

## DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Peter Spir</i>	PROJECT NO(S). <i>WAP-13-02</i>	
NON-REFUNDABLE FEE(S) <i>2600-</i>	REFUNDABLE DEPOSIT(S)	TOTAL <i>2600<sup>00</sup></i>

**Type of Review (Please check all that apply):**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Annexation (ANX)                      | <input type="checkbox"/> Historic Review                                  | <input type="checkbox"/> Subdivision (SUB)  |
| <input type="checkbox"/> Appeal and Review (AP) *              | <input type="checkbox"/> Legislative Plan or Change                       | <input type="checkbox"/> Temporary Uses *   |
| <input type="checkbox"/> Conditional Use (CUP)                 | <input type="checkbox"/> Lot Line Adjustment (LLA) */**                   | <input type="checkbox"/> Time Extension *   |
| <input type="checkbox"/> Design Review (DR)                    | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR)   |
| <input type="checkbox"/> Easement Vacation                     | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures           | <input checked="" type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities    | <input type="checkbox"/> Planned Unit Development (PUD)                   | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)               |
| <input type="checkbox"/> Final Plat or Plan (FP)               | <input type="checkbox"/> Pre-Application Conference (PA) */**             | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)                 |
| <input type="checkbox"/> Flood Management Area                 | <input type="checkbox"/> Street Vacation                                  | <input type="checkbox"/> Zone Change  |
| <input type="checkbox"/> Hillside Protection & Erosion Control |   |   |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

<b>Site Location/Address:</b> <i>3847 MAPLETON DRIVE</i>	Assessor's Map No.: <i>2 1E 24BC</i>
	Tax Lot(s): <i>302</i>
	Total Land Area: <i>17,215 sf</i>

**Brief Description of Proposal:**

*Minor residential improvements w/in WRA*

<b>Applicant Name:</b> <i>RICHARD FARRINGTON</i>	Phone: <i>503/650-0210</i>
Address: <i>3847 MAPLETON DR</i>	Email: <i>rich@farrington</i>
City State Zip: <i>WEST LINN, OR 97068</i>	<i>architect.com</i>

<b>Owner Name (required):</b>	Phone:
Address:	Email:
City State Zip:	

<b>Consultant Name:</b>	Phone:
Address:	Email:
City State Zip:	

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **Three (3) 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.**  
If large sets of plans are required in application please submit only two sets.

\* No CD required / \*\* Only one hard-copy set needed

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. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

<i>Richard Farrington</i>	<i>1/23/13</i>	<i>Richard Farrington</i>	<i>1/23/13</i>
Applicant's signature	Date	Owner's signature (required)	Date

January 22, 2013

Peter Spir, Associate Planner  
Planning Department  
City of West Linn  
22500 Salamo Road  
West Linn, OR 97068

**Owners/Applicants:** Deborah Lycan and Rich Farrington

**Subject:** **Water Resource Area (WRA) Permit Application**  
Chapter 32 of WL Community Development Code

**Pre-Application Conference:** December 6, 2012 at West Linn City Hall

**Property Address:** 3847 Mapleton Drive  
West Linn, OR 97068

**Legal Description:** Parcel "B" of Lot 6 Maple Grove Subdivision  
NW ¼ of Section 24, Township 2S, Range 1E of the  
Willamette Meridian, City of West Linn,  
Clackamas County, Oregon

**Tax Map Lot/Number:** 2 1E 24BC 00302

**Zoning Designation:** R10

**Neighborhood Assn:** Robinwood NA

**Contents of Application:**

- Written Application Narrative
- Site photographs (8.5x11)
  1. Existing dwelling from driveway (southwest)
  2. Driveway looking towards Mapleton Drive
  3. Existing dwelling from west showing main entry
  4. Trillium Creek and west side of existing dwelling
  5. North and east side of existing dwelling with existing garden shed
- Miscellaneous small graphics (8.5x11)
  6. Model photo illustrating proposed entry canopy
  7. Plan at existing/proposed entry landing
  8. Plan at proposed bay window
  9. Plan at existing/proposed rear deck/existing terrace
- Large graphics (full size + reduced 11x17 of each)
  - WRA-1: proposed floor plans
  - WRA-2: proposed/existing elevations N/E
  - WRA-3: proposed elevation W
  - WRA-4: site plan w/ existing development, trees and native vegetation
  - WRA-5: site plan w/ topographic data
  - WRA-6: site plan illustrating extent of "disturbed areas"
  - WRA-7: proposed development

## **1. APPLICANT REQUEST:**

The Applicants are requesting a Water Resource Area permit in order to allow minor improvements to their existing two-story, single-family dwelling as well as to build a small, detached shop building. None of the proposed improvements to the existing home involve adding floor area. While the proposed new accessory structure is 60 sf larger than the shed it is designed to replace, it is also set farther from the stream and would include a vegetated roof as mitigation.

Comparing the applicable portions of Chapter 32 to their proposed development, the Applicants note that: 1) setbacks and transitions are not relevant, since the entire site is encumbered; 2) significant portions of the proposed development would be allowed without a WRA permit based upon the Chapter 32 exceptions; and 3) determining reasonable impact on the WRA of non-complying proposed development must be a measure implied by CDC 32.010 Purpose and Intent.

## **2. BACKGROUND/EXISTING CONDITIONS:**

The subject property is located at 3847 Mapleton Drive in West Linn's Robinwood neighborhood. The property is a flag lot created prior to the construction of the existing home in 1986. The area of the subject lot is 15,290 sf, exclusive of the staff portion of the lot from Mapleton Drive. Another flag lot home and a single-family home at the street adjoin the subject property on the north and south, respectively. A large, undeveloped 110' x 375' lot flanks the subject property on the west, and another flag lot home abuts the subject property on the east.

The Trillium Creek stream corridor follows the northern border of the subject lot. After flowing under Mapleton Drive, Trillium Creek crosses the undeveloped lot to the west diagonally in an underground culvert which daylight approximately thirty feet from the subject lot. The stream enters the subject property and is immediately channeled into an existing culvert under the driveway that services the existing home to the north. The creek exits that short culvert and flows in an open channel northeast through the property, makes a sharp S-curve, and exits the subject lot on the east side. The stream corridor also encroaches onto the flag lot to the north. Over the past three years the applicants have removed invasive blackberry, ivy, nightshade and Reed canary grass along the stream corridor. The applicants have planted new vegetation along the stream using native plants (see full list on attached sheet WRA-4). Additional native landscaping will continue in the future utilizing that same plant palette until the entire stream corridor through the subject lot is fully landscaped. Trillium Creek is a perennial stream that conducts a large volume of stormwater during heavy rains, especially if the rain persists for several hours and occurs at a time of year when the ground is already saturated. Rock was necessary to protect the stream banks near the culverts during heavy stream flows. While far exceeding setbacks required by the underlying zone, the existing home was built within 23 ft of the stream at the northwest corner and 44 feet at the northeast corner (at the closest points).

The subject lot is basically flat except for the steep stream banks. Adjoining lots are all at a higher elevation than the subject lot except for the lot to the east, which is mostly lower in elevation. The existing mature trees on the lot are primarily red alders with some western red cedars, a couple of fir trees and Japanese maples, two vine maples, a redwood and a pair of cottonwoods. The yard area was originally landscaped with grass turf. Given that the applicants use no fertilizer on the property, the original turf is now primarily moss with a very small amount of turf grass. The native soil on the property is a heavy clay with minimal percolation (and plant-growing) capabilities. On the west side of the home, a curtain drain trench filled with drain rock and a perforated pipe protects the home from surface stormwater runoff.

### **3. PROPOSAL/PROJECT SUMMARY:**

The Owners/Applicants do not wish to alter the natural drainageway of Trillium Creek. Their proposed project involves no work in or near the drainageway. After living in their existing home for over 25 years, the Applicants would like to make a few improvements to increase the livability of their home and property. None of these improvements involve adding floor area to the home, and most of the improvements are in the interior or within the exterior wall planes of the existing dwelling. Three of the desired improvements to the dwelling would extend beyond the existing exterior walls of the home. Those portions of the proposed house remodel are summarized as follows:

- add a light canopy cover over the entry door for weather protection (no new foundation);
- widen the landing outside the entry door to provide protected space for more than one person;
- add a large box bay extending on either side of the existing brick fireplace (no new foundation);

In addition to the physical changes to the exterior of the existing home, the Applicants propose some changes in the existing site development. Those site changes are summarized as follows:

- remove an existing 225 sf impervious concrete terrace and replace with native landscaping;
- construct a 178 sf pervious raised deck approx. 14" above surrounding grade;
- remove an existing 80 sf garden shed and replace with native landscaping;
- construct a 140 sf shop building (the following summer after home remodel completed);

The proposed new pervious deck is located closer to the stream than the existing impervious terrace that would be removed. The shape of the deck is designed to minimize the portion beyond the legal exception area and provide better clearance to an existing vine maple tree. The proposed new shop building would be located ten feet farther from the stream than the existing garden shed that is proposed for demolition. Graphics accompanying this application illustrate areas of compliance by exception and areas of non-compliance.

The Applicants' development schedule anticipates constructing all changes to the existing dwelling, including adding the new 178 sf deck and demolishing the existing concrete terrace, in the summer of 2013. During the subsequent summer of 2014, the Applicants anticipate demolishing the existing garden shed and constructing the new shop building with related new site hard surfaces and landscaping. The shop building is planned to be under the size and height limits that trigger application for a building permit. The new accessory building will have a vegetated roof. Summer construction is planned for both phases in order to minimize construction-related impacts on the Water Resource Area.

The subject dwelling was developed previous to the existing Chapter 32 Water Resource Area, which now applies to the subject lot for any future alterations or additions. Fortunately, the original development was quite modest with a two-story house minimizing footprint area and minimal other site development. Unfortunately, the subject lot is a flag lot, and although the entry driveway is narrow, it is very long compared to a more typical residential lot in the R10 zone. Therefore, a majority of the disturbance area is in driveways alone. In order to meet the 5,000 sf threshold, the Applicants have already removed an existing vegetable garden and planted that area with native vegetation. In addition, the proposed shop building will have a vegetated roof for aesthetic as well as stormwater control. A green roof appears to have no merit in the CDC when addressing mitigating factors, but the Applicants propose it as an enhancement that will minimize stormwater impact on the Water Resource area while adding wildlife and temperature control benefits.

**4. EXISTING/PROPOSED ZONING CALCULATIONS/ R10 STANDARDS:**

The subject lot and all adjoining lots and properties along Mapleton Drive are in the R10 zone. The following categories itemize the existing and proposed statistics for each of the applicable zoning criteria in the R10 zone independent of the WRA and Riparian overlays. The “disturbed area” on the lot is also itemized below as well as illustrated on the accompanying site plan graphic WRA-6.

**A. Lot Size/Dimension (CDC 11.070.1):**

Min. allowed lot area: 10,000 sf  
 Actual lot area: 17,215 sf (including staff portion of flag lot)

**B. Yard Setbacks (CDC 11.070.5):**

Yard	Min. allowable	Existing	Proposed Min.
Front	20.0	47.5	46.25 (@ new entry canopy)
Rear	20.0	20.0	20.0
North side yard	7.5	22.83	22.83
West side yard	7.5	38.6	38.6

**C. Height of Structures (CDC 11.070.6):**

Maximum allowable height is 35 feet.  
 Existing height is 29.0 feet.  
 Proposed height is 29.0 feet (unchanged).

**D. Lot Coverage (CDC 11.070.7):**

Maximum coverage allowed: 35.0% (6,025 sf)  
 Existing Lot Coverage: 8.6% (1,484 sf)  
 Proposed Lot Coverage: 9.3% (1,614 sf)

**E. Maximum Floor Area (CDC 11.070.9):**

Subject property includes Type II lands (drainage course); max FAR = 0.30  
 Maximum FAR: 17,215 sf x .030 = 5,165 sf of habitable floor area allowed  
 Existing and Proposed FAR: 0.13 (2,225 sf of existing/proposed habitable area)

**F. Maximum Sidewall (CDC 11.070.10):**

Home meets sidewall provisions by being set back > 20 ft from side property lines.

**G. Disturbed Areas (CDC 32.090.A):**

Included in the “disturbed areas” tally below are driveways, buildings, hardsurface and gravel areas. Building areas include existing buildings, buildings that will be removed, and proposed new buildings. Hardsurface areas scheduled for removal as well as new decks (all below 30” above grade) are both included. “Disturbed areas” that have been removed and revegetated with native plants (the vegetable garden) prior to this application are *not* included. No underground utilities are included in this total, as none are being installed as part of this development proposal.

1. Driveway:	2,595 sf
2. Buildings:	1,549 sf
3. Sidewalks:	466 sf
4. Terrace/deck:	376 sf
total:	4,986 sf

**4. APPLICABILITY (CDC 32.020):**

Given the fact that the subject lot is contained almost fully within a Water Resource Area and a Riparian Corridor, CDC Chapter 32 applies to all of the new development proposed by the Applicants. Some portions of the proposed new development appear to be legally allowed as exceptions under CDC 32.020.D.8 and 32.020.D.9.

8. *Additions, alterations, replacement, or rehabilitation of existing structures or other site improvements; provided, that:*

a. *The site footprint of any additions or alterations to existing structures (including decks), roadways, driveways, accessory uses and structures, and development shall not increase total encroachment into the water resource area required by Table 32.1, except that:*

1) *A lateral extension of an existing building footprint by up to 10 feet is allowed if the lateral extension does not encroach any further into the water resource area than the portion of the existing footprint immediately adjacent; and*

2) *An addition to the existing structure on the side opposite of the existing water resource area shall be allowed.*

b. *Rehabilitation or replacement of an existing structure, including decks, shall not increase the existing structural footprint within the water resource area.*

9. *New or replacement accessory structures and features (such as pedestrian foot-bridges, gazebos, patios, and play structures) to existing residences; provided, that the accessory structure complies with all setback criteria contained within Table 32.1, or the accessory structure is a replacement in kind of an existing structure on the same or lesser footprint.*

**Finding:** Some portions of the proposed new structures comply with the above exceptions because they do not encroach into the WRA more than allowed in this section of the CDC. Graphics (#7, 8, and 9) are designed to indicate which portions appear to comply with the exceptions and which areas do not comply. The Applicants contend that the amount of encroachment by the portions that do not comply as exceptions are minor in nature and do not impose any measurable additional negative impact on the WRA.

The proposed new accessory structure does increase the footprint by 60 sf over the size of the garden shed it replaces. The Applicants propose to move the new structure farther from the stream than the existing garden shed as shown on the site plans, which mitigates the impact on the stream more than the legally allowed rebuilding in the same location.

**5. WATER RESOURCE AREA APPROVAL CRITERIA (CDC 32.050):**

This section of the narrative will address each of the Water Resource Area approval criteria in CDC Chapter 32.050. Criteria A through P are listed with each accompanying response in bold print.

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. Finding:** Trillium Creek, which flows through the subject lot, is identified on the current Surface Water Management Plan Map as a major drainage basin within West Linn. Except for a short distance within a steel culvert, Trillium Creek flows as an open channel on the subject lot. The map titled "Local Wetlands Inventory", dated January 2005, shows no wetlands in the vicinity of the subject lot. The map titled "Significant Riparian Corridors", dated January 2007, on the West Linn website indicates that the subject lot is almost fully within a recognized riparian corridor.

*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.*

**B. Finding:** The proposed development described in this application affects neither the natural drainageway capability of Trillium Creek nor the capacity of the same stream corridor as a stormwater conveyance. Existing stormwater from impervious surfaces on the subject site either drains directly to adjoining planted areas (driveways and terrace) or is conducted through perforated piping to rain gardens for pre-treatment (dwelling roof) prior to entering the open stream. The Surface Water Management Plan calls for no alternate configuration of stormwater conveyance on the subject lot. Proposed development does not affect access to the Trillium Creek stream corridor as a stormwater drainageway. This application proposes no work in the drainageway of Trillium Creek.

*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.*

**C. Finding:** The proposed development work is scheduled to occur during July and August when the soil of the subject site is dry and the chance of any erosion or surface runoff to the stream is nil. The proposed development also requires almost no disturbance to the soil, as the entry porch roof and proposed bay window will require no new footings, thus no excavation. The new deck requires two small footings, and the existing concrete terrace that will be removed will expose bare soil. The development plan includes new native planting to occur on the bare soil areas during the fall of 2013 with physical soil containment around or mulching in the planted areas until the new plant material is established. This area of the subject lot is level and will remain with no slope that might promote soil erosion, so erosion containment should be easily achieved. No regrading is proposed as part of this application. There should be no adverse environmental impact whatsoever within the Water Resource Area due to the proposed development.

Regarding impacts on trees within the Riparian Corridor, two small cedar trees are planned for removal prior to the demolition of the existing garden shed and construction of the proposed shop building. These trees are approximately 5" dbh and are growing close together. A single cedar slightly larger exists on the neighbor's property within ten feet of the cedars to be removed. Removing the two smaller cedars will allow room for the neighbor's cedar to have room to mature without affecting the tree's mature canopy. Protection of existing trees will be provided if the tree is in direct proximity to a work area. All material storage will be on existing driveway surfaces.

*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 been 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.*

**D. Finding:** Thanks for the suggestion, but the Applicants do not wish to dedicate their personal property to the City for public open space, nor do they wish to create a protective easement to protect the Water Resource Area from further development. The single family dwelling on the subject lot was constructed in 1986 prior to restrictions on development within stream corridors. The WRA and Riparian Corridors were established by the City of West Linn subsequently and currently encumber the subject lot almost entirely. The Applicants have always understood the responsibility of living so close to a natural drainageway as well as the risk of such close proximity to a stormwater conveyance. A conservation attitude is especially critical on this site due to the proximity of the stream and given the fact that the soil on the subject lot is a fairly impermeable clay. Therefore, fertilizers, pesticides or herbicides, which the Applicants do not use, that are applied to plants or the soil will most likely be removed by surface water movement rather than entering the soil. Any surface water eventually will find its way to the stream. The Applicants feel that they have been good stewards of the natural environment on their lot. Their goals align with the City's goals as stated in CDC 32.010.

*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):*

**E. Finding:** The ground slopes adjacent to Trillium Creek on the subject lot are between 0-25%, therefore the setback to any structure according to Table 32-1 would be a 50 feet plus an additional structural setback. In general, the stream is to the side of the home, therefore the structural setback would be 7.5 feet. Since the CDC also identifies the subject property as being within a Significant Riparian Corridor, Table 32-1 requires a 100-foot setback plus a structural setback of probably another 7.5 feet. The Riparian transition zone would thus appear to trump the limits of the WRA transition zone. The Riparian transition buffer of 100 ft is shown on the site plan WRA-6. These requirements essentially encumber the entire lot with the current applicable development restrictions of Chapter 32 Water Resource Area section of the CDC, except for two small corner areas of the lot.

*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 32.070 and a revegetation plan pursuant to CDC 32.080. The maximum disturbance width for utility corridors is as follows:*

- 1. For utility facility connections to utility facilities, no greater than 10 feet wide.*
- 2. For upgrade of existing utility facilities, no greater than 15 feet wide.*
- 3. 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 percent of the total linear feet of water quality resource area, whichever is greater.*

**F. Finding: No new driveways, roads, utilities or passive use recreation facilities are being proposed as part of this application, therefore this section does not apply.**

*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.*

**G. Finding: Since the proposed development work will occur completely within the Water Resource Area, a perimeter fence at the edge of the WRA would accomplish nothing. The Applicant proposes to apply restrictions on the builder to store any building materials on the existing driveway. Although there is no reason why the builder or his subcontractors would need to enter the stream corridor, the Applicant is willing to have a temporary chain link fence installed at the top of the stream bank to ensure that no construction personnel enter the stream corridor, if deemed necessary. Due to the minimal construction work, no motorized construction equipment is anticipated during construction. Existing trees within the general proximity of proposed construction areas will be protected by a temporary chain link fence that will remain in place until construction is completed. The Applicants trust that the City will recognize the extremely minor impact of the proposed development.**

*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.*

**H. Finding: No paved trails, walkways or bike paths are proposed as part of this development, therefore this section does not apply.**

*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.*

**I. Finding:** No work within the stream/drainage corridor is proposed as part of this development. With construction scheduled for mid summer, little rainfall during any construction work is anticipated. What rainfall may occur is expected to cause no runoff or erosion issues, since there is either minimal or no slope towards the stream. As stated before, almost no excavation is required to accomplish the proposed improvements to the existing home. No drainage diversion or inter-basin transfers of storm water will be required for this project.

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

**J. Finding:** Almost no ground disturbance is required to construct the proposed residential improvements. Two small footings for the outboard corners of the new deck would be the only excavations required. This work is located in an area of the site that is virtually flat. The area of the removed concrete on-grade slab will be mulched until the next summer construction phase. Therefore, the Applicants suggest that extensive erosion control requirements will not be necessary for this project as proposed.

*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 percent of the water resource area and less than 50 percent tree canopy coverage in the water resource area. Vegetative improvements will be documented by submitting a revegetation plan meeting CDC 32.080 criteria that will result in the water resource area having a combination of native trees, shrubs, and groundcover on more than 80 percent of its area, and more than 50 percent 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 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.*

**K. Finding:** Although difficult to measure, tree canopy coverage appears to quite easily exceed 50% of the lot area. Regarding the percentage of "disturbed area" on the lot, the actual "disturbed area" on the subject lot has already been listed as 4,986 sf in this document under section 4G. That would translate to a "disturbed area" percentage of 29%, which appears to exceed the maximum threshold of 20% (i.e., 80% "healthy"). Nearly all of the existing "unhealthy" portion of the site is driveways and buildings, which are notoriously difficult locations to sustain healthy native (or otherwise) trees, shrubs and groundcovers. This approval criterion threshold is not physically possible to meet on this developed flag lot. The proposed green roof on the new shop building will add a "healthy" vegetative improvement to the WRA within a so-called disturbed area.

*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 seven and one-half 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.*

**L. Finding:** Since almost the entire subject lot is within the Riparian Corridor, this criterion will be difficult to reasonably apply to this lot and the proposed development. The Applicants suggest that comparing the proposed additions and improvements to those that would be legally allowed by Chapter 32.020.D.8 under "Exceptions" would reveal the minor degree to which the proposed development would exceed that which could be done legally without applying for a WRA permit. This application is intended to provide information to allow the WL staff and Planning Director to determine the impact of the development that exceeds the legal exception limitations.

*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 stormwater on site, 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 10 feet of the driplines of significant trees are not disturbed. Only native vegetation may be planted in these facilities.*

**M. Finding:** The Applicants have disconnected their roof downspouts from the pipe that originally drained roof runoff directly into the stream. Each downspout is connected first to a small device to catch debris, then extended to a rain garden via a subsurface perforated pipe. The rain gardens overflow to a sloped infiltration trench (w/ perforated pipe in bottom) that surrounds the uphill/entry side of the home and extends from the garage apron to the stream. This system is within the Water Resource Area and meets the requirements of this criterion.

*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 drainageway were already open.*

**N. Finding:** The existing stream, or storm channel, is already an open channel except at the culvert under the neighbor's driveway. The elevation of the bottom of the stream channel retains a rock bottom in the existing culvert to provide a continuous, natural stream bottom through the entire subject lot. This criterion is not really applicable to this application, as the stream channel is already open.

*O. The decision-making authority may approve a reduction in applicable front yard setbacks abutting a public street to a minimum of 15 feet and a reduction in applicable side yard setbacks abutting a public street to seven and one-half 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.*

**O. Finding:** No reduction in front or side yard setbacks is required for the proposed development. Proposed building setbacks significantly exceed the minimum required setbacks of the underlying R10 zone.

*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. (Ord. 1545, 2007)*

**P. Finding:** On the subject lot Trillium Creek is the drainage course that shows up on the Surface Water Management Plan map. The Applicants hope that one watercourse encumbers the subject lot sufficiently without another showing up later.

## **7. REDUCTION IN STANDARDS FOR HARDSHIP (CDC 32.090):**

Section 32.090.A of the CDC addresses the approach when a lot is totally within the WRA, which is directly applicable to the subject lot. In large part because the subject lot is a flag lot with a long driveway, the total amount of "disturbed area" is very close to the 5,000 sf threshold. In order to stay below the 5,000 sf threshold, the Applicants removed an existing vegetable garden and planted native landscaping in that area prior to submitting this application. The vegetable garden was a lower priority to the Applicants. An economically viable use of the lot could occur with "disturbed areas" of less than 5,000 sf. The Applicants are also interested in avoiding the cost and time to apply for a variance.

## **8. CONCLUSION:**

The Applicants acknowledge that the intent of Chapter 32 could best be met with no development on the subject site. They also support the intent to protect and enhance the Water Resource Area of Trillium Creek and wish to continue being good stewards of their property. Chapter 32 of the CDC tackles the difficult task of determining impact on the WRA of existing and proposed development. Within that regulatory framework and the options available in Chapter 32, the Applicants are not comfortable presenting their proposed development as a hardship condition. The proposed improvements are clearly quality-of-life issues that cannot be reasonably characterized as necessary for "*an economically viable use of the land*". This would be a hard argument to make.

Instead, the Applicants contend that a significant portion of what they are proposing could be built legally without a WRA permit under the exceptions section of CDC 32.020.D. Thus, those areas have been determined by the City not to have an impact within the WRA sufficient to warrant even a permit application. The Applicants trust that the Planning Director can apply the judgment to accurately weigh

the impact on the WRA of the relatively small amount of encroachment beyond the legally compliant proposals as illustrated in this application. The proposed development has been designed not only to provide an attractive final product, but also to limit the impact on the WRA. Summer construction avoids possible erosion into the stream. Improvements at the entry and bay window require no excavation or new foundations. The new pervious deck requires two small footings but replaces a larger impervious surface. A new accessory structure is slightly larger than the existing structure that it replaces, but the new structure is set back ten feet farther from the stream. Mitigating native vegetation will replace the existing garden shed and impervious terrace footprints. A vegetated roof on the new accessory building will absorb and slow stormwater runoff within the WRA. The overall "disturbed area" of the proposed development within the WRA will be less than the existing condition with a much larger area of new native vegetation. The physical activity required to construct the proposed improvements will not require motorized vehicles other than on the driveways to deliver workers or materials. It is hard to imagine any actual impact on the stream, either long or short term. The overall condition of the WRA transition zone should be improved following the construction of the proposed project, since it offers a decreased overall disturbed area, a green roof mitigation, and an increased area of native vegetation on the subject lot.

In conclusion, the Applicants agree that providing information to the City through the WRA permit application is a valuable process to allow oversight of any construction activity within this sensitive environmental zone. Hopefully, Chapter 32 has been written with enough flexibility to allow a reasonable determination of actual, verifiable impact on the resource within the purpose and intent of this code section.

END OF WRA APPLICATION NARRATIVE



WRA APP 1/22/13

FARINGTON  
LYCAN

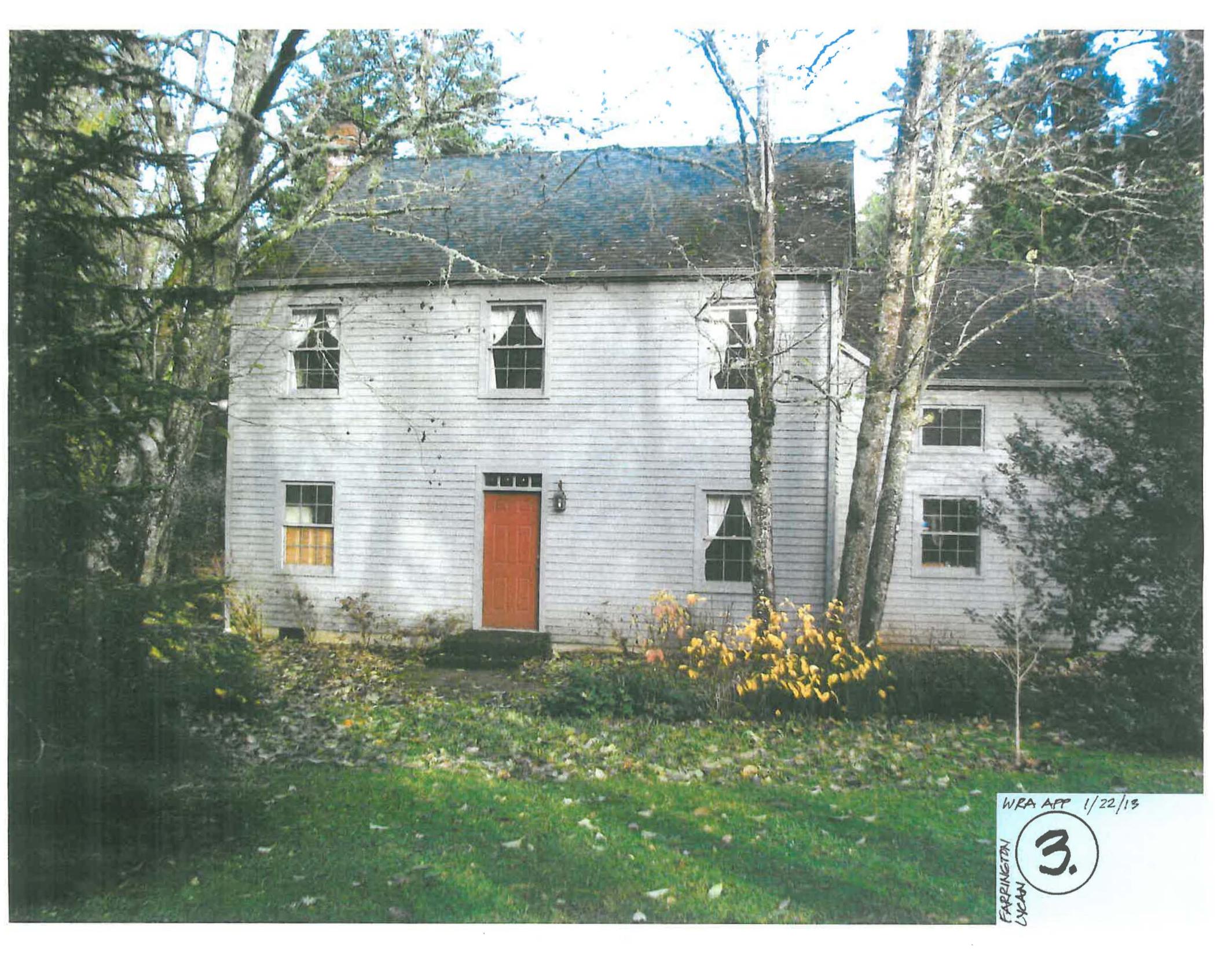
1.



WRA APP 1/22/13

FARRINGTON  
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2.



WRA APP 1/22/13

FARRINGTON  
LYCAN

3.



WRA APP 1/22/13

FARRINGTON  
LYCAN

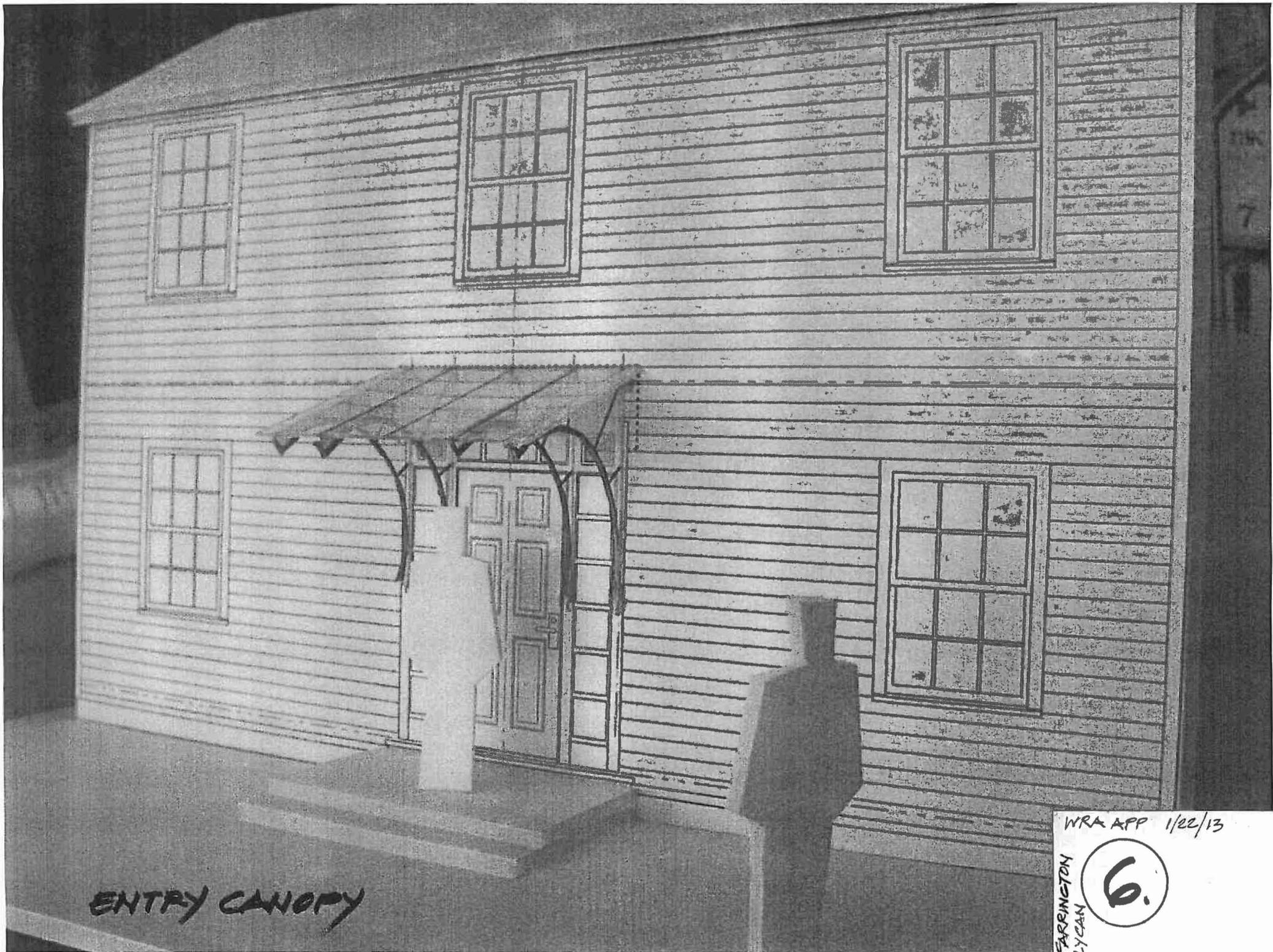
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5.

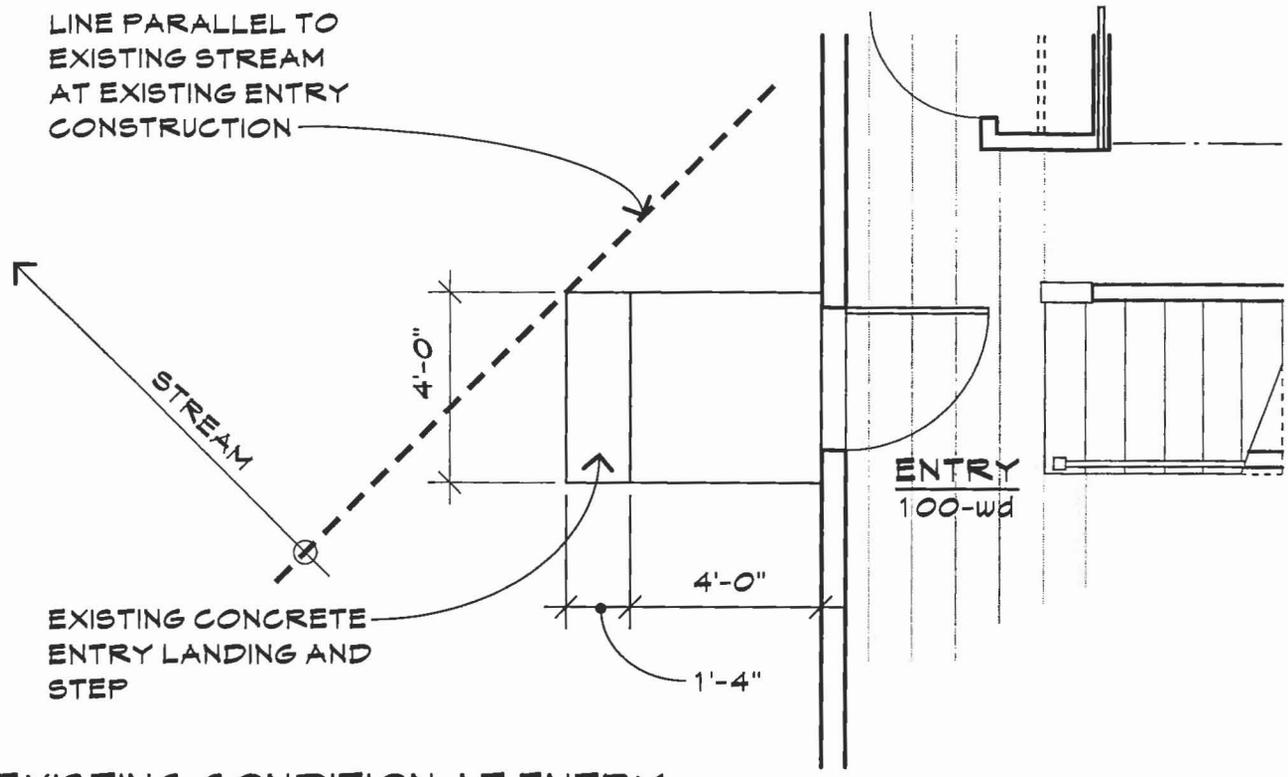


ENTRY CANOPY

WRA APP 1/22/13

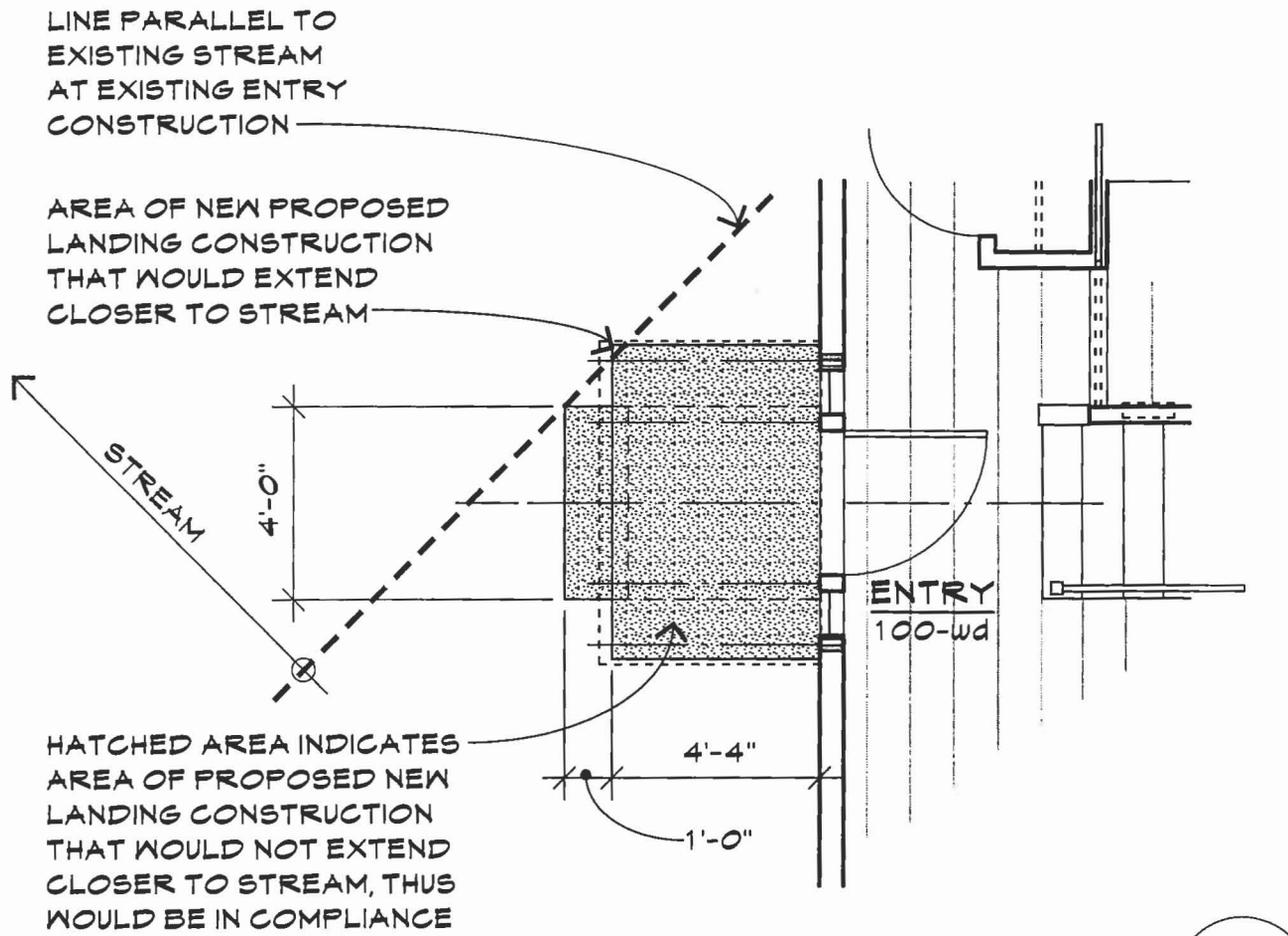
FARRINGTON  
LYCAN

6.



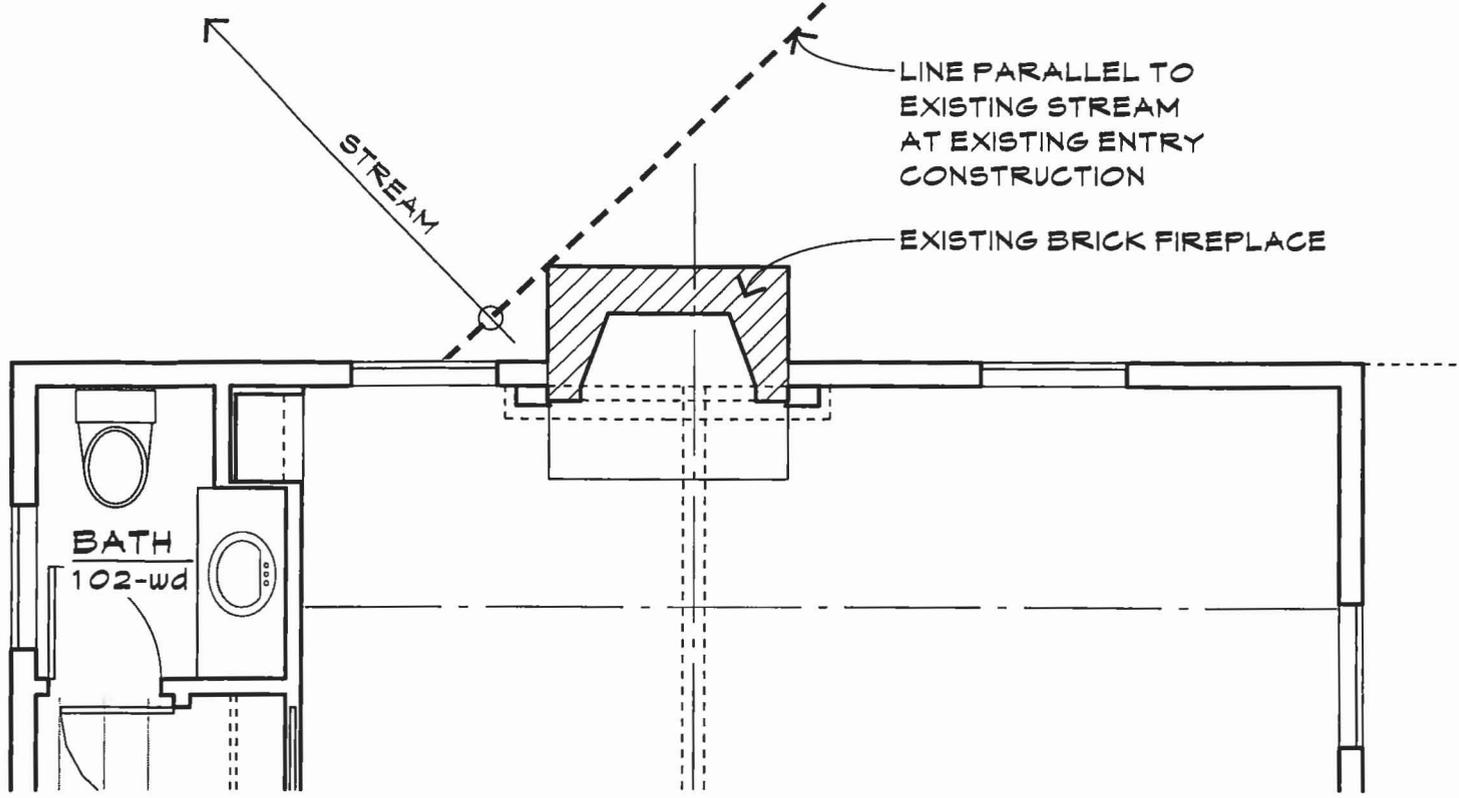
**EXISTING CONDITION AT ENTRY**

1/4" = 1'-0"



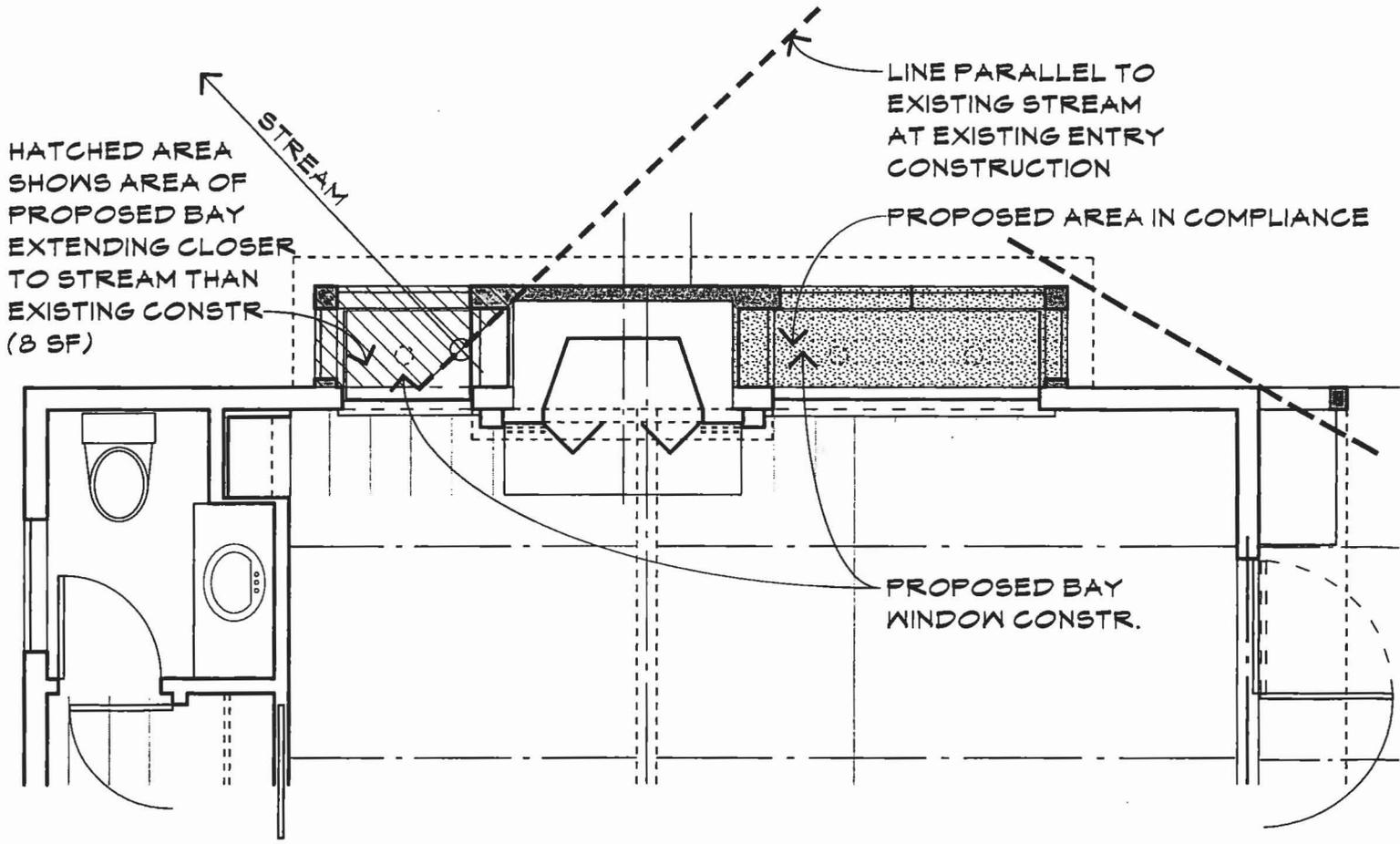
**PROPOSED CONDITION AT ENTRY**

1/4" = 1'-0"



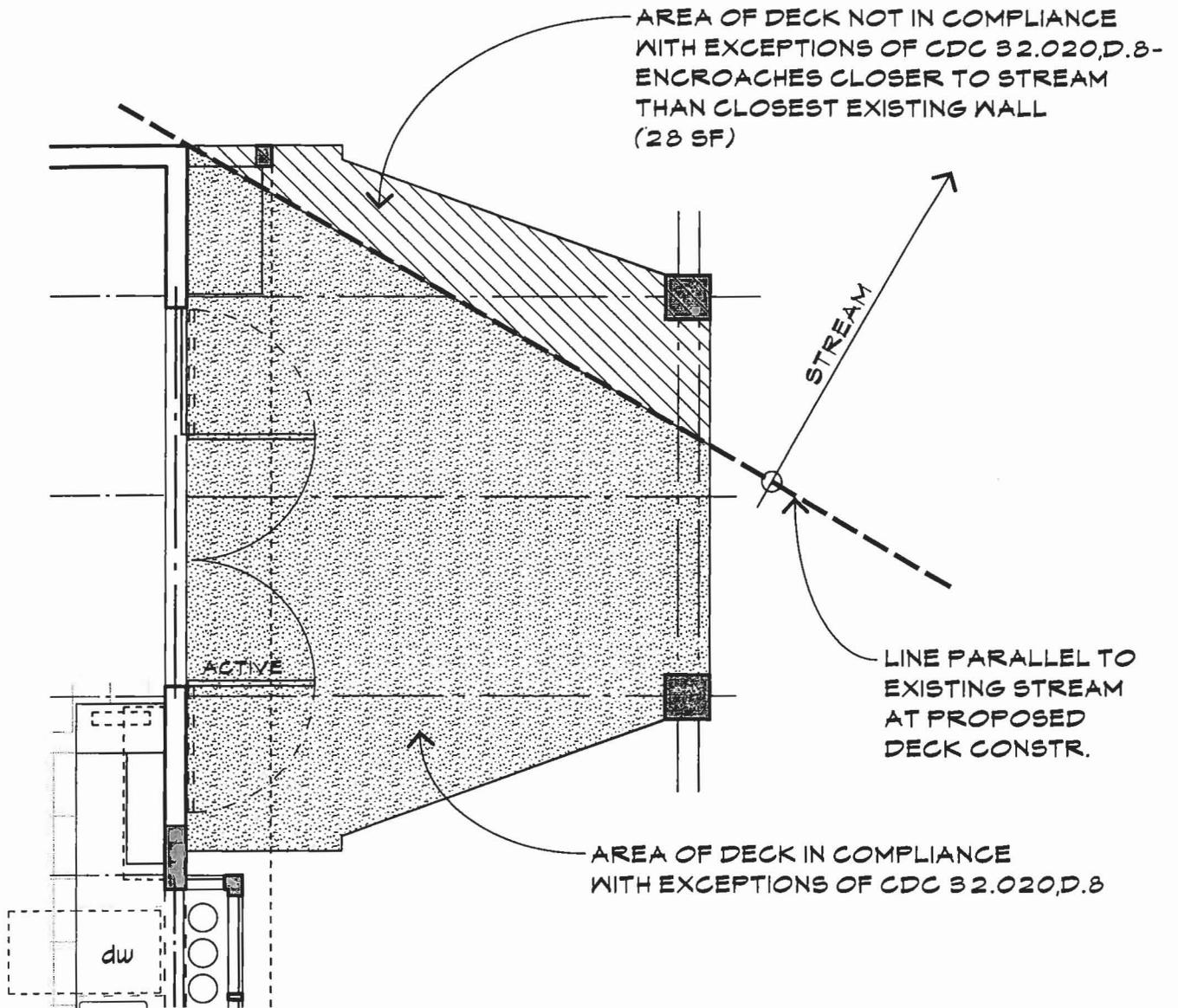
**EXISTING CONDITION AT NORTH WALL**

1/4" = 1'-0"



**CONDITION AT PROPOSED NORTH WALL BAY WINDOW**

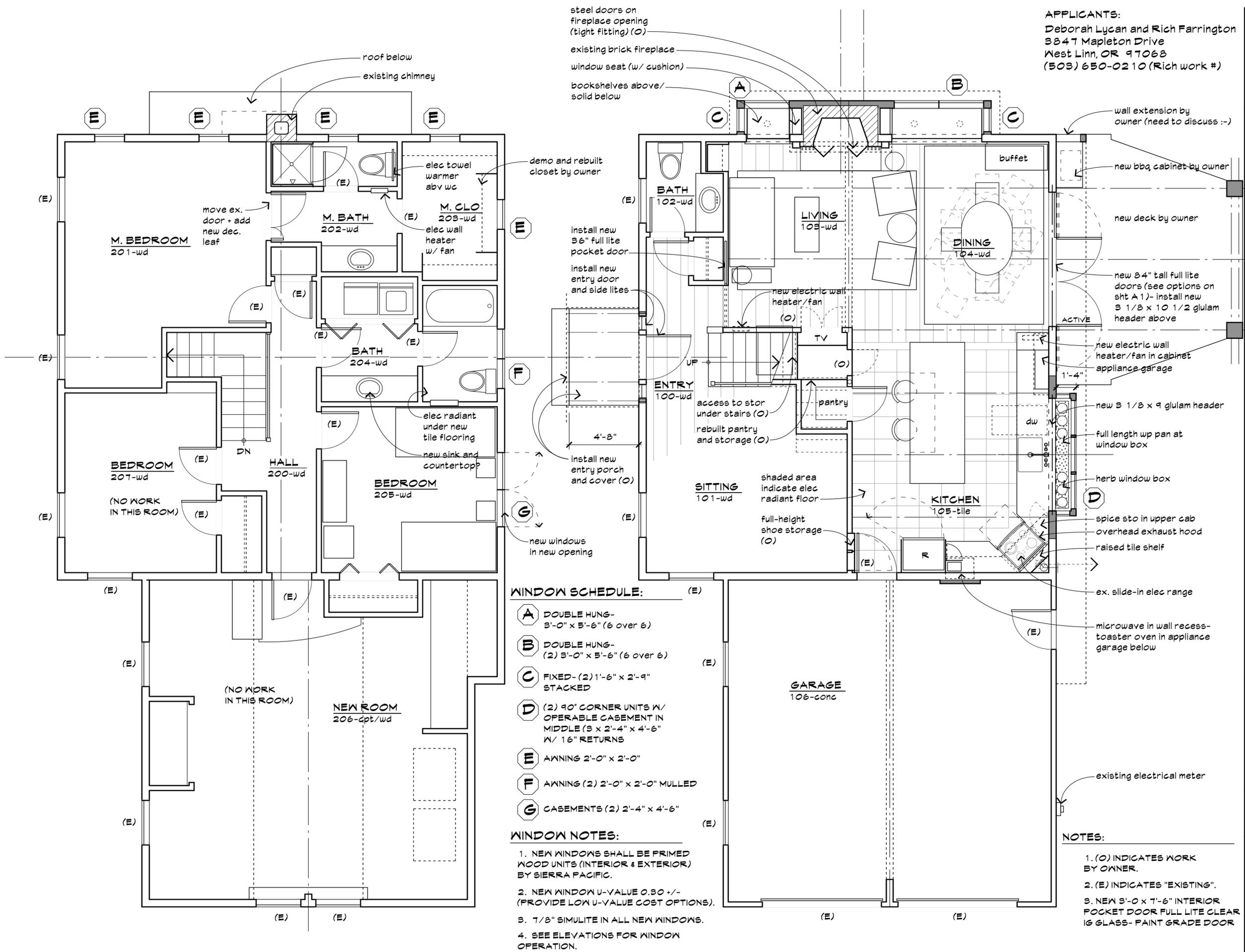
1/4" = 1'-0"



**CONDITION AT PROPOSED EAST DECK**

1/4" = 1'-0"

APPLICANTS:  
 Deborah Lycan and Rich Farrington  
 3847 Mapleton Drive  
 West Linn, OR 97068  
 (503) 650-0210 (Rich work #)



- WINDOW SCHEDULE:**
- A** DOUBLE HUNG- 3'-0" x 5'-6" (6 over 6)
  - B** DOUBLE HUNG- (2) 3'-0" x 5'-6" (6 over 6)
  - C** FIXED- (2) 1'-6" x 2'-9" STACKED
  - D** (2) 90° CORNER UNITS W/ OPERABLE CASEMENT IN MIDDLE (3 x 2'-4" x 4'-6" W/ 16" RETURNS
  - E** AWNING 2'-0" x 2'-0"
  - F** AWNING (2) 2'-0" x 2'-0" MULLED
  - G** CASEMENTS (2) 2'-4" x 4'-6"
- WINDOW NOTES:**
1. NEW WINDOWS SHALL BE PRIMED WOOD UNITS (INTERIOR & EXTERIOR) BY SIERRA PACIFIC.
  2. NEW WINDOW U-VALUE 0.30 +/- (PROVIDE LOW U-VALUE COST OPTIONS).
  3. 7/8" SIMULITE IN ALL NEW WINDOWS.
  4. SEE ELEVATIONS FOR WINDOW OPERATION.

- NOTES:**
1. (O) INDICATES WORK BY OWNER.
  2. (E) INDICATES "EXISTING".
  3. NEW 3'-0" x 7'-6" INTERIOR POCKET DOOR FULL LITE CLEAR IG GLASS- PAINT GRADE DOOR

**LYCAN/FARRINGTON HOME**

3847 MAPLETON DRIVE WEST LINN, OREGON 97068  
 owners: Deborah Lycan and Rich Farrington

ISSUE / REV	DATE
WRA app	1/22/13

PROJ NO:  
 DRAWN BY: RLF  
 SHEET TITLE:  
 FLOOR PLANS  
 MAIN/UPPER  
 PROPOSED

SHEET NUMBER:  
 1 OF 7

**WRA-1**

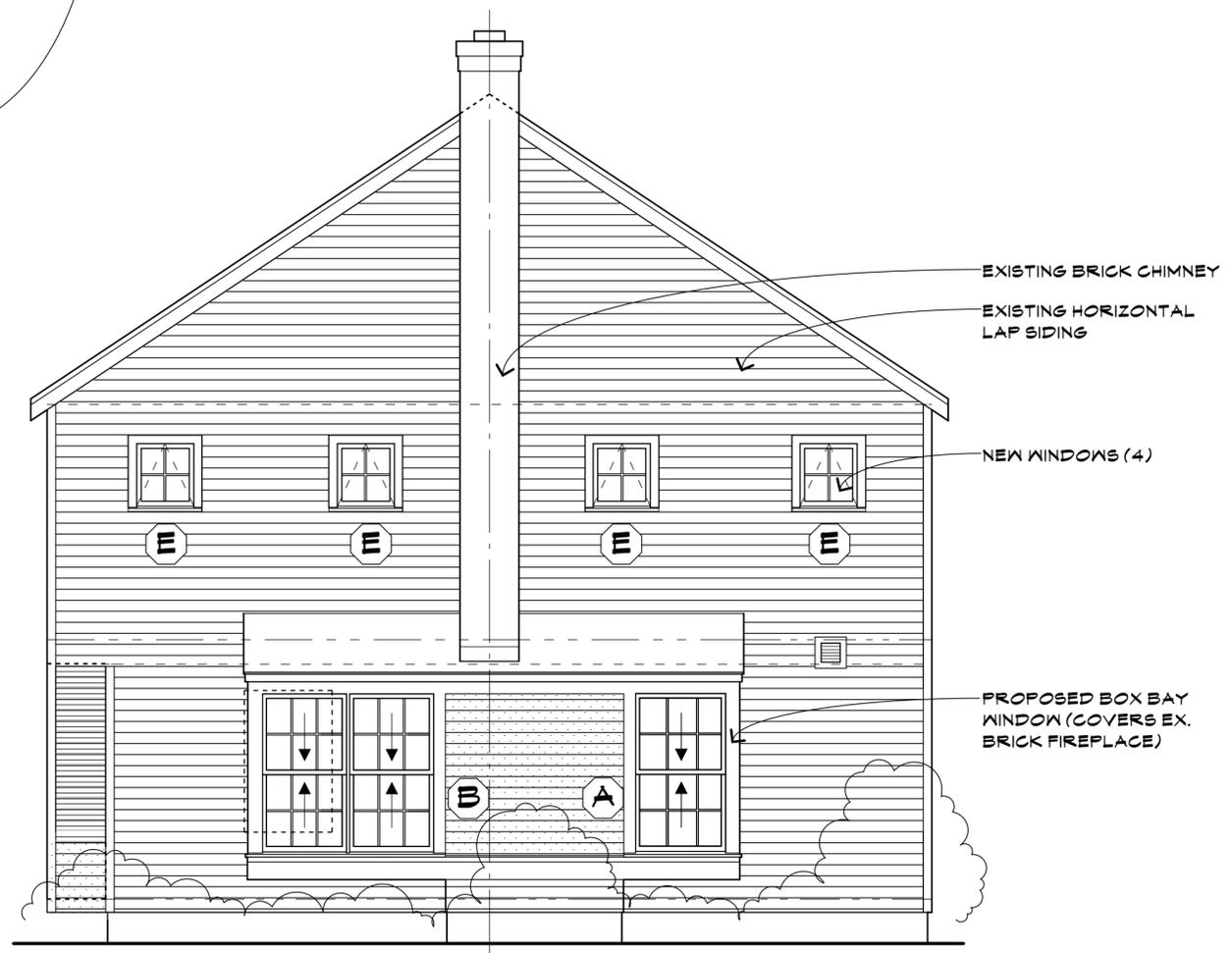
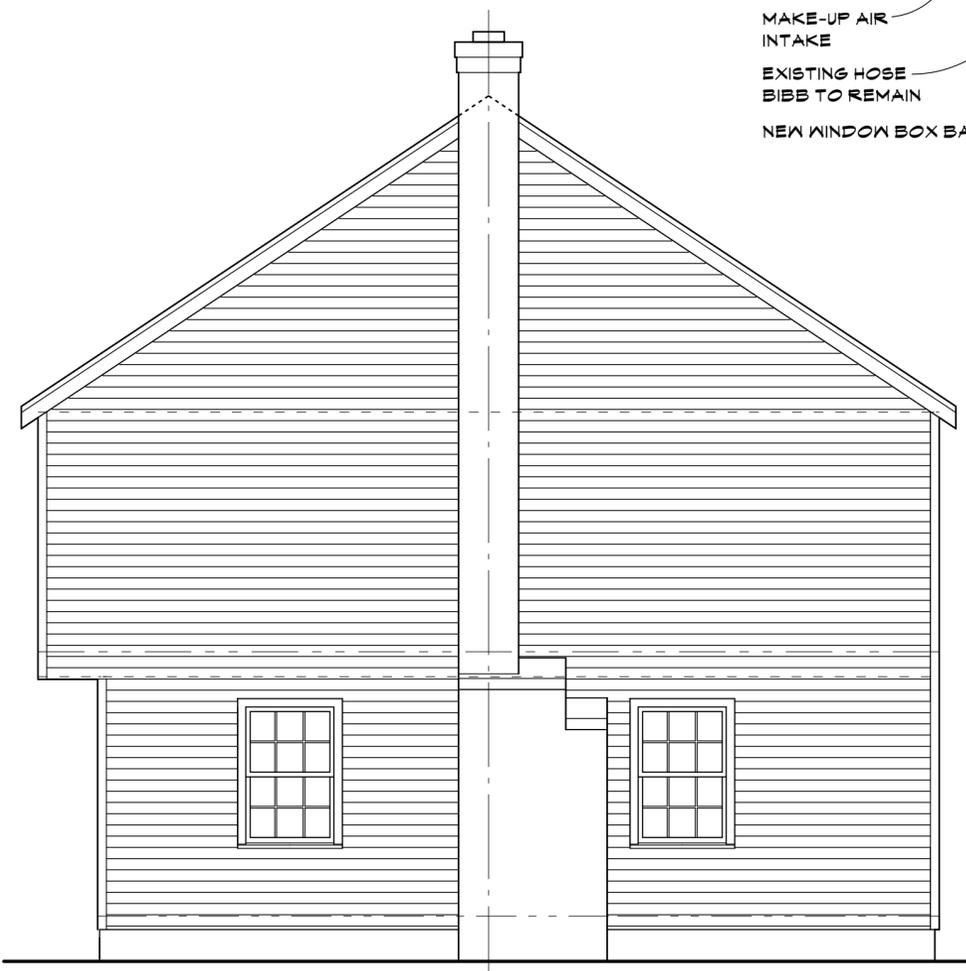
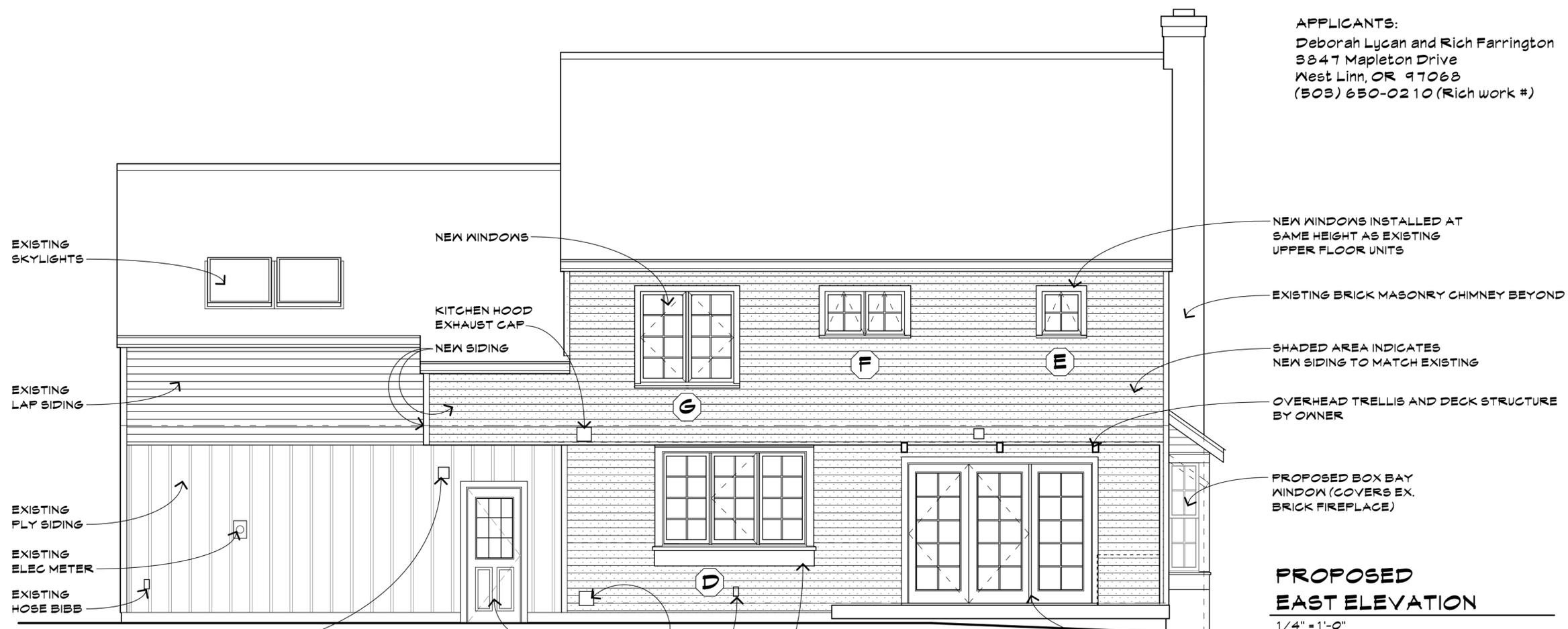
**2 UPPER FLOOR PLAN- PROPOSED**  
 1 1/4" = 1'-0"



**1 MAIN FLOOR PLAN- PROPOSED**  
 1 1/4" = 1'-0"



APPLICANTS:  
 Deborah Lycan and Rich Farrington  
 3847 Mapleton Drive  
 West Linn, OR 97068  
 (503) 650-0210 (Rich work #)



**LYCAN/FARRINGTON HOME**

3847 MAPLETON DRIVE WEST LINN, OREGON 97068  
 owners: Deborah Lycan and Rich Farrington

ISSUE / REV	DATE
WRA app	1/22/13

PROJ NO:  
 DRAWN BY: RLF

SHEET TITLE:  
**ELEVATIONS**

NORTH/EAST  
 EX./ PROPOSED

SHEET NUMBER:  
 2 OF 7

**WRA-2**

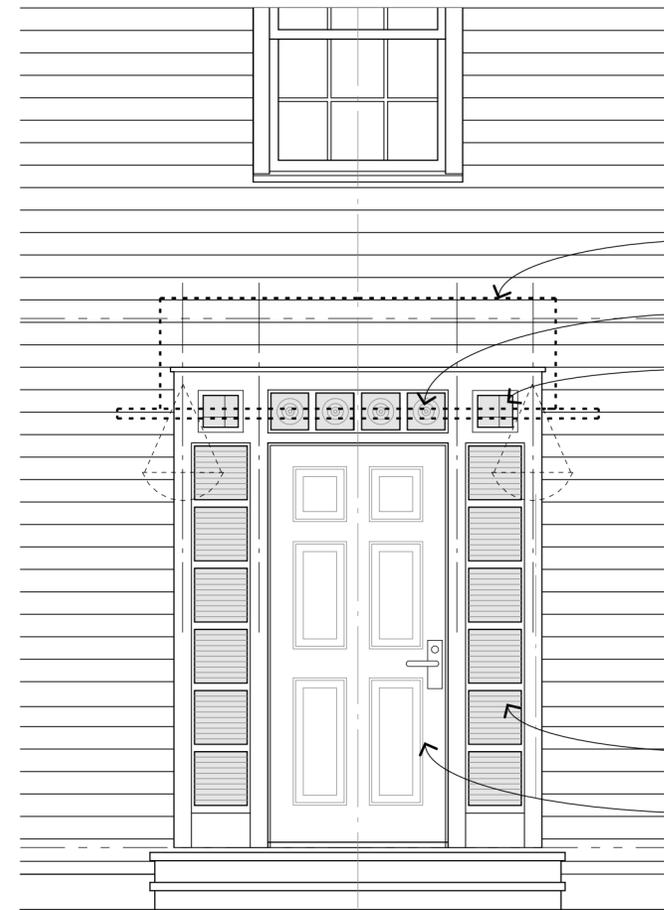
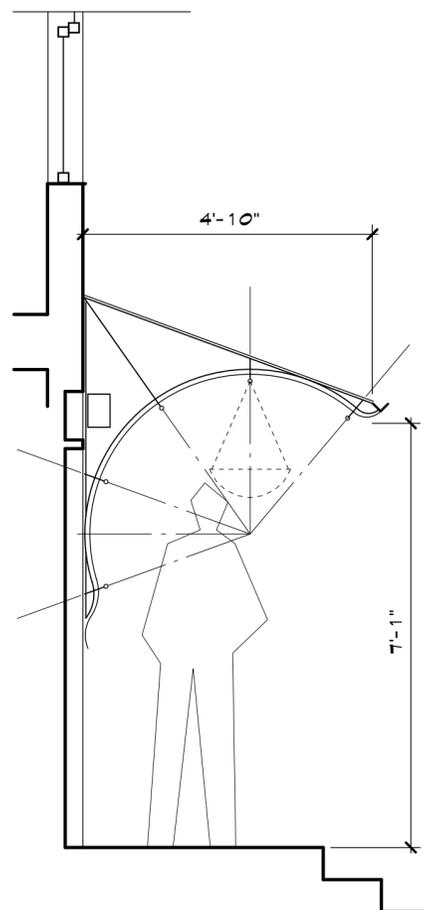
APPLICANTS:  
 Deborah Lycan and Rich Farrington  
 3847 Mapleton Drive  
 West Linn, OR 97068  
 (503) 650-0210 (Rich work #)



PROPOSED BOX BAY WINDOW AT FIREPLACE BEYOND

NEW ENTRY DOOR AND SIDELITES W/ TRIM (CANOPY ABOVE AND ENTRY PORCH BY OWNER)

1 WEST ELEVATION  
 3 1/4" = 1'-0"



GLASS ENTRY CANOPY (DASHED)  
 EXISTING SPECIALTY GLASS TRANSOM  
 NEW LIGHT FIXTURE EA. SIDE

door bell and house number?

HORIZONTAL REED (WIDE) IG SIDELITES  
 PAINTED STEEL ENTRY DOOR (EXISTING W/ NEW HARDWARE/ WEATHERSTRIPPING?)

**LYCAN/FARRINGTON HOME**

3847 MAPLETON DRIVE WEST LINN, OREGON 97068  
 owners: Deborah Lycan and Rich Farrington

ISSUE / REV	DATE
WRA app	1/22/13

PROJ NO:  
 DRAWN BY: RLF

SHEET TITLE:  
 ELEVATIONS  
 WEST

SHEET NUMBER:  
 3 OF 7

**WRA-3**

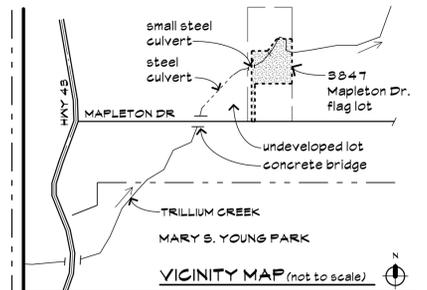




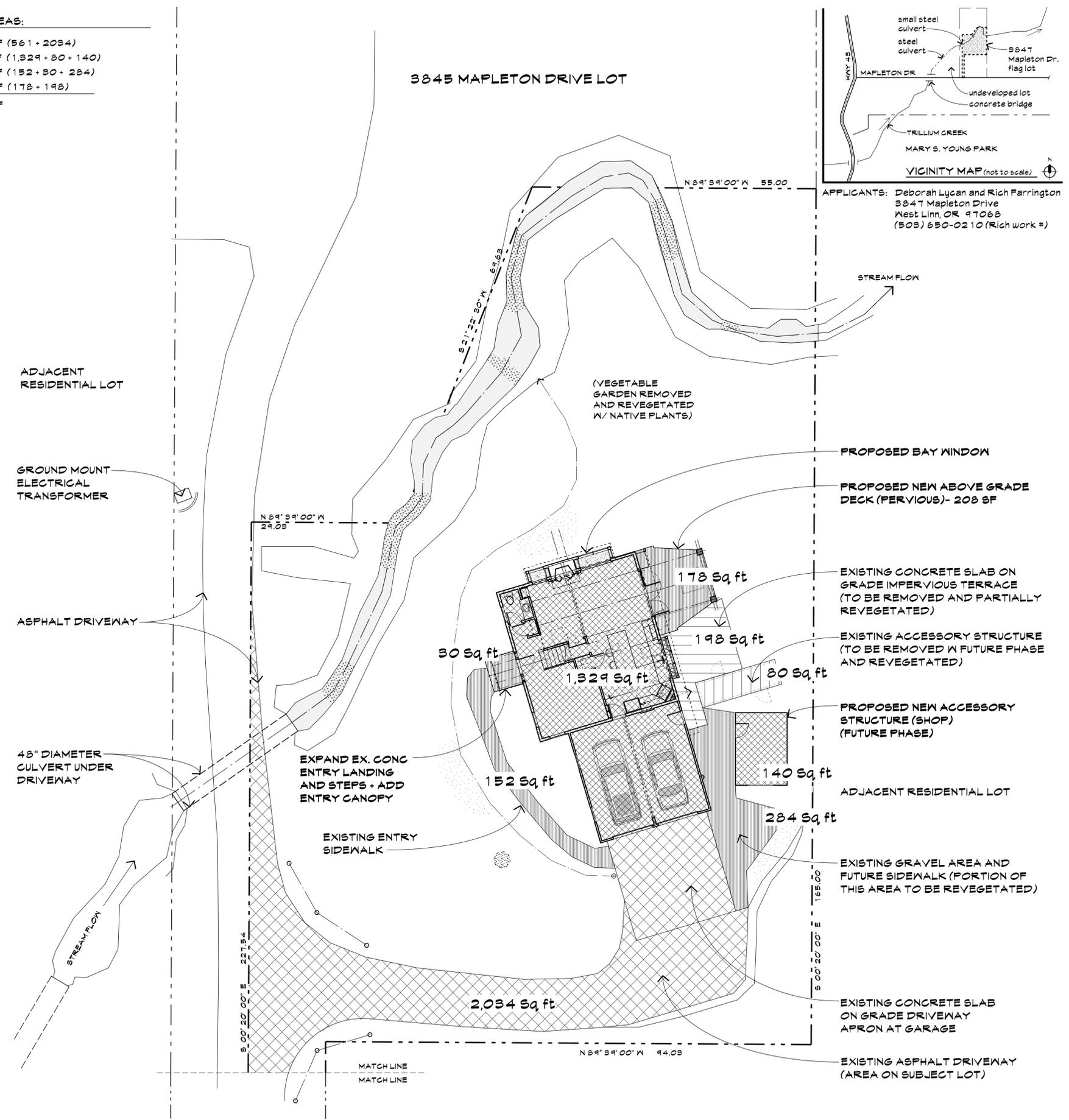
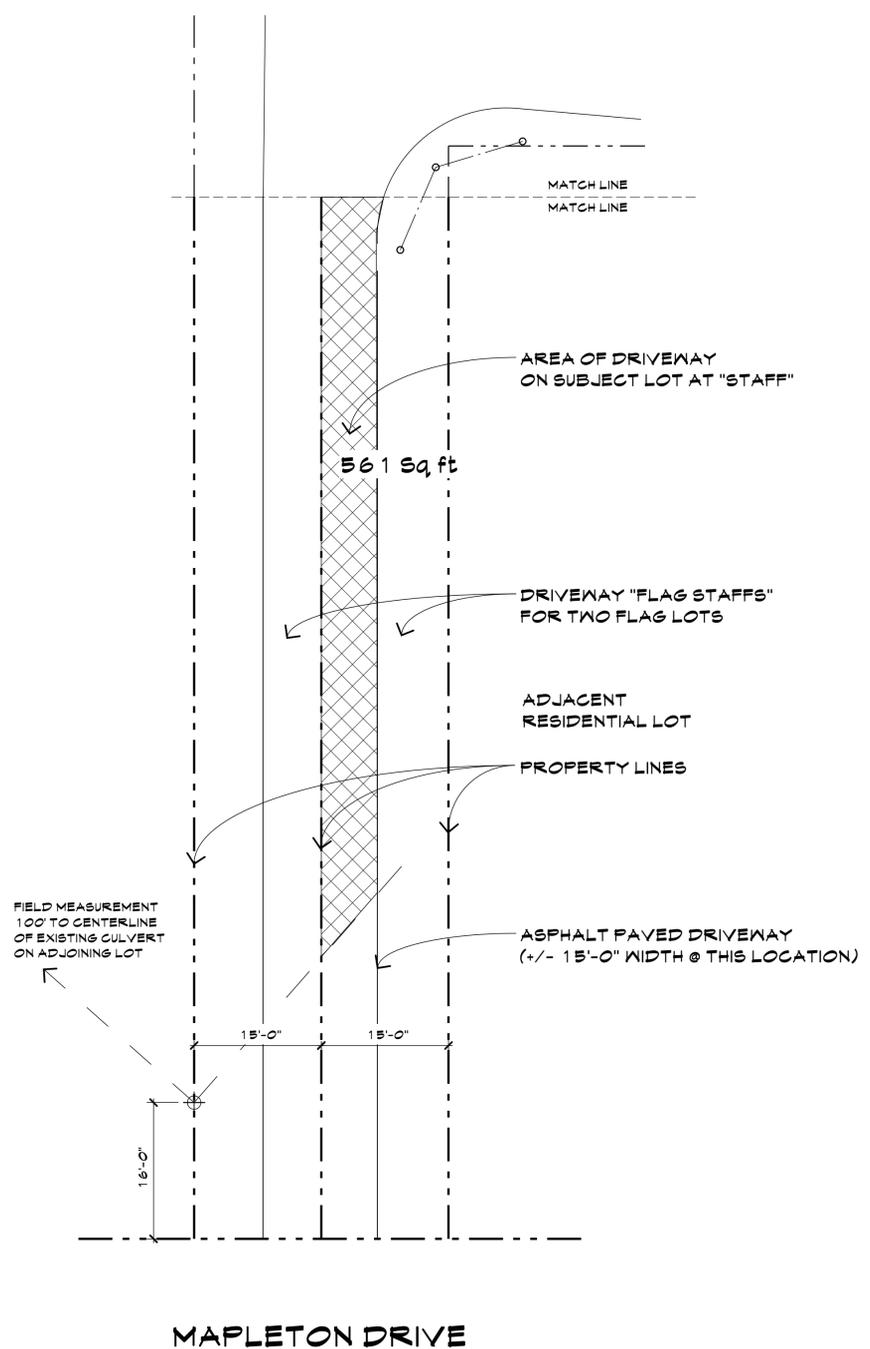
**SUMMARY OF DISTURBED AREAS:**

- 1. DRIVEWAY = 2,595 SF (561 + 2034)
- 2. BUILDINGS = 1,549 SF (1,329 + 20 + 140)
- 3. SIDEWALKS = 466 SF (152 + 30 + 284)
- 4. TERRACE/DECK = 376 SF (178 + 198)
- TOTAL = 4,986 SF**

**3845 MAPLETON DRIVE LOT**



APPLICANTS: Deborah Lycan and Rich Farrington  
 3847 Mapleton Drive  
 West Linn, OR 97068  
 (503) 650-0210 (Rich work #)



**MAPLETON DRIVE**

**2** PARTIAL SITE PLAN @ DRIVEWAY/LOT "STAFF"  
 6 1" = 10'-0"

**1** PARTIAL SITE PLAN @ LOT FLAG- "DISTURBED AREAS"  
 6 1" = 10'-0"

**LYCAN/FARRINGTON ESTATE**

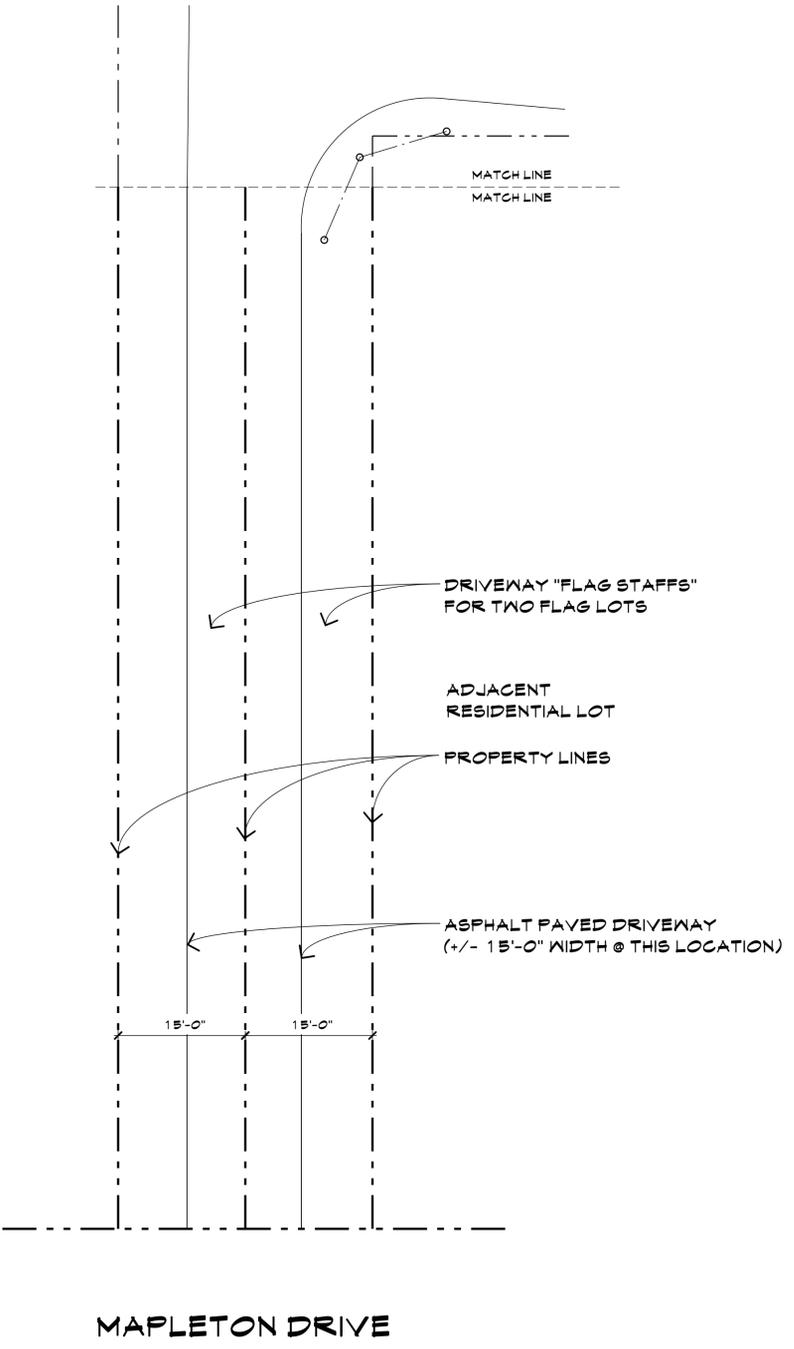
3847 MAPLETON DRIVE WEST LINN, OREGON 97068  
 owners: Deborah Lycan and Rich Farrington (503) 650-0210

ISSUE / REV	DATE
WRA app	1/22/13

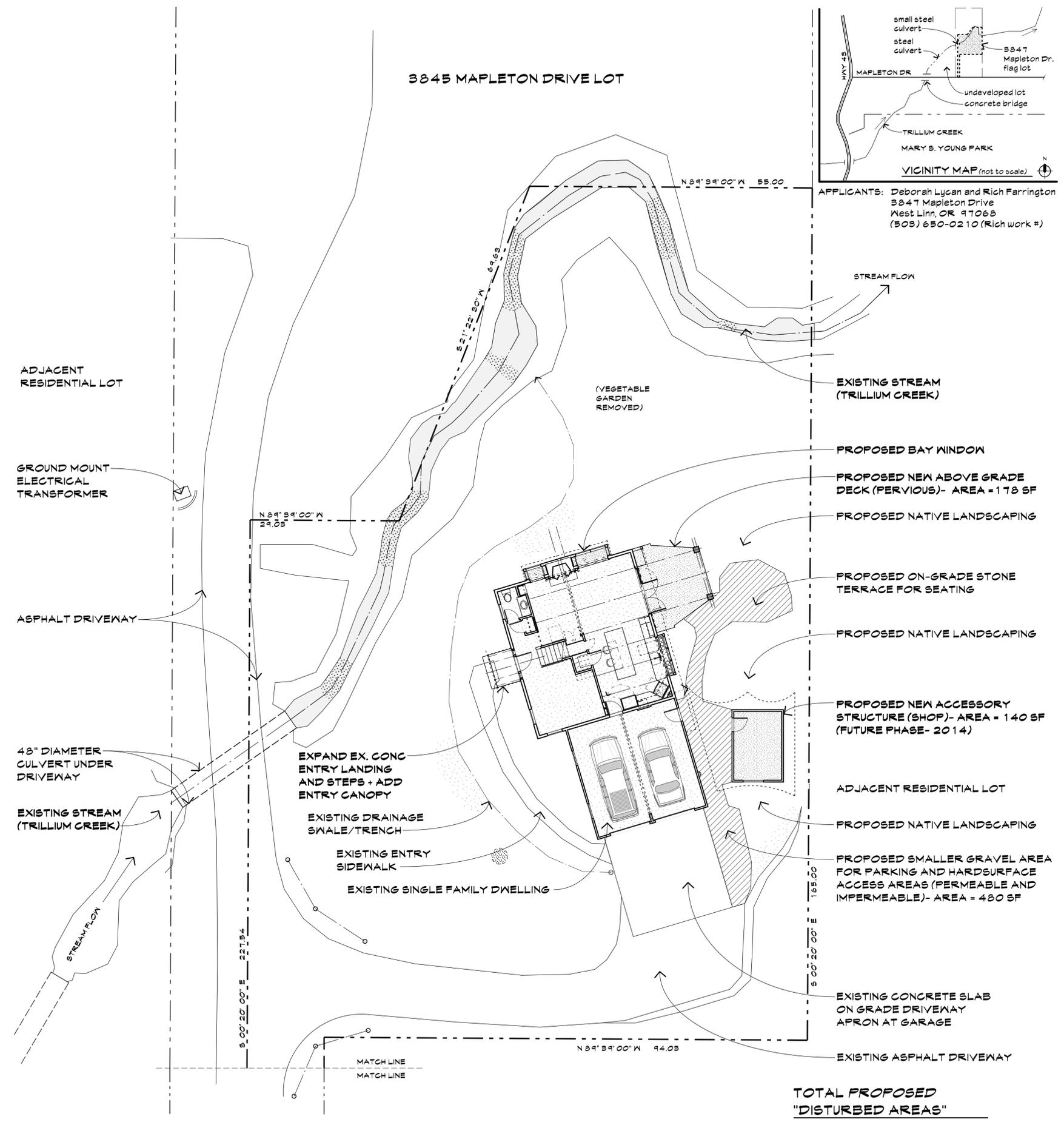
PROJ NO:  
 DRAWN BY: RLF  
 SHEET TITLE:  
 SITE PLAN-  
 DISTURBED AREAS

SHEET NUMBER:  
 6 OF 7

**WRA-6**

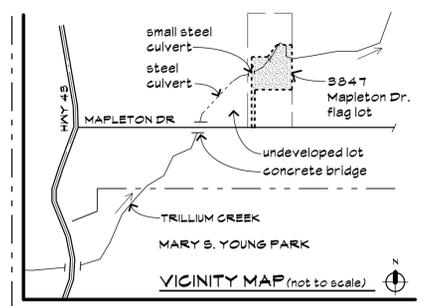


2 PARTIAL SITE PLAN @ DRIVEWAY/LOT "STAFF" 1" = 10'-0"



TOTAL PROPOSED "DISTURBED AREAS" 4,908 SF

1 PARTIAL SITE PLAN @ LOT FLAG- PROPOSED 1" = 10'-0"



LYCAN/FARRINGTON ESTATE

3847 MAPLETON DRIVE WEST LINN, OREGON 97068  
owners: Deborah Lycan and Rich Farrington (503) 650-0210

ISSUE / REV	DATE
WRA app	1/22/13

PROJ NO: \_\_\_\_\_  
DRAWN BY: ELF

SHEET TITLE: \_\_\_\_\_  
SITE PLAN- \_\_\_\_\_  
PROPOSED \_\_\_\_\_  
DEVELOPMENT \_\_\_\_\_

SHEET NUMBER: \_\_\_\_\_  
7 OF 7

WRA-7