

## CITY OF WEST LINN PLANNING DIRECTOR DECISION

### FILE NO. MISC-10-26: Reclassification of Habitat Conservation Area Boundaries at 5567 River Street

In 2008, West Linn adopted Metro's Habitat Conservation Area standards to protect the Willamette and Tualatin Rivers plus adjacent habitat areas and steep slopes. The West Linn Planning Director is considering the reclassification of part of the property at 5567 River Street. This reclassification is being considered based on site visits to this property, by which staff determined that the Habitat Conservation Area between the house and the ridge above the riparian corridor was designated due to tree canopy. Community Development Code Section 28.040 Exemptions/Uses Permitted Outright includes exception (AA) which states "Lands that are designated as an HCA only due to a forested canopy shall be exempted since trees are already protected in the municipal code and Chapters 55 and 85 CDC. Development of lands that are designated as HCA due to other variables such as wetlands, flood areas and steep slopes shall still be regulated by the provisions of this chapter and not exempted." Staff found that the rear yard area discussed above contains no flood areas, steep slopes, or wetlands. (Due to a County survey marker on the property showing the rear yard area to be above base flood elevation, the Flood Management Area overlay has been determined to not be applicable to this part of the property either, per CDC Section 27.065.) In reclassifying this area, CDC Section 28.070(C) requires that public notice "shall be required prior to issuance of the reclassification decision if it involves reclassification of the HCA boundary to allow the construction of, or addition to, a house." This would allow an addition to the house on the property as desired by the property owner.

You have been notified because you own property within 100 feet of this property located at Tax Lot 200 of Clackamas County Assessor's Map 2-2E-30DB. This is your opportunity to discuss the reclassification per CDC Ch.28.070.

All relevant materials in the above noted file are available for inspection at no cost, or copies may be obtained for a minimal charge per page. Although there is no public hearing, your comments can definitely influence the final decision of the Planning Director. **The final decision is expected to be made on, and no earlier than, December 21, 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 or, for fastest response, e-mail [tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov) . Alternately you may telephone at 503-742-8660.

Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. Appeals go the City Council for a hearing. The appeal fee is 400 dollars. Failure to raise an issue in person or by letter/email, 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.

# 5567 River Street Proposed HCA Reclassification

