

**WEST LINN PLANNING COMMISSION**

**FINAL DECISION NOTICE**

**MISC-10-12**

**IN THE MATTER OF THE PROPOSAL OF A TWO-YEAR EXTENSION OF APPROVAL  
OF A 6-LOT SUBDIVISION WITH A WETLANDS PERMIT (ORIGINAL FILE SUB-06-  
03/MISC-06-12) AT 2929 PARKER ROAD**

At their meeting of September 15, 2010, the West Linn Planning Commission held a public hearing to consider the request by Mel Lee to approve a two-year extension of Subdivision and Wetlands Permit entitlements for the six lot subdivision originally approved as SUB-06-03/MISC-06-12, at 2929 Parker Road. This required an Extension permit. The approval criteria for Extensions are found in Section 99.325 of the Community Development Code (CDC). The approval criteria for subdivisions are found in Chapter 85 of the CDC. The approval criteria for water resource area protection are found in Chapter 32 of the CDC. The provisions for development in the R-10 zone are found in Chapter 11 of the CDC. The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing commenced with a staff report presented by Tom Soppe, Associate Planner. Ben Altman of SFA Design Group gave the applicant's presentation. Alice Richmond spoke in favor of the application. Scott Supperstein spoke in opposition to the application. Mr. Altman provided the applicant's rebuttal.

A motion was made, seconded, and passed to approve the application with one new finding and with staff's conditions of approval with modifications to Condition of Approval 3. The additional finding is as follows:

Additional Finding 1: The access provided to lots 3-6 and the grading of lots 3-6 that have already been legally completed (under the entitlements of SUB-06-03/MISC-10-12) are existing conditions. These existing conditions affect all areas of these lots east of where the driveway has been built or is planned to be built. These existing conditions irreversibly determine the configuration of these lots, in that all areas immediately east of the driveway will be part of the front yard area of each lot. These existing lot configurations greatly affect whether the areas at the front of these lots east of the driveway would be likely to successfully be preserved in the natural state demanded for undeveloped water resource transition areas in conservation easements by 32.050(D). Future homeowners would not necessarily be likely to properly maintain and respect the restrictions of a conservation easement east of the driveway in their front yards, as this area would probably be perceived and treated by homeowners as a usable area of their front yard rather than a conservation easement that needs to be kept in its natural state. Due to these existing conditions, the areas of the transition area east of the driveway as delineated on the applicant's site plan (Updated Tentative Plat, Sheet 1 of 5,

date stamped received July 20, 2010) located in Exhibit PC-4 on Page 32 shall be allowed to be part of the usable front yard area of each lot rather than being required to be in a conservation easement. Since these particular areas within the transition area setback as delineated by 32.050(E) will not be in an easement, the applicant shall mitigate an area with square footage equal to the square footage of these areas in a water resource transition area in Fields Bridge Park, per the provisions of 32.070.

The approved conditions of approval are as follows:

1. Site Plan. With the exception of modifications required by these conditions, the project shall conform to the site plan (Updated Tentative Plat, Sheet 1 of 5, date stamped received July 20, 2010) located in Exhibit PC-4 on Page 32.
2. Previous Approval. Unless modified by these conditions, the project shall conform to the conditions of original approval (file SUB-06-03/MIS-06-12).
3. Tracts and Easements Containing Water Resources and Transition Area. To ensure protection of water resources on site and their transition areas as currently delineated pursuant to CDC Section 32.050(E), all of the transition area lying west of the driveway on lots 3-6 that is not in tracts A and B or the proposed Chinook Court public right-of-way as delineated on the applicant's site plan (Updated Tentative Plat, Sheet 1 of 5, date stamped received July 20, 2010) located in Exhibit PC-4 on Page 32, shall be placed in a conservation easement. All transition area that is not contained in the conservation easement or tract shall be mitigated for off site. The easement shall be recorded with Clackamas County and shall be recorded on the final plat.
4. Vegetative Improvements. The applicant shall demonstrate to Planning staff whether the water resource areas and transition area on site contain native plants on more or less than 80% of their area. If they contain native plants on less than 80% of their area, the applicant shall submit and implement a revegetation plan pursuant to CDC Section 32.080 that results in 80% or more of the upland water resources areas and transition area on site being covered with native plants.
5. Revegetation of Transition Area. The applicant shall revegetate any area of the water resource transition area that is disturbed during the construction of the driveways for lots 5 and 6 consistent with CDC Section 32.080.

This decision will become effective 14 days from the date of mailing of this final decision as identified below. Those parties with standing (i.e., those individuals who submitted letters into the record, or provided oral or written testimony during the course of the hearings, or signed in on an attendance sheet or testimony form at either of the hearings, or who have contacted City Planning staff and made their identities known to staff) may appeal this decision to the West Linn City Council within 14 days of the mailing of this decision pursuant to the provisions of Chapter 99 of the Community Development Code. Such appeals would require a fee of \$400

and a completed appeal application form together with the specific grounds for appeal to the Planning Director prior to the appeal-filing deadline.

Michael Jones  
MICHAEL JONES, VICE CHAIR  
WEST LINN PLANNING COMMISSION

9/20/2010  
DATE

Mailed this 21 day of September, 2010.

Therefore, this decision becomes effective at 5 p.m., October 5, 2010.

Devrev/projects folder/projects 2010/MISC-10-15/MISC-10-15 Final Decision