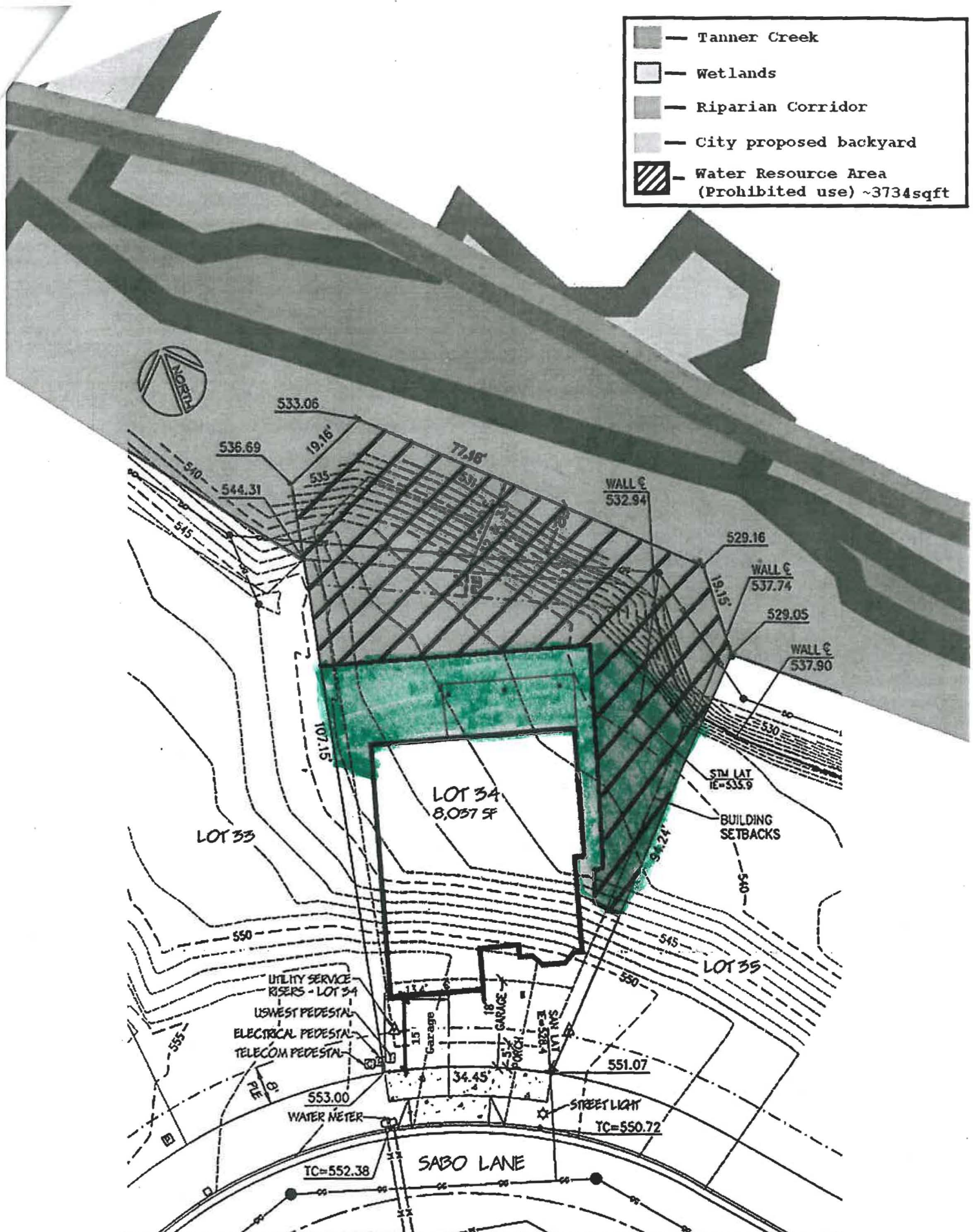
Mr. Sabo ask that I write you to give some clarity why M&T will not be able to provide the home construction financing given the current lot v. "green" space allocation. Please don't hesitate to call me with any questions.

Sincerely,



Jim Collins

-  — Tanner Creek
-  — Wetlands
-  — Riparian Corridor
-  — City proposed backyard
-  — Water Resource Area (Prohibited use) ~3734sqft



<p><b>City proposed backyard</b>          Backyard = ~ 1080sqft          Water Resource Area = ~ 3734sqft          W.R.A. ratio = ~ 46.5% of lot</p>	<p><b>ROGERFIELD</b>  <b>82</b> 3232 SABO LANE          LOT 34</p>
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**Soppe, Tom**

**From:** Soppe, Tom  
**Sent:** Monday, August 09, 2010 1:11 PM  
**To:** 'Padilla, Laura Y'; Sonnen, John  
**Cc:** Damon Sabo  
**Subject:** RE: Sabo Hardship

Laura and Damon,

Thanks for this response. I see that you are agreeing to the extension of the 120 days. Can you specifically agree to a 4-week extension? (3 weeks to get us the specific statements and data you discuss, another week for us to review and make the final decision)

Please let me know ASAP after you receive this. Thank you.

Tom Soppe  
 Associate Planner  
 City of West Linn  
 22500 Salamo Road  
 West Linn, OR 97068  
 ph. (503) 742-8660  
 fax (503) 656-4106  
[tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov)

**From:** Padilla, Laura Y [mailto:laura.y.padilla@intel.com]  
**Sent:** Monday, August 09, 2010 12:35 PM  
**To:** Sonnen, John  
**Cc:** Soppe, Tom; Damon Sabo  
**Subject:** Sabo Hardship

John,

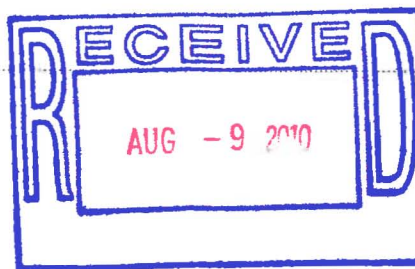
While we understand that the "burden of proof" is on us to prove that minimum economic viability is not being met by the city's proposal, we feel that the city has not performed due diligence in forming their conclusion and findings. In the draft proposal written by West Linn Planning department staff, the ability to get a construction loan was provided as the basis for determining economic viability. Using the ability to get a construction loan as the proof of economic viability is both flawed and incomplete. Additionally, the city does not appear to have incorporated the concerns raised by the bank they consulted.

The only information the city sites to prove economic viability for the subject property regarding the yard is that "for the most part, rear yard size is not a major part of the calculation of whether or not a construction loan would be granted for a house." Due to the restrictions placed on the lot, this is not a typical, "for the most part" situation. The bankers we have talked to have described this situation and the city's proposed restrictions on the yard usage as "highly unusual" and "strange". Using general rules to define the minimum economic viability for the subject property is clearly flawed (see issues #1). Most concerning of all, however, is that the city failed to take into consideration two extremely relevant details when defining minimum economic viability: ability to get a conventional loan post construction and ability to resell the property (see issue #2). If a conventional loan cannot be obtained post construction due to the city's restrictions, the subject property cannot be considered economically viable. Additionally, if the property cannot be sold at cost, due to the city's restrictions, then again the subject property cannot be considered economically viable. Being able to simply build a house on the property does not prove nor provide economic viability.

Below are the key issues with the draft report in more detail:

**Soppe, Tom**

**From:** Padilla, Laura Y [laura.y.padilla@intel.com]  
**Sent:** Monday, August 09, 2010 12:35 PM  
**To:** Sonnen, John  
**Cc:** Soppe, Tom; Damon Sabo  
**Subject:** Sabo Hardship



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Below are the key issues with the draft report in more detail:

Issue #1: Pacific West Bank representative never said that he would provide a construction loan for this lot, with the city's proposed restrictions. The following is the full response the city received, when asked about the proposed backyard for the subject property:

Appraisers almost never comment on the size of the back yard unless there is functional obsolescence (ie: power line, etc).

Having said that buyers may place a reasonable value on a back yard if they have children (say \$10,000). In this market it may be the difference in selling quickly or not at all. There are too many choices for buyers.

A buyer for your lot probably will not have children.

The city apparently did not follow up on or account for the concerning data provided by the bank quoted above.

- i. "Appraisers almost never comment on the size of the back yard unless there is functional obsolescence (ie: power line, etc)."

Given the unique nature of the land use restriction, the city should have followed up on the "functional obsolescence" statement. A restriction completely prohibiting functional use of the property clearly falls under "functional obsolescence."

SH

The bankers that we have talked with have stated that an appraiser would definitely comment on the land use restrictions of our property and that it would be an issue for being able to qualify for a construction loan.

- ii. "Having said that buyers may place a reasonable value on a back yard if they have children (say \$10,000). In this market it may be the difference in selling quickly or not at all. There are too many choices for buyers."

The bankers that we have talked with have stated that placing a value on the backyard of \$10,000 is extremely low.

The statement that the backyard may be the deference in a property selling "at all" is extremely concerning. The city needs to account for the ability to sell the property post construction, with the proposed land use restrictions. If the city's restrictions will make it impossible to sell the property, then the city has failed to provide minimum economic viability.

- iii. A buyer for your lot probably will not have children.

First, we are building on this lot because we are starting a family. Second, the type of house that can be built on this lot is by nature a family home. Who would be in the market for a multi-story home in the suburbs that did not have children? What is the demographic to whom we could sell this house, or even just the lot, with the proposed city restrictions?

The city cannot simply ignore the concerns raised by all bankers consulted, including those gathered by the city's consultant bank.

Issue #2: Most concerning of all, the city failed to take into consideration two extremely relevant details when defining minimum economic viability

1. Ability to get a conventional loan for the home post construction

The ability to get a conventional loan that covers the cost of the land and the home upon it is clearly a "MUST HAVE". A construction loan is designed to be a short-term loan used as a home is being built. Once the home is completed, it is then necessary for the home owner to obtain a conventional home loan, just like anyone purchasing an existing home. The bankers we have spoken with have said that not all construction loans have been converted to conventional loans due to abnormalities in the property, such as land use issues. The ability to simply get a construction loan is only one of many relevant factors when determining project feasibility and minimum economic viability.

2. Ability to sell the house
  - a. At cost
  - b. At all

Most simply stated, minimum economic viability should be defined as neither making a profit nor taking a loss (e.g. net zero). By this definition, we should be allowed the minimum use of our lot to ensure that we break even from building on our property. Securing a construction loan does not by itself prove that the minimum economic viability of the lot is met. Ability to turn around and sell the property is a much more robust and reasonable measure of minimum viability (which is what the bank will be concerned with when providing a conventional loan – again proving that this is a much more robust indicator of economic viability). We would have to be able to sell the home and property for 600K to come out even ( $148K$  [lot] +  $148K \times 3$  [home] =  $592K$ ;  $592$  + hardship fees [application, mitigation, and revegetation] =  $600K$ ). The only houses in Rogerfield that come close to being worth this amount (if you allow for a reasonable expense to make the homes "like new") ALL have large, usable backyards. No house without a sizable AND usable backyard is even in the ballpark

of the price we would need to sell our house for to simply break even.

A simple analysis of the homes successfully sold in Rogerfield within the last year clearly show that all homes that are approximately the same size and value as that described in the draft report (aka ~600K) all have large, usable backyards. Homes in Rogerfield that are the same size, but have minimal backyards sold for ~155-220K less. Homes in Rogerfield that are the same size, with minimal useable back yards (but same size lot as the subject lot) that are asking for 600K +/- 50K have been on the market for over a year or have been withdraw.

We are gathering evidence in writing that supports all that is stated above in proving that the draft report written by the city fails to comply with 32.090 in providing the owner with "economically viable use of land". We will allow the extension of the "120-day clock" in order to provide the city with this information.

Thanks,  
Laura and Damon

**Soppe, Tom**

**From:** Sonnen, John  
**Sent:** Friday, August 06, 2010 4:40 PM  
**To:** Damon Sabo  
**Cc:** Soppe, Tom  
**Subject:** RE: WAP 10-02

Hi Laura,

After the decision is issued, there is 14-day appeal period. If there is an appeal, we have to schedule a public hearing with the City Council (which meets biweekly) and provide a 20—day notice of the hearing. It may take more than one Council meeting for them to render a decision, and then the final decision has to be prepared. All of this has to be completed within 120 days. I have a decision ready to be issued based on what you submitted. We have given you 10 days thus far to comment on the draft decision. If you want me to wait another 1 to 4 weeks for you to provide addition information, have staff analyze the new information and then, perhaps, alter the decision, then I need to have the 120 day clock extended by a commensurate amount of time. **Please let me know in writing by 5:00 Monday August 9, 2010 if you are extending the 120 -clock. If not, the decision will be issued.** Have a good weekend.

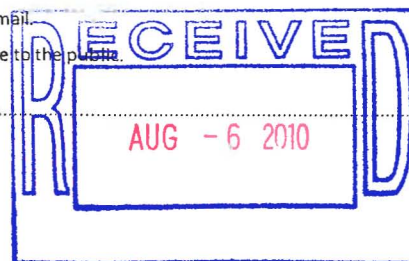
John

John Sonnen, Planning Director  
 Planning and Building, #1524

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**From:** Damon Sabo [mailto:damon.sabo@gmail.com]  
**Sent:** Friday, August 06, 2010 3:02 PM  
**To:** Sonnen, John  
**Subject:** Re: WAP 10-02



John,

I'm sorry, but I am confused. Doesn't the city have until October 23rd on the 120-day clock? What is the rush to get this signed by Monday? Tom has been out of the office and unable to converse with since the end of July. He isn't even due back until Monday, right?

The city has done an incomplete analysis of "minimum economic viability" for the subject property. If the burden of proof is on the applicant to prove this and effectively define economic viability for the city then

- a) the applicant should have a reasonable time to dispute inaccuracies and incompleteness of city work without needing to grant the city an extension to the 120-day clock
- b) the hardship application should require this definition and information as part of the necessary documentation provided by the applicant (this information was asked for by the city AFTER the application was deemed complete by the city)



Hopefully we will have everything necessary by the end of next week. However, if we have to get an appraisal for the lot with the city's proposed restrictions, we are told this could take up to three weeks and we would clearly need additional time to "demonstrate what is necessary to allow minimal economically viable use." Understanding that the city has put the burden of proof on us and that we both have full-time jobs, it seems completely reasonable to request an extension without repercussion from the city. I propose that we touch base next Friday; if additional time will be required, then I think it would be fair to discuss an extension for the city at that time.

Thanks,  
Laura

On Fri, Aug 6, 2010 at 2:14 PM, Sonnen, John <[jsonnen@westlinnoregon.gov](mailto:jsonnen@westlinnoregon.gov)> wrote:

Hi Damon,

I will extend the deadline two weeks if you agree to extend the 120- day clock by the same amount prior to 5:00PM on August 9.

John

	John Sonnen <a href="mailto:jsonnen@westlinnoregon.gov">jsonnen@westlinnoregon.gov</a> <i>Planning Director</i> 22500 Salamo Rd. West Linn, OR, 97068 P: (503) 723-2524 F: (503) 656-4106 Web: <a href="http://westlinnoregon.gov">westlinnoregon.gov</a>
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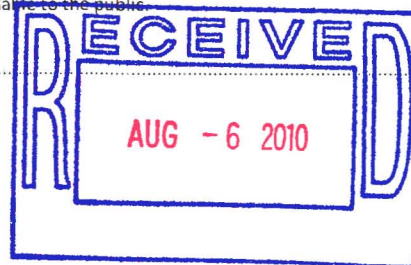
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**From:** Damon Sabo [mailto:[damon.sabo@gmail.com](mailto:damon.sabo@gmail.com)]  
**Sent:** Friday, August 06, 2010 12:28 PM

**To:** Sonnen, John  
**Subject:** Re: WAP 10-02



John,

Jim has been out of the office this week. We will have asked him to contact you upon his return.

We have contacted multiple banks and so far each has agreed that the backyard proposed by the city is highly problematic. We are working on getting all this in writing, but will need more time because we

are gathering hard data. We will not have all this in writing by end of business Monday. At a minimum, we need until Friday August 13th. This may need to be extended further, if the experts we are working with require additional time to gather and provide this data in writing. The key difference in the information we are gathering is that data is specific to the subject property and this specific land use case; where as the data the city is using in the draft decision is based on generic questions where in no specific information about the subject property was provided nor utilized in forming the opinions sited.

We can come in this afternoon and discuss this matter with you further. Please let us know what time you are available as well as confirm that you are extending the "deadline" at a minimum until a week from today, recognizing that further extensions may be necessary as we bear the burden of demonstrating that the draft decision does not provide for minimum economically viable use of the subject property.

Thanks,  
Laura and Damon Sabo

On Fri, Aug 6, 2010 at 11:32 AM, Sonnen, John <[jsonnen@westlinnoregon.gov](mailto:jsonnen@westlinnoregon.gov)> wrote:  
Hi Damon,

I discussed this case with our legal council. The code requires for the intrusion into the transition area to be " the minimum necessary to allow economically viable use of the subject property". The burden is on you to demonstrate what is necessary to allow minimal economically viable use. Based on the record, especially Finding 19, I believe that the draft decision provides for the minimum necessary to allow economically viable use. Therefore, unless I get something in writing that is convincing before Monday, August 9 at 5:00 pm I intend to sign the decision at that time.

John Sonnen

	John Sonnen <a href="mailto:jsonnen@westlinnoregon.gov">jsonnen@westlinnoregon.gov</a> <i>Planning Director</i> 22500 Salamo Rd. West Linn, OR, 97068 P: (503) 723-2524 F: (503) 656-4106 Web: <a href="http://westlinnoregon.gov">westlinnoregon.gov</a>
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**From:** Damon Sabo [<mailto:damon.sabo@gmail.com>]  
**Sent:** Thursday, August 05, 2010 11:18 AM  
**To:** Sonnen, John  
**Subject:** Re: WAP 10-02

Hi John,

We will have Jim Collins contact you.

Thanks,  
Damon Sabo

On Wed, Aug 4, 2010 at 2:05 PM, Sonnen, John <[jsonnen@westlinnoregon.gov](mailto:jsonnen@westlinnoregon.gov)> wrote:



Hi Damon,

The assertion about the need to have full use of the yard to the top of the bank is inconsistent with the other banker we conferred with. Please have Jim Collins at M&T Bank provide us with a written statement.

John Sonnen

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From: Damon Sabo[SMTP:[DAMON.SABO@GMAIL.COM](mailto:DAMON.SABO@GMAIL.COM)]  
Sent: Thursday, July 29, 2010 4:56:06 PM  
To: Soppe, Tom  
Subject: Re: Draft staff report  
Auto forwarded by a Rule

Tom,

We tried to call you with this information as well, but you were already gone. Hope you have a great vacation.

Thanks,  
Laura and Damon

On Thu, Jul 29, 2010 at 4:53 PM, Damon Sabo <[damon.sabo@gmail.com](mailto:damon.sabo@gmail.com)> wrote:  
Tom,

We contacted Jeff Tainer at Western Pacific Bank and he informed us that his bank is not capable of

providing construction loans at this time. We visited several banks. Apparently most banks in the area are currently unable to provide construction loans due to federal rules about not going over 100% of their capital. We talked to Jim Collins at M&T Bank, who does a lot of construction loans in West Linn. His bank has the necessary funds to supply us with a construction loan. We showed him the attached plat, which documents the proposed lot restrictions documented in the Draft Staff Report. He said that we would need a non-restricted yard at least to the top of the bank to receive a construction loan. Therefore, we need the city to grant us an unrestricted (non-Water Resource classified area) yard **at least to the top of bank**, as proposed in our hardship application. We need the unrestricted use of the entire flat portion of our lot, including the side yard, to make this lot economically viable.

Jim Collins (503-534-4676) is available for John Sonnen to call, if he would like to validate this.

Thanks,  
Laura and Damon

On Mon, Jul 26, 2010 at 10:16 AM, Soppe, Tom <[tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov)> wrote

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John Sonnen  
[jsonnen@westlinnoregon.gov](mailto:jsonnen@westlinnoregon.gov)  
*Planning Director*  
22500 Salamo Rd.  
West Linn, OR, 97068  
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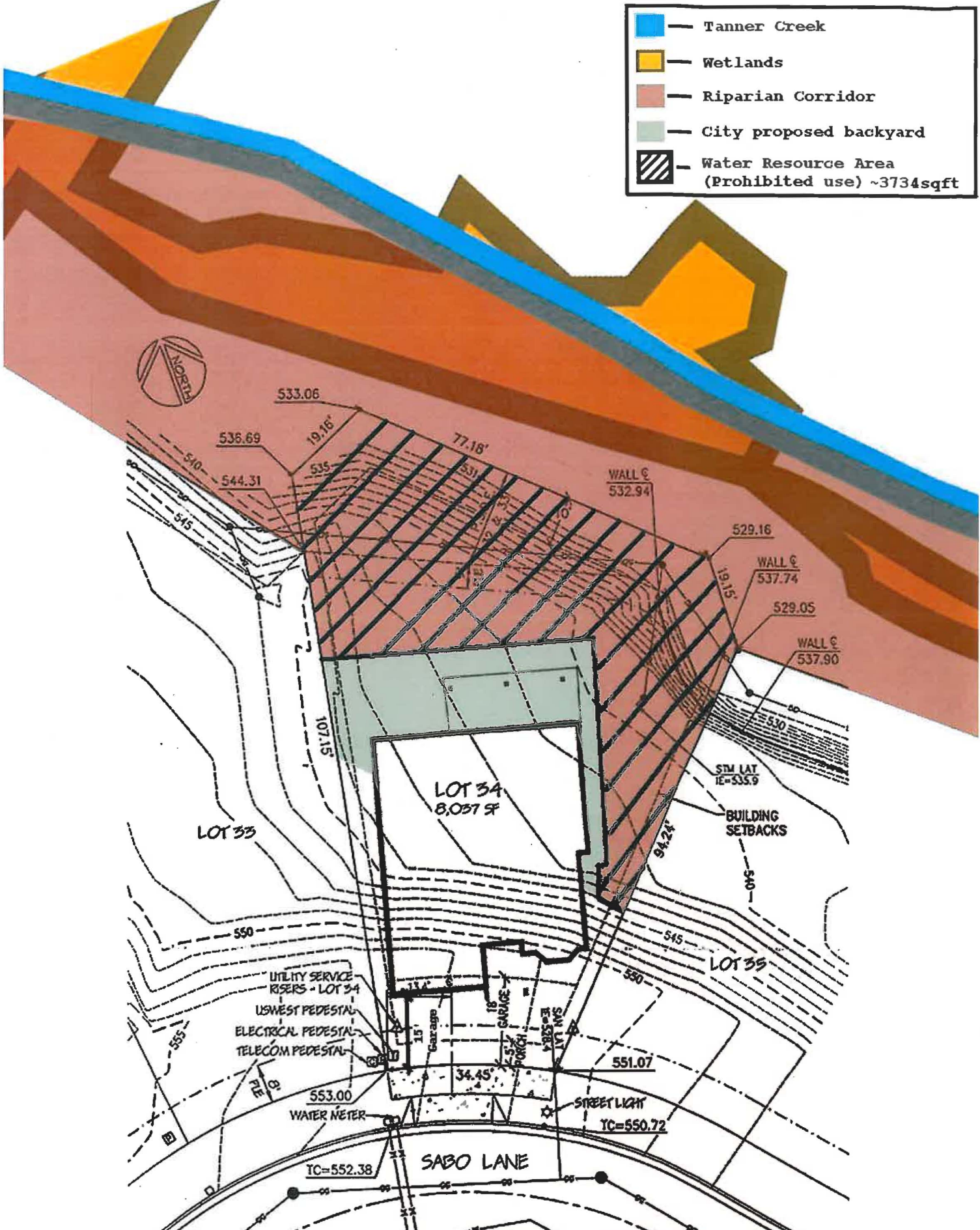
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- Tanner Creek
- Wetlands
- Riparian Corridor
- City proposed backyard
- Water Resource Area (Prohibited use) ~3734sqft



<p><b>City proposed backyard</b></p> <p>Backyard = ~ 1080sqft          Water Resource Area = ~ 3734sqft          W.R.A. ratio = ~ 46.5% of lot</p>	<p><b>ROGERFIELD</b>  <b>3232 SABO LANE</b></p> <hr/> <p style="font-size: 2em; font-weight: bold;">92</p> <p style="font-size: 1.2em; font-weight: bold;">LOT 34</p>
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**Soppe, Tom**

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**From:** Sonnen, John  
**Sent:** Friday, August 06, 2010 2:15 PM  
**To:** Damon Sabo  
**Cc:** Soppe, Tom  
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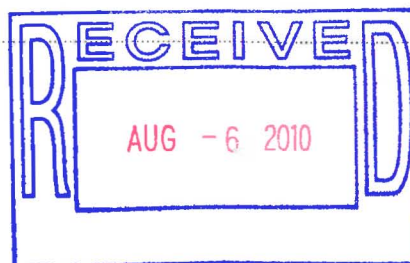
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