

**WEST LINN PLANNING COMMISSION**

**FINAL DECISION NOTICE**

**MISC-10-13**

**IN THE MATTER OF THE PROPOSAL OF A TWO-YEAR EXTENSION OF APPROVAL OF A SINGLE-FAMILY HOUSE WITH A NATURAL DRAINAGEWAY PERMIT (NOW CALLED A WATER RESOURCES AREA PERMIT) WITH CLASS II VARIANCES FOR HEIGHT AND SIDE YARD SETBACK (ORIGINAL FILE VAR-06-04/MISC-06-47) AT 19738 WILDWOOD DRIVE**

At their meeting of December 1, 2010, the West Linn Planning Commission held a public hearing to consider the request by Bill & Cindy Perkins to approve a two-year extension of Natural Drainageway Permit (Water Resource Area Permit) and Class II variances entitlements for a single-family house at 19738 Wildwood Drive. The original approval was file VAR-06-04/MISC-06-47. The Class II variances were for building height and side yard setback. The approval criteria for extensions are found in Section 99.325 of the Community Development Code (CDC). The approval criteria for water resource area protection are found in Chapter 32 of the CDC. The approval criteria for variances are found in Chapter 75 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. Tony Weller of CES NW and Mr. Perkins gave the applicant's presentation. Alice Richmond spoke in favor of the application. Mr. Weller answered further questions for the applicant.

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 1. The additional finding is as follows:

Additional Finding: Although a scaled site plan has been provided by the applicant stating the amount of square footage in the area proposed for permanent disturbance, it is important for the applicant to numerically portray the dimensions of the permanent disturbance area. This way staff will definitely be aware of the spatial limits of what was approved for disturbance and can properly enforce these during the construction and inspection phases of the project.

The approved conditions of approval are as follows:

1. Site Plan. The development shall conform to a revised version of the Site and Disturbance Limits Plan, dated October 18, 2010, on Page 36 of Exhibit PC-5. The revised version shall show the overall dimensions of the disturbance area.

2. Previous Approval. Unless modified by these conditions, the project shall conform to the conditions of original approval (VAR-06-04/MISC-06-47). (See pages 23-24 of Exhibit PC-1).
3. Interim Erosion Control Measures. The implementation of the vegetative improvement plan required by Condition of Approval 2 in file VAR-06-04/MISC-06-47 shall include interim erosion control measures to avoid erosion on exposed soil, consistent with applicable regulations.
4. Native Vegetation in Stormwater Treatment Facility. Only native vegetation shall be planted in the proposed stormwater treatment facility on site.
5. Side Setback Variance. The west side yard setback shall not be less than 6 feet.
6. Recording of Conservation Easement. The conservation easement shown on the applicant's Site and Disturbance Limits Plan (Page 36 of Exhibit PC-5) shall be recorded with Clackamas County.
7. Limitation of House Square Footage. The finished square footage of the house shall not exceed 4,050 square feet.

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.

Robert Martin  
 ROBERT MARTIN, CHAIR  
 WEST LINN PLANNING COMMISSION

12/3/2010  
 DATE

Mailed this 6 day of December, 2010.

Therefore, this decision becomes effective at 5 p.m., December 20, 2010.