



**STAFF REPORT
PLANNING DIRECTOR DECISION**

DATE: July 2, 2013
FILE NO.: WAP-13-03
REQUEST: Water Resource Area (WRA) permit for single-family detached house on lot of record at 4744 Chestnut Street
PLANNER: Tom Soppe, Associate Planner

TABLE OF CONTENTS

	<u>Page</u>
STAFF ANALYSIS AND RECOMMENDATION	
GENERAL INFORMATION	1
BACKGROUND	2-7
APPROVAL CRITERIA.....	7
ANALYSIS.....	7-9
RECOMMENDATION.....	9-11
 ADDENDUM	
STAFF FINDINGS.....	12-26
 EXHIBITS	
PD-1 AFFADAVIT AND NOTICE MAILING PACKET.....	27-32
PD-2 COMPLETENESS LETTER.....	33
PD-3 FIELDS BRIDGE PARK MITIGATION AREA MAP.....	34
PD-4 CITY ARBORIST'S SIGNIFICANT TREE MAP.....	35
PD-5 APPLICANT'S SUBMITTAL.....	36-49
PD-6 PUBLIC COMMENTS SUBMITTED IN WRITING.....	50-52



GENERAL INFORMATION

- APPLICANT:** David Burnett
2764 Sunset Ave.
West Linn, OR 97068
- SITE LOCATION:** 4744 Chestnut St.
- LEGAL DESCRIPTION:** Clackamas County Assessor's Map 2-2E-31BB, Tax Lot 600
- SITE SIZE:** 5,012 Sq. Ft.
- ZONING:** R-4.5, Single-Family Residential Attached and Detached/Duplex
- COMP PLAN DESIGNATION:** Medium Density Residential
- APPROVAL CRITERIA:** Community Development Code (CDC) Chapter 14, Single-Family Residential Attached and Detached Duplex; Chapter 32 Water Resource Area Protection.
- 120-DAY PERIOD:** This application was deemed complete on May 31, 2013. The 120-day maximum application-processing period ends on September 28, 2013.
- PUBLIC NOTICE:** Public notice was mailed to the Sunset Neighborhood Association, the Army Corps of Engineers, the Department of State Lands, and affected property owners on June 10, 2013. The property and the nearest through street were posted with signs on June 13, 2013. In addition, the application has been posted on the City's website and was published in the West Linn Tidings on June 20, 2013. The notice requirements have been met.

BACKGROUND

The subject site is an existing platted vacant lot approximately 50 feet wide north-to-south and 100 feet deep east-to-west. As there is a storm channel along the west edge of the lot, approximately the 65 westernmost feet of the lot are within the protected water resource area.

Site Conditions: The lot is in the Sunset neighborhood along the west edge of a one-block dead-end section of Chestnut Street. The generally north-to-south trajectory of a storm



drainage channel straddles the west property line. There are no structures on site except for a dilapidated shed along the north property line, but immediately west of the channel on the property to the west is a shed with its foundation approximately on the property line.



The width and water level of the drainageway in mid April 2013

The right-of-way for Chestnut Street here is much wider than the street pavement, and there is no sidewalk. Resulting from this, there is a strip of land just over 20 feet wide between the pavement of Chestnut Street and the boundary delineating the right-of-way from the property. Due to many trees of varying sizes on the lot, in this strip, and on surrounding properties, the entire lot and said strip are under forested canopy. The trees on the lot and in this strip are all oaks, cedars, cherries, and madrones. Some of the oak trees are of large size particularly in the central and west central areas of the lot where a 38-inch diameter oak tree and a 36-inch diameter oak tree are approximately 10 feet from each other. The City Arborist's map of significant trees is included as Page 35 of Exhibit PD-4. On this map the significant trees, all oaks, are circled in red. They include the two large aforementioned oak trees in the western portion of the property as well as four oaks in the central-to-eastern area of the property, and one oak along the eastern border.





Large oaks in center of lot; dilapidated shed along north lot boundary in background.

The lot of record to the west and the lot to the north are undeveloped, but the house on the lot to the south is close to the property line as well. The lot slopes steadily from Chestnut Street west to the storm channel, with the flattest areas of the lot in the west central and southwest ends of the lot, along the east side of the channel. In the northwest area of the site, a terraced set of rocks is embedded into the side of the site's steepest area, below which is a cement pond approximately eight by 12 feet in size. The pond is between this slope and the channel.





Drainageway at west end of site; abandoned cement pond on site is to the right, full of leaves

Site Aerial View



Source: West Linn GIS, 2013

Project Description: The applicant requests approval for a detached single-family house and associated deck, yard area, raingarden, attached garage, and driveway on this lot of record. The proposed development is partially within the protected water resource area associated with the storm channel on site. Approximately the westernmost 65 feet of the 50-by-100-foot lot is within the protected area. The proposed footprint for the two-story house and attached garage is approximately 40 by 40 feet, with a porch extending east another five feet from the



southern half of the house. Also proposed are an approximately 15-foot-by-10-foot deck to the rear and similarly sized raingarden west of the house and deck. The garage is under the front area of the northern half of the house, and the driveway extends east from here to the pavement of Chestnut Street. While the house is proposed to be 15 feet from the front property line as allowed by Section 32.050(O), the driveway will be over 35 feet long total due to the additional distance between the front property line and the paved portion of the right of way. The existing shed on site overlaps with the proposed house footprint and will have to be demolished. The side setbacks are proposed to be five feet on both the north and south sides of the house. The furthest west area of the building footprint is the deck, and this is proposed to be 35 feet from the rear property line (making its setback from the storm channel a few feet less than this). The raingarden is proposed to be approximately 20 feet east of the channel. Many of the trees are proposed for removal due to their location within or near to the proposed building footprint area and/or driveway, but the applicant is preserving the large oaks just west of the proposed deck. The proposed total disturbance area is approximately 2,600 square feet per staff estimates. This is if both the proposed disturbed section of the protected area as delineated by the applicant, and the already disturbed area containing the pond and rock slope, are counted. This is less than the 5,000 square foot maximum allowed disturbance area within the protected area, as provided by Section 32.090(B).

The applicant proposes a revegetation plan (Page 39 of Exhibit PD-5), including two replacement trees for two of the trees removed, for the water resource transition and setback areas to be disturbed during construction but not developed. For the areas of the water resource area to be developed with the house, deck, and raingarden, the applicant proposes mitigation equaling this square footage in an unhealthy transition and wetland area in Fields Bridge Park, in coordination with the Parks and Recreation Department.

Surrounding Land Use and Zoning: The site is situated in the east end of the Sunset Neighborhood near the border with the Bolton Neighborhood. The mix of land uses within several blocks reflects how the site is located where the predominately residential Sunset Neighborhood borders I-205, with a mainly industrial and commercial area across the freeway. Also, the Camassia Natural Area is just north of the site vicinity.

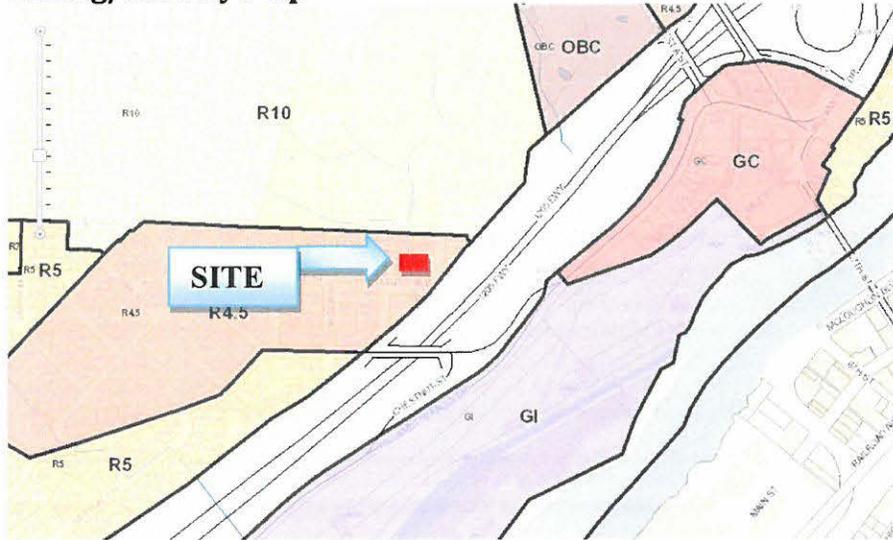
Table 1 Surrounding Land Use and Zoning

DIRECTION FROM SITE	LAND USE	ZONING
North	Vacant lot, Single-family residential detached, multi-family, Camassia Natural Area, West Linn High School	R-4.5, R-10, OBC
East	I-205, Single-family residential, commercial, Three Rivers Charter School, West Linn Police Station, West Linn Paper Company	R-4.5, R-5, GC, GI
South	I-205, West Linn Paper Company, locks, Single-family residential detached	R-4.5, R-5, GI
West	Single-family residential detached and attached, multi-family	R-4.5, R-5, R-10

Source: West Linn GIS, 2013



Zoning/Vicinity Map



Source: West Linn GIS, 2013

Approval Criteria

As previously noted, the applicant requests a WRA permit to build a single-family house on this lot of record in the R-4.5 zone. Approval of a hardship under Section 32.090 is requested since a significant portion of the lot lies within the water resource transition area.

Therefore the applicable approval criteria include:

- Chapter 32, Water Resource Area Protection: approval criteria, mitigation, revegetation, and hardship provisions are found in sections 32.050, 32.070, 32.080, and 32.090 respectively; and
- Chapter 14, R-4.5 zoning district.

Analysis

Staff has reviewed the applicant's proposal and concludes that it is the minimum economic viability for the lot of record and can be approved if modified by several conditions of approval recommended by staff.

CDC Subsection 32.050(D) requires that remaining water resource transition area not developed for the house, yard, and raingarden be preserved via easement. Subsection 32.050(G) requires that this remaining preserved area be fenced during construction and signed appropriately along its edges after that. Condition of Approval 2 is recommended to ensure the development complies with the criteria regarding the easement establishment and signage. Condition of Approval 3 is recommended to ensure the construction fencing is implemented.

Subsection 32.070(C) requires mitigation be implemented equaling at least one square foot of mitigation area off-site per one square foot of permanently disturbed area. The applicant proposes mitigation equaling the square footage of the transition area proposed for house footprint and raingarden in the transition area but not the areas of the additional 15-foot structural setback area proposed for permanent disturbance, and not the construction disturbance area proposed for revegetation. Condition of Approval 4 is recommended to



ensure the applicant calculates this total area as required for mitigation by the interpretation of Chapter 32 by the state Land Use Board of Appeals (LUBA). It also requires that the applicant mitigate for this square footage in Fields Bridge Park.

The applicant proposes one-to-one replacement trees for the two trees proposed for removal in the transition area but not for the four other trees in the structural setback area proposed for removal. To meet the criteria regarding replacement trees, and the proper sizing and placement of trees and shrubs as provided in Subsections 32.080(C) and (D), Condition of Approval 5 is recommended as it requires four additional trees in the revegetation plan. It also ensures that the placement of these trees and the sizing of shrubs and trees meet these criteria.

Recommended Condition of Approval 6 requires all non-native invasive and noxious plants, if some remain after construction, to be removed from the revegetation area before the revegetation process begins; this ensures the revegetation plan complies with Subsection 32.080(B).

Subsection 32.080(F) requires the applicant to document revegetation plant survival for three consecutive years after it is completed and submit this documentation to the City. Therefore staff recommends Condition of Approval 7 as well, which requires the applicant to do this and to correct for any problems that could then be keeping the plantings below the 80% survival rate required by this section.

Public comments:

Paul Cameron, 4708 Chestnut Street, Summary of Phone Conversation, June 18, 2013

-Water from this channel rises a lot when it rains. See the water lines on the Cameron shed and nearby shed to the west and the Cameron deck. Could it affect new house? Could it be worse for other properties when new house is built?

-Will new house drain onto other properties or worsen how channel rises?

-Wishes proposed house was smaller and more than five feet from property line. It will be higher than Cameron house and very close to it. Neighborhood is mostly smaller houses and this will be out of place due to larger size.

Staff Response: As explained to Mr. Cameron the raingarden will be designed to absorb all stormwater from the new house. Staff observations on June 18 found that the identifiable water marks on the Cameron shed were far below where the new house would be. The other concerns raised are not applicable to Chapter 32 criteria, but Chapter 14 criteria provide for the limitations on the size and setbacks for the house.

Cheri Allen, 4708 Chestnut St., June 24, 2013

This letter is in regards to the property at 4744 Chestnut St. I have lived next door to this site for 25 years. My house sits on dirt and boulders for a foundation. It is also downhill from the proposed build site. With the contractor planning to raise the lot even higher, I have huge concerns about the stability of my foundation as well as my basement and the rest of my property. Although we have only been flooded once I have the fear that once trees and boulders are removed and displaced real issues will arise. Without the natural buffers I am afraid our little run off creek that abuts our property will be compromised. As it stands the creek mostly does its job. The proposed structure is a behemoth footprint spanning a



comparatively small lot that I do believe will jeopardize our “protected” creek and neighborhood.

I do understand progress and the contractor wanting to get the most for his investment. But at what cost and loss to others?

I urge you to consider our real concerns. It just seems the structure should fit the lot size, so reducing the footprint. I hope the stability and ecology of this sensitive area is considered. I know the contractor has plans to help contain some of the run off, but I do not believe it is the answer to all the problems that will arise from a build of this size.

Leon J Huggett, 11014 ne 26th St., Vancouver, WA 98684
Planning Commission

My name is Leon Huggett, I own the property at 4708 Chestnut Street in West Linn. I recently received a letter from your offices informing me of a request to build a new home next door to my property. I checked this out and found on your website the plans and property layout that they submitted. My big concern is the size of the house (2002 sq ft). I feel that this large of a house puts a lot of extra pressure on the drainage creek that flows thru the back of the lot, In the spring runoff this creek carries a lot of water, that has on occasion backed up and flooded under my house. Where is all this runoff from the new house going to go when it is not able to soak into the ground. Also cutting all the trees down will not help the situation. I feel that this should be addressed by some experts in ground water control.

The house is currently occupied by my daughter, Cheri Allen and she is quite aware of the water problems at this site.

Thanks for considering my concerns.

Staff Response: The raingarden is design to absorb the runoff from the new development. Erosion control will be required during construction. The house’s size, in the aesthetic sense, is not addressed by criteria as long as the proposed development meets the test of minimum economic viability and as long as the house meets the zoning dimensional requirements; the staff responses to the criteria below determine that it does.

RECOMMENDATION

Staff recommends approval of application WAP-13-03 subject to the following proposed conditions:

1. Site Plan. With the exception of modifications required by these conditions, the project shall conform to the Site Plan dated May 29, 2013, located on Page 40 of Exhibit PC-5.



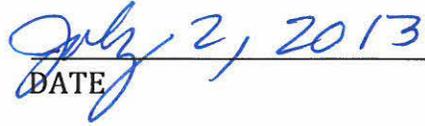
2. Conservation Easement and Signage. A conservation easement shall be recorded that applies to all areas within 65 feet of the edge of the drainageway, west of where permanent yard, raingarden, and building footprint development is approved by this decision. The easement shall include the City's standard conservation easement language for water resource area conservation easements (available from the Planning Department) which prohibits further development and protects native vegetation. The easement shall also include standard tree protection language available from the Planning Department as well. The edge of the conservation easement on all sides shall be marked with the City's standard permanent markers at 30-foot to 50-foot intervals and at all boundary direction changes.
3. Construction Fencing. Construction fencing shall contain all areas of the water resource transition and setback not proposed for construction disturbance, as delineated on the Site Plan on Page 40 of Exhibit PD-5. In addition, areas within the proposed disturbance area that contain trees not identified for removal on the site plan shall be fenced as approved by the City's arborist
4. Mitigation Area. The applicant shall provide staff a final calculation of house footprint area and construction disturbance area (the latter the same as the revegetation plan area) proposed within the 65-foot transition and structural setback on site. This total should exclude, however, fenced protection buffers for trees to be preserved, as approved by the City Arborist, as neither usable developed yard area nor temporary construction disturbance area should be disturbed within these fenced tree protection areas. Once the disturbance area is reconfigured and its square footage recalculated based on the above stipulations, the applicant shall submit a new site plan delineating the reconfigured disturbance area and showing its square footage total. The applicant shall then mitigate for this total square footage in the mitigation area in Fields Bridge Park. Mitigation for this square footage at Fields Bridge Park must be complete by the time final occupancy is allowed at the proposed house by the Building Division.
5. Tree and Shrub Planting. In addition to the two replacement trees proposed in the Re-Vegetation Plan, the applicant shall plant four more trees in the revegetation area to replace the trees lost in the 15-foot structural setback area. New trees shall be planted eight to 12 feet on center from each other. Replacement trees must be at least one-half inch in caliper, measured at six 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.
6. Invasive Vegetation. Any invasive non-native or noxious vegetation remaining in the revegetation area shall be removed before revegetation begins.
7. Documentation of Revegetation Survival. The applicant shall provide assurance documenting that 80 percent survival of the plants has been achieved after three years, and shall provide a report to the City Arborist on the status of the revegetation plan at



the end of the three-year period. Any problems revealed in the documentation shall be restored to achieve the 80% survival rate on site by the applicant.

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 CDC 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 comments prior to or on July 2, 2013.

Mailed this 3rd day of July, 2013.

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

7/17/13.

Notes to Applicant.

- **Expiration of Approval.** This approval shall expire three years from the effective date of this decision.
- **Additional Permits Required.** Your project may require the following additional permits:
 - **Public improvement permit:** contact Pat Rich in Engineering at (503) 723-5501 or prich@westlinnoregon.gov
 - **Public works permit:** contact Pat Rich in Engineering at (503) 723-5501 or prich@westlinnoregon.gov
 - **Building permit,** the final permit after others are completed and conditions of approval are fulfilled. Contact the Building Division at (503) 656-4211, jnomie@westlinnoregon.gov.
- **Final inspection:** Call the Building Division's Inspection Line at (503) 722-5509.



ADDENDUM

STAFF EVALUATION OF THE PROPOSAL'S COMPLIANCE WITH APPLICABLE CODE CRITERIA

I. Water Resource Area Hardship

32.090 REDUCTION IN STANDARDS FOR HARDSHIP

(...)

- 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 the ordinance codified in this chapter 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 Chapter 31 CDC. Applicants must demonstrate the following:

Staff Response 1: Staff finds that approximately 3,305 square feet of the 5,012 square foot lot is within the WRA transition area and the associated setback. Staff also finds that the lot was recorded in 1892 as Lot 2, Block 4, of the Sunset City plat. It was therefore a lot of record before the 2007 recording date of the ordinance that established the language of the above criteria. Therefore, staff determines that the lot meets the definition of a "lot located partially inside the water resource area."

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.

Staff Response 2: As there are 3,305 square feet of the lot in the transition area, 1,707 square feet are outside the transition area at the east end of the lot. The required minimum front setback is 15 feet even with the reduction allowed by Section 32.050(O) and as proposed by the applicant (see Staff Response 18 below). The minimum side yard setback is five feet. Once this required front yard area and the required side yard areas east of the 65-foot transition area and setback line are excluded, this 1,707 of potential development area outside the protected area is reduced to 878 square feet for house and garage. A reduction in standards via these hardship provisions is therefore necessary for minimum economic viability of the lot. Counting raingarden and yard area development, the applicant proposes 2,048 square feet of development within the protected area. The lot itself is virtually identical to the 5,000-square-foot maximum disturbance area for properties partially within the



protected area such as this one, and the applicant is developing on only (approximately) $\frac{3}{4}$ of the lot counting all yard area development and counting the 80-square foot abandoned cement pond as well. The following is excerpted from CDC Chapter 14 regarding allowed uses in the R-4.5 zone:

14.030 PERMITTED USES

The following are uses permitted outright in this zoning district:

1. Single-family detached residential unit.
2. Duplex residential units.
3. Family day care.
4. Single-family attached residential units.
5. Community recreation.
6. Residential home.
7. Utilities, minor.
8. Manufactured housing.
9. Transportation facilities (Type I).

14.040 ACCESSORY USES

Accessory uses are allowed in this zone as provided by Chapter 34 CDC.

14.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Manufactured home park, subject to the provisions of Chapters 36 and 55 CDC.
2. Home occupations, subject to the provisions of Chapter 37 CDC.
3. Signs, subject to the provisions of Chapter 52 CDC.
4. Temporary uses, subject to the provisions of Chapter 35 CDC.
5. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
6. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

14.060 CONDITIONAL USES

The following are conditional uses which may be allowed in this zoning district subject to the provisions of Chapter 60 CDC, Conditional Uses.

1. Children's day care center.
2. Cultural exhibits and library services.
3. Lodge, fraternal, community center and civic assembly.
4. Medical and dental offices or clinic.
5. Nursing home.
6. Postal services.
7. Professional and administrative services.
8. Public safety facilities.
9. Public support facilities.
10. Recycle collection center.
11. Religious institution.



12. Schools.
13. Senior center.
14. Utilities, major.
15. Senior citizen/handicapped housing facilities...
(...)
16. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria.

Staff finds that none of the above listed uses, besides the proposed use, would be uses of minimum impact that would still allow economic viability of the property. Staff finds also that the minimum square footage of disturbance is proposed for minimum economic viability, and that relatedly the proposed reduction is necessary to achieve minimum economic viability on the lot. Staff determines that the criteria are met.

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

Staff Response 3: The applicant states on Page 45 of Exhibit PD-5 (in response to 32.050[J]): “Erosion control measures will be conducted by a licensed contractor and all work done shall be in compliance with West Linn CDC 31, i.e., install silt fence along low end of work area, install gravel construction entrance, cover excess soil with plastic sheeting. Also at no time will the maximum 5,000 square feet of water resource area will be disturbed.” Staff adopts the applicant’s finding that all provisions of Chapter 31 will be met.

- C. If a reduction in standards is granted pursuant to criteria of subsection B of this section, 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.

Staff Response 4: Staff finds that the proposed yard and raingarden development area is over 15 feet from the channel, and that the proposed building footprint including the deck is at least 33 feet from the channel in all areas. Staff determines that the criterion is met.

CDC 32.090(C)(2) requires: 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).
(...)

Staff Response 5: There is no mitigation area available on site outside the protected area due to house, driveway, and yard development. Off-site mitigation is proposed in Fields Bridge Park. See pages 36-38 of Exhibit PC-5 for the applicant’s mitigation findings. See Staff Response 29 for the calculation of mitigation square feet, including in both the transition and structural setback area for the house footprint and raingarden, but also for the construction



disturbance area to be revegetated. Recommended Condition of Approval 4 requires this area to be calculated by the applicant and mitigated one-to-one in the park. Therefore staff determines this criterion is satisfied upon the inclusion of Condition of Approval 4.

II. Chapter 32 Water Resource Area Protection

A. CDC 32.050 Approval Criteria

Staff Response 6: The approval criteria for the site include the approval criteria of CDC 32.050 and the criteria required by the Hardship Provisions in CDC 32.090. CDC 32.050 states that “[n]o 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.”

This section addresses each of the applicable criteria.

CDC 32.050(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.

Staff Response 7: Staff finds that the only water resource on or near the site, the channel at the west edge of the site, is identified on plans. Staff determines the criterion is met.

CDC 32.050(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.

Staff Response 8: There will be no changes to the channel. Drainage from proposed development would go to a proposed raingarden which would infiltrate on site between the proposed development and the channel. There will be no interbasin transfer. Staff finds and determines that the criterion is met.



CDC 32.050(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.

Staff Response 9: The applicant proposes a two-story single-family house with a 15-foot front setback (as allowed instead of a 20-foot minimum setback by Section 32.050[O] below). Staff finds that this minimizes adverse impacts on the water resource area by allowing the house to be further away from the channel. The applicant proposes to keep the two large oak trees immediately behind the proposed house and deck footprint. This is shown on the final site plan on Page 40 of Exhibit PD-5. The 18-inch oak at the front of the lot is proposed to be removed, but could also be preserved. However, that is not further addressed in this staff report since the Chapter 32 criteria do not address trees outside the water resource area. The City Arborist will work with the applicant to try to preserve this tree during the building permit process. The applicant plans mitigation at Fields Bridge Park, and recommended Condition of Approval 4 ensures the square footage matches the disturbed area in both the transition and structural setback areas, including the construction disturbance area to be disturbed and revegetated outside the house footprint and raingarden. Staff finds the criterion is met upon the inclusion of Condition of Approval 4.

CDC 32.050(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.

Staff Response 10: As this is a single residential lot of approximately 5,000 square feet, dedication of land to the City in a separate tract would not be proportional to the scope of development proposed or the lot size. Therefore a conservation easement is required as discussed in this criterion. Recommended Condition of Approval 2 would require a conservation easement be placed over this entire area.

CDC 32.050(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 Chapter 02 CDC, 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"> · Edge of bankful flow or 2-year storm level · Delineated edge of wetland 	50 feet 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"> · Edge of bankful flow or 2-year storm level · Delineated edge of wetland 	200 feet, plus structural setback

(...)

Staff Response 11: The channel is at the rear of the lot. All areas along the channel consist of either a) areas where slope is consistently below 25% or b) areas where 25% or more slopes are narrower than 30 feet. Therefore per Table 32.1 the standard transition area is 50 feet, plus a 15-foot structural setback provided in Section 32.050(L) since the channel is opposite the rear of the proposed structure (see Staff Response 16 below regarding the structural setback). The total water resource protection/setback area is therefore 65 feet from the edge of the channel. The applicant proposes development within this area, so the applicant has applied for the Water Resource Area approval under the hardship provisions of Section 32.090 as discussed above in this staff report.

CDC 32.050(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.

(...)

Staff Response 12: The applicant proposes a silt fence 25 feet from the channel as seen in their response to this criterion Page 45 of Exhibit PD-5, but per this criterion the fence should also include areas not proposed for disturbance that are outside this 25-foot buffer but within the water resource area, as shown on the Site Plan on Page 40 of Exhibit PD-5. Condition of Approval 3 requires this. Condition of Approval 2 requires that areas of the water resource area to remain undeveloped, which will match the easement boundaries required in this condition, be marked at all boundary changes and at 30- to 50-foot intervals. Staff finds that the criterion is met upon the inclusion of conditions 2 and 4.

CDC 32.050(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.

Staff Response 13: As seen in their response to Section 32.050(J) on Page 45 of Exhibit PD-5, the applicant plans to comply with Chapter 31 Erosion Control. There will be no construction in the channel, no inter-basin transfer, and no diversion from the natural watercourse for storm drainage on site. Water from all proposed impervious surfaces will be treated in the raingarden which will drain to the channel. Staff determines the criterion is met.

CDC 32.050(J). Appropriate erosion control measures based on Chapter 31 CDC requirements shall be established throughout all phases of construction.

Staff Response 14: As seen in their response to Section 32.050(J) on Page 45 of Exhibit PD-5, the applicant plans to comply with Chapter 31. Staff determines the criterion is met.

CDC 32.050(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.

Staff Response 15: The water resource area has 90% tree canopy coverage, and therefore does not meet the definition of "unhealthy or disturbed" in this criterion. Therefore the vegetative improvement plan is not required. See staff responses 20-35 below regarding the applicant's mitigation and revegetation plans. Staff determines the criterion is met.

CDC 32.050(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.



Staff Response 16: As discussed above in Staff Response 11, the transition area is 50 feet, plus the structural setback as provided in this section. The applicant proposes development within both of these setbacks due to the amount of the lot within this combined area. Therefore the applicant has applied for Water Resource Area approval under the hardship provisions of 32.090, as discussed above in this staff report.

CDC 32.050(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. (...)

Staff Response 17: The only stormwater facility proposed on site is a raingarden to treat all proposed impervious development. The entire lot consists of forested canopy. Also the stormwater treatment facility, which infiltrates stormwater on site, has to be placed in the protected water resource area as this is the only area of the site downhill from the proposed development area. Therefore this criterion cannot be met and is covered under the modifications allowed to the standards of 32.050 under the hardship provisions of 32.090, since the applicant has applied under those provisions. The hardship provisions are covered under staff responses 1-5 above. The facility is not proposed in the drainage course.

CDC 32.050(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.

Staff Response 18: The water resource area is at the rear of the site, so the applicant has proposed the front setback to be 15 feet. Staff finds and determines that the criterion is met.

CDC 32.050(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.

Staff Response 19: No channels besides the channel at the west end of the site have been identified on or near the site. Staff finds and determines that the criterion does not apply.

(...)

B. 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.



CDC 32.070(A). All mitigation plans must contain an alternatives analysis demonstrating that:

CDC 32.070(A)(1). No practicable alternatives to the requested development exist that will not disturb the water resource area; and

Staff Response 20: This is a residentially-zoned 5,000 square foot lot of record. The majority of the lot is in the transition area and structural setback area for the creek (approximately 3,300 square feet of the lot). Much of the front 1,700 square feet consists of the minimum 15-foot setback that is required with a Water Resource Area approval under 32.050(O). Required side setbacks are five feet in this zone per 14.070(E)(2). The area of the lot that is not in the transition area, WRA structural setback, front setback or side setbacks is approximately 878 square feet, not large enough for a new house. Therefore staff finds and determines that there are no practicable alternatives that would not disturb the water resource area.

CDC 32.070(A)(2). Development in the water resource area has been limited to the area necessary to allow for the proposed use; and

Staff Response 21: The applicant has designed the house to fill to the edges of both the smaller 15-foot front setback allowed by 32.050(O) and the R-4.5 side five-foot setbacks, maximizing its location outside the transition area. The applicant proposes a small developed rear yard area, rather than the entire property west of the house. Staff determines the applicant has limited development to the area necessary for a new house and minimal yard.

CDC 32.070(A)(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.

Staff Response 22: Staff references Staff Response 20 above as well as adopting the applicant's finding on Page 36-37 of Exhibit PD-5 which states the following:

The site is only 50' x 100' and the zone setback limitation leaves only the size of the building footprint as an alternative for siting the future home on the property. The developer has determined the home chosen as the only viable development for the property based on market demand. Since the designated water resource area is currently in a degraded vegetated condition the only adverse impact will be reduction in Resource area caused by the permanent building incursion. Offsetting this will be the re-vegetation of the construction disturbance area that will replace the degraded vegetation with Resource appropriate planting, none of which are currently on-site. Locating the rain garden in the resource area will enhance the resource area by adding appropriate planting to the area which is currently in a degraded condition. We also plan to replant the Resource area, not permanently or temporarily disturbed by construction, with appropriate plantings in an area exceeding the permanent disturbance area.



Staff determines that the proposal is an acceptable alternative for this residentially-zoned lot of record.

CDC 32.070(B). A mitigation plan shall contain the following information:

CDC 32.070(B)(1). A description of adverse impacts that will be caused as a result of development.

Staff Response 23: The applicant provides a description of adverse impacts as seen on Page 36 of Exhibit PD-5. It states: "Minimal adverse impacts are anticipated as the resource area will be planted with resource appropriate plantings where none currently exist. Two trees in the resource area will be removed, a 9" diameter oak and a 10" cherry. Replacement trees will be planted." While staff otherwise adopts this finding, the applicant should also replace the four oak trees to be removed in the 15-foot structural setback area. Condition of Approval 5 requires their replacement as provided in Section 32.080(C). Staff finds the criterion is met upon the inclusion of Condition of Approval 5.

CDC 32.070(B)(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 32.050(K).

Staff Response 24: The applicant's response on Page 120-121 of Exhibit PC-4 states the following:

Adverse impacts are minimized by minimizing the area to be disturbed during construction. Locating the proposed home as close to zone front setback as possible also minimizes the impact on the resource area. Adverse impacts are mitigated by replanting construction disturbance area with resource appropriate plantings. Most of the existing trees in the resource area, outside the building envelope, will be maintained. The tree canopy covers more than 50% of the resource area as required by section CDC 32.050(K).

In conjunction with the applicant's statement above, staff finds that the applicant has sufficiently explained how adverse impacts will be avoided, minimized, and mitigated in relation to the provisions of Section 32.050(K) and other goals of this chapter.

CDC 32.070(B)(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.

Staff Response 25: The applicant provides this information on Page 37 of Exhibit PD-5. The criterion is met.

CDC 32.070(B)(4). A map showing where the specific mitigation activities will occur.



Staff Response 26: The applicant explains in their response on Page 37 of Exhibit PD-5 that mitigation will occur in the large unhealthy transition area that the Parks and Recreation Department is restoring in Fields Bridge Park. The applicant did not submit a map because it is not specified within this area where the applicant's mitigation will be. However staff has added as an exhibit (Exhibit PD-3 on Page 34) a map of Parks' mitigation area in this park. The map is from the DR-13-01 file for the library parking lot which is also mitigating in this greater mitigation area. Staff finds the criterion is met.

32.070(B)(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.

Staff Response 27: There will be no work in fish-bearing streams. As the mitigation work is being done on City property the Parks and Recreation Department will complete it, and a contingency plan is not needed. That being said, the mitigation area required for this project is tied to the completion of this project as no language in Chapter 32 specifically allows for the City to "bank" the eventual mitigation into the future even if it is to occur in a major long-term mitigation area such as the one at Fields Bridge Park. Therefore staff recommends Condition of Approval 4 which requires that mitigation equaling this square footage be done in Fields Bridge Park before the Building Division can grant final occupancy for the house. Staff finds and determines that the criterion is met upon the inclusion of Condition of Approval 4.

CDC 32.070(B)(6). Assurances shall be established to rectify any mitigation actions that are not successful. This may include bonding or other surety.
(...)

Staff Response 28: The applicant will be paying \$1.00 per square foot to the Parks and Recreation Department to ensure the mitigation is done. As the work is being done by the City, the Parks and Recreation Department will ensure it is successful.

CDC 32.070(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 that does not meet the standard set forth in CDC 32.050(K); or
2. Off site, and is characterized by existing vegetation that does not meet the standard set forth in CDC 32.050(K).
The applicant shall prepare and implement a revegetation plan for the mitigation area pursuant to CDC 32.080, and which shall result in the area meeting the standards set forth in CDC 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.

(...)

Staff Response 29: There is not mitigation room on this small lot outside the transition area, as the areas of this lot outside the transition and setback will be used for the rest of the proposed house, the driveway, and the front yard. The exception would be to use the area on the west end of the site where there is an abandoned cement pond bed for some of the mitigation area, but the applicant is welcome per the criteria above to propose all mitigation off-site. All mitigation is proposed to occur off-site in an unhealthy area of Fields Bridge Park, as approved by the Parks and Recreation Department. The applicant calculates that within the transition area (not counting the 15-foot structural setback area), there will be 486 square feet of permanent disturbance area counting both the house and the raingarden. However the square footage of the house built within the structural setback area should also be mitigated. This is another 600 square footage of disturbed area within otherwise required setbacks of Section 32.050(E). Also LUBA's Coston vs. City of West Linn decision ruled that areas disturbed and revegetated during development also constitute disturbed/developed areas requiring mitigation. Therefore the applicant should mitigate for other areas to be disturbed during construction as shown on the Site Plan (Page 40 of Exhibit PD-5) as well. There is definitely room in the Fields Bridge Park mitigation area for mitigation areas matching the square footage of the proposed on-site disturbed areas. Recommended Condition of Approval 4 requires that the applicant precisely calculate this final total square footage for mitigation, and mitigate for this amount in the Fields Bridge Park mitigation area. Disturbance for yard development or temporary construction disturbance should not occur within the buffer areas (to be delineated by the City Arborist) for trees to be preserved, so these areas once delineated can be subtracted from the proposed disturbance area on site and subtracted from the amount of square footage to be mitigated. Staff finds the criteria are met upon the inclusion of Condition of Approval 4.

CDC 32.070(E). To ensure that the mitigation area will be protected in perpetuity, proof that the area has been dedicated to the City or that a conservation easement has been placed on the property where the mitigation is to occur is required.

Staff Response 30: Staff finds and determines that a mitigation area easement is not required, as the mitigation will occur in a City park.

C. 32.080 REVEGETATION PLAN REQUIREMENTS

Metro's Native Plant List is incorporated by reference as a part of this chapter, 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:

CDC 32.080(A). Native trees and shrubs will require temporary irrigation from June 15th to October 15th for the three years following planting.



Staff Response 31: The applicant will be installing the revegetation plantings as part of house construction, which the applicant presumably plans to sell to a buyer earlier than three years afterward. While there is no guarantee that a new homeowner will appropriately irrigate per this criterion, the applicant can facilitate this as best as possible by installing an irrigation system serving the revegetation area. Proposed Condition of Approval 6 requires this. Staff determines this criterion is met upon the inclusion of Condition of Approval 6.

CDC 32.080(B). Invasive non-native or noxious vegetation shall be removed within the area to be revegetated prior to planting.

Staff Response 32: Proposed Condition of Approval 7 requires that any invasive non-native or noxious vegetation in the revegetation area shall be removed, if any remains after construction disturbance. Staff finds and determines that the criterion is met upon the inclusion of Condition of Approval 7.

CDC 32.080(C). Replacement trees must be at least one-half inch in caliper, measured at six 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.

CDC 32.080(D). Trees shall be planted between eight and 12 feet on center and shrubs shall be planted between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted between eight 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.

Staff Response 33: Shrubs are proposed to be in single species groups of no more than four plants, so they meet these criteria regardless of spacing. Two new trees are proposed to replace the two trees to be removed in the transition area. The four oak trees to be removed in the structural setback area should also be replaced. For this reason, recommended Condition of Approval 5 requires the applicant to plant four more trees in the revegetation area, between eight and 12 feet on center. Most of the revegetation area, like most of the site, has existing tree canopy which will be preserved; it will not be possible for all planting to be outside existing tree driplines. Recommended Condition of Approval 5 also requires the shrub and tree sizes at time of planting comply with Section (C) above. Staff finds that the criteria are met upon the inclusion of Condition of Approval 5.

CDC 32.080(E). Shrubs must consist of at least two different species. If 10 trees or more are planted, then no more than 50 percent of the trees may be of the same species.

Staff Response 34: Fewer than 10 trees are proposed or required, so they do not need to be more than one species. As seen on the Re-Vegetation Plan on Page 39 of Exhibit PD-5, eight types of shrubs are proposed. Staff finds and determines that the criterion is met.



CDC 32.080(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.

Staff Response 35: This is a new house which may be sold to a buyer long before a three-year period has passed. The applicant would still be required, as the party responsible for the revegetation, to document and report on this information annually for three years. Recommended Condition of Approval 7 requires the applicant to find a way to achieve this and provide this documentation to the City Arborist, and to correct the problems if the 80% survival rate is not achieved. Staff finds the criterion is met upon the inclusion of Condition of Approval 7.

III. ZONING CRITERIA

A. *Chapter 14, Single-Family Residential Attached and Detached/Duplex*

14.030 PERMITTED USES

The following are uses permitted outright in this zoning district:

1. Single-family detached residential unit.

Staff Response 36: Staff finds and determines that the proposed use is a single-family detached residential unit and is therefore permitted in this zone.

14.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

- A. The minimum lot size shall be:
 1. For a single-family detached unit, 4,500 square feet.
(...)
- B. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.
- C. The average minimum lot width shall be 50 feet.
- D. The minimum average lot depth shall be 90 feet.

Staff Response 37: The lot has 5,012 square feet. It has a front lot line length and a consistent lot width of 50 feet. It has a consistent depth of 100 feet. Staff determines these criteria are met.



E. The minimum yard dimensions or minimum building setback areas from the lot line shall be:

1. For a front yard, 20 feet; except for steeply sloped lots where the provisions of CDC 41.010 shall apply.
2. For an interior side yard, five feet.
3. For a side yard abutting a street, 15 feet.
4. For a rear yard, 20 feet.

F. The maximum building height shall be 35 feet except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.

G. The maximum lot coverage shall be 40 percent.

(...)

I. The floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a “non-conforming structures” permit under Chapter 66 CDC.

J. The sidewall provisions of Chapter 43 CDC shall apply.

Staff Response 38: The front setback is proposed to be 15 feet, as this is allowed when a WRA is in the rear as provided by Section 32.050(O), despite an otherwise larger required front zoning setback. See staff response 18 above. The proposed rear setback is 35 feet to the deck and 45 feet to the house, both more than the required 20 feet. The minimum setback of five feet is proposed for each side yard. The proposed building height is 26 feet. The proposed building footprint is approximately 1,900 square feet, which is 37.9% lot coverage, less than the 40% maximum. The proposed interior above-ground finished living area is 2,002 square feet, so the floor area ratio would be 0.40, less than the 0.45 maximum. The sidewall provisions of Chapter 43 require that either the sidewall be gabled, or be 22 feet or less from ground to eaves. The north wall is proposed to be gabled. With a height of 26 feet, staff used the scaled drawing of the house at the bottom of Page 43 of Exhibit PD-5 to determine the sidewall can be less than 22 feet tall with this house plan. Staff determines these criteria are met.

14.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

A. The following standards apply to all development including permitted uses:

(...)

8. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.

9. Chapter 48 CDC, Access, Egress and Circulation.

(...)

Staff Response 39: As a single-family detached house, the proposed project is required by these chapters to have one at least one off-street parking space and a driveway that is a minimum of 20 feet long (to the street pavement) and 10 feet wide. Staff determines from the site plan that the criteria are met.



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-13-03 Applicant's Name David Burnett
Development Name Address 4744 Chestnut St.
Scheduled Meeting/Decision Date _____

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) 6-10-13 (signed) S. Shroyer
B. Affected property owners (date) 6-10-13 (signed) S. Shroyer
C. School District/Board (date) _____ (signed) _____
D. Other affected gov't. agencies (date) 6-10-13 (signed) S. Shroyer
E. Affected neighborhood assns. (date) 6-10-13 (signed) S. Shroyer
F. All parties to an appeal or review (date) _____ (signed) _____

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

Tidings (published date) 6-20-13 (signed) S. Shroyer
City's website (posted date) 6-10-13 (signed) S. Shroyer

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) 6-13-13 (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-13-03**

The West Linn Planning Director is considering a request for a Water Resource Area approval to build a single-family house on an existing lot of record at 4744 Chestnut Street.

The decision will be based on the approval criteria in chapters 14 and 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 at <http://www.westlinnoregon.gov.cdc>.

You have received this notice because County records indicate that you own property within 500 feet of this property (Tax Lot 600 of Clackamas County Assessor's Map 2-2E-31BB) or as otherwise required by the CDC.

All relevant materials in the above noted file are available for inspection at no cost at City Hall, and on the city web site at <http://westlinnoregon.gov/planning/4744-chestnut-st-new-home-construction-water-resources-protection-area> or copies may be obtained for a minimal charge per page. Although there is no public hearing, your comments and ideas are invited and 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 2, 2013**, so please contact us prior to that date. For further information, please contact Tom Soppe, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 742-8660, 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.

SHAUNA SHROYER
Planning Administrative Assistant

**CITY OF WEST LINN
PLANNING DIRECTOR DECISION
FILE NO. WAP-13-03**

The West Linn Planning Director is considering a request for a Water Resource Area approval to build a single-family house on an existing lot of record at 4744 Chestnut Street (Tax Lot 600 of Clackamas County Assessor's Map 2-2E-31BB).

The decision will be based on the approval criteria in chapters 14 and 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 at <http://www.westlinnoregon.gov.cdc>.

All relevant materials in the above noted file are available for inspection at no cost at City Hall, and on the city web site at <http://westlinnoregon.gov/planning/4744-chestnut-st-new-home-construction-water-resources-protection-area> or copies may be obtained for a minimal charge per page. Although there is no public hearing, your comments and ideas are invited and 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 2, 2013**, so please contact us prior to that date. For further information, please contact Tom Soppe, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 742-8660, 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.

SHAUNA SHROYER
Planning Administrative Assistant

4649 ALDER STREET LLC
PO BOX 99
HUBBARD, OR 97032

CITY OF WEST LINN
22500 SALAMO RD #600
WEST LINN, OR 97068

DOCKTER RONALD NEIL & JONI LEE
4709 WALNUT ST
WEST LINN, OR 97068

DUNCAN DENNIS G
4680 ALDER ST
WEST LINN, OR 97068

EDIGER STEVEN P & J BALZER-EDIGER
4755 ALDER ST
WEST LINN, OR 97068

FUSTOLO JOSEPH N & SARA C
2600 GLORIA DR
WEST LINN, OR 97068

HOGAN THOMAS E TRUSTEE
15599 SE OATFIELD RD
MILWAUKIE, OR 97267

*no longer
at this address*

HUGGETT LEON & LUCILLE
11014 NE 26TH ST
VANCOUVER, WA 98684

HUTCHINS AMASA M
4706 WALNUT ST
WEST LINN, OR 97068

KAUFMANN WALLACE L
PO BOX 220324
PORTLAND, OR 97269

MCINTOSH WILLIAM D & EUNICE M
4688 WALNUT ST
WEST LINN, OR 97068

MYERS GREGORY M & KARIANN H
4730 ALDER ST
WEST LINN, OR 97068

PAPST WALTER HOWARD & ELSIE
MARIE
4785 WALNUT ST
WEST LINN, OR 97068

PARKER QUENTIN W & DONNA L
4677 WALNUT ST
WEST LINN, OR 97068

PENNINGTON CAREN G
4735 ALDER ST
WEST LINN, OR 97068

PERFORMANCE PROPERTIES INC
PO BOX 67
LAKE OSWEGO, OR 97034

POLLEY MICHAEL R & SALLY K
4650 ALDER ST
WEST LINN, OR 97068

POND QUIN W B
4693 ALDER ST
WEST LINN, OR 97068

PORTLAND GEN ELEC CO
121 SW SALMON
PORTLAND, OR 97204

REAVELY RICHARD SCOTT & MARCIA
2277 OSTMAN RD
WEST LINN, OR 97068

ROCKHILL LEROY A
PO BOX 35
WEST LINN, OR 97068

STOLECKA MARIA
4670 WALNUT ST
WEST LINN, OR 97068

STONEKING RAYMOND & GERALDINE
1040 CEDAR ST
LAKE OSWEGO, OR 97034

STONEKING SCOTT L
17805 OATFIELD RD
GLADSTONE, OR 97027

TACOMA MARK R
814 4TH AVE
OREGON CITY, OR 97045

TERJESON SHERI D
5120 NE SKIDMORE ST
PORTLAND, OR 97210

THE NATURE CONSERVANCY
821 SE 14TH AVE
PORTLAND, OR 97214

TUFFLI J DENNIS
16031 S CLACKAMAS RIVER DR
OREGON CITY, OR 97045

DAVID BURNETT
2764 SUNSET AVE
WEST LINN, OR 97068

ZTEC ENGINEERS, INC
3737 SE 8TH AVE
PORTLAND, OR 97202

OREGON DIVISION OF STATE LANDS
ATTN: TAMI HUBERT
775 SUMMER ST NE
SALEM, OR 97301

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

WEST LINN CHAMBER OF
COMMERCE
1745 WILLAMETTE FALLS DR
WEST LINN OR 97068

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

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

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

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

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

ANTHONY BRACCO
ROBINWOOD NA PRESIDENT
2716 ROBINWOOD WAY
WEST LINN OR 97068

KEN PRYOR
SAVANNA OAKS NA VICE PRES
2119 GREENE ST
WEST LINN, OR 97068

ED SCHWARZ
SAVANNA OAKS NA PRESIDENT
2206 TANNER DR
WEST LINN OR 97068

TRACY GILDAY
SKYLINE RIDGE NA PRESIDENT
1341 STONEHAVEN DR
WEST LINN OR 97068

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

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

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

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

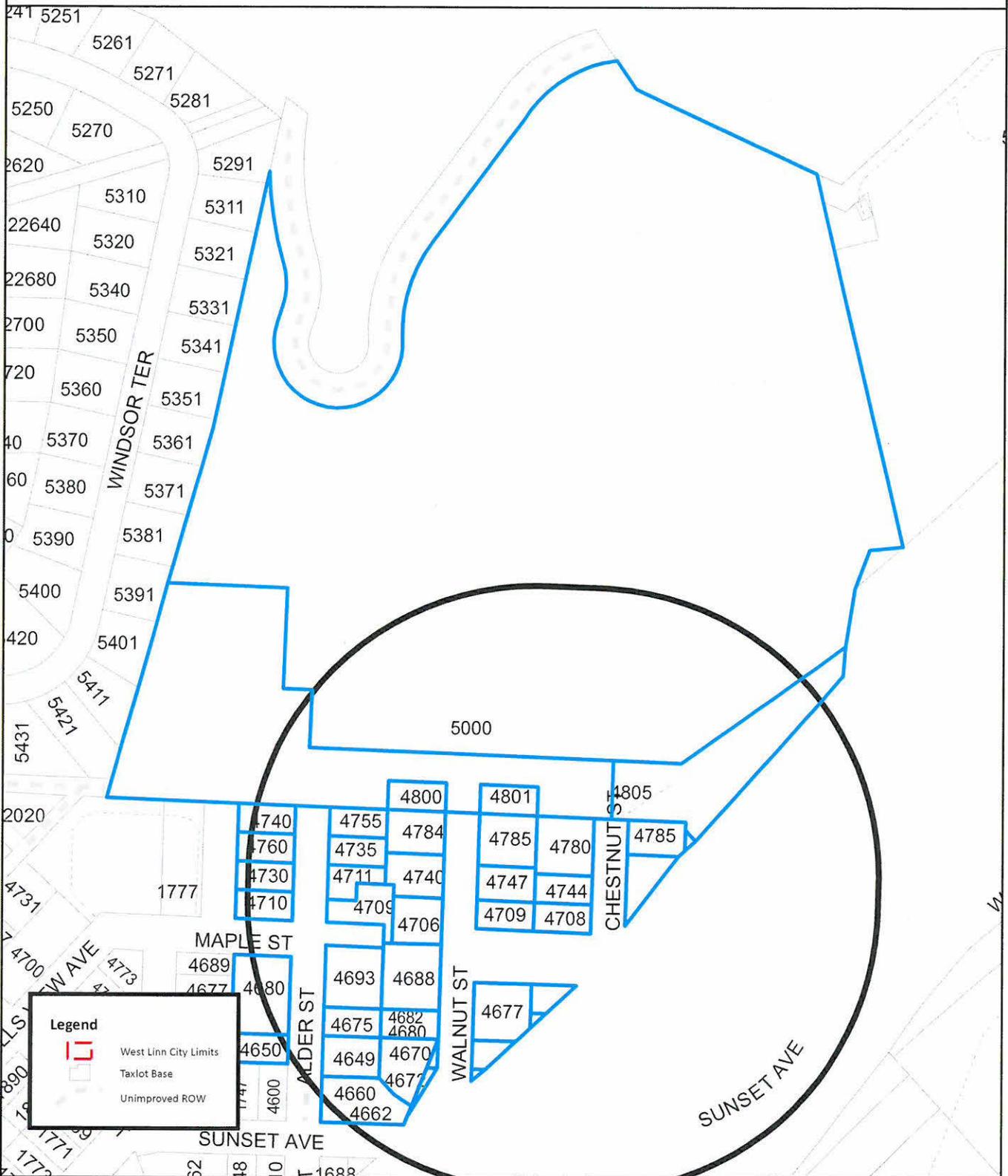
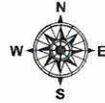
KEVIN BRYCK
ROBINWOOD NA DESIGNEE
18840 NIXON AVE
WEST LINN OR 97068

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

WAP-13-03

MAILED
6-10-13 *SS*

4744 Chestnut Street 500' Buffer



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: Clackamas County GIS

NOT TO SCALE



SNAPNOTIFY.MXD / AHA APP 3-24-2011

User Name:
 Map Creation Date: Jun 03, 2013



CITY OF West Linn

June 3, 2013

David Burnett
2764 Sunset Ave.
West Linn, OR 97068

SUBJECT: WAP-13-03 application for Water Resource Area permit at 4744 Chestnut St.

Dear Mr. Burnett:

You submitted this application on April 15, 2013. The Planning Department finds that this application is **complete** as of your resubmittal on May 31, 2013. The City now has 120 days (until September 28, 2013) to exhaust all local review per state statute. The application will shortly be scheduled for a Planning Director decision. At least 20 days before the scheduled decision date you will be sent a copy of the decision notice.

Please contact me at 503-742-8660, or by email at tsoppe@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Tom Soppe
Associate Planner

c: ZTEC Engineers Inc., 3737 SE 8th Ave., Portland, OR 97202

c: Troy Bowers, Sunset NA President, 2790 Lancaster St., West Linn, OR 97068

<p:/dev:ww/projects folder/projects 2013/WAP-13-03 4744 Chestnut St/compl-WAP-13-03>

MAILED
6-3-13 *SS*



Fields
Bridge
Park

WILLAMETTE FALLS DR

EPPERLY WAY

Mitigation Example

Trees and Shrubs

- VINE MAPLE (18)
- WESTERN RED CEDAR (18)
- SALAL (300)
- SALMONBERRY (300)
- MAINDENHAIR FERN (300)
- RED COLUMBINE (300)
- DEER FERN (300)
- MITIGATION AREA (15,000 SQ. FT.)



DATE: 09/01/2012
 DESIGNED BY: MP
 CHECKED BY: LC
 SHEET NO. L2

**LIBRARY PARKING EXPANSION
 OFFSITE MITIGATION PLAN**

CITY OF WEST LINN – PUBLIC WORKS
 22500 SALAMO ROAD, NO. 800, WEST LINN, OREGON

**CITY OF WEST LINN
 PUBLIC WORKS**

22500 SALAMO ROAD, NO. 800
 WEST LINN, OR 97068

PUBLIC WORKS • CORRECTING DEPARTMENT

ZTec Engineers, Inc.

Civil ♦ Structural ♦ Surveying

3737 SE 8th Ave.

Portland, OR 97202

(503) 235-8795

FAX: (503) 233-7889

E-mail: john@ztecengineers.com

John McL. Middleton, P.E.

Chris C. Fischborn, P.L.S.

Ronald B. Sellards, P.E.

RECEIVED

MAY 31 2013

PLANNING & BUILDING

CITY OF WEST LINN

INT. TIME _____

May 7, 2013

WAP-13-03 Application for Water Resource Area 4744 Chestnut St
Incompleteness Response

- CD per Section 32.040(C) attached
- 32.040(G) Vegetation description and assessment added to site plan. % coverage by canopy added to site plan.
- 32.060 (B)(6) All trees on-site are located with diameter and species noted.
- 32.040(H) A mitigation plan is noted on Site Plan- to plant off-site an area, designated by City of West Linn, equivalent to the area permanently disturbed by future home, deck, patio and rain garden.
- 32.050(C) The proposed home development will disturb a portion of the Water Resource Area, part permanent and part temporary. The temporary area will be re-planted with vegetation from Metro plant list. An additional portion of the Water Resource area that would not be disturbed by construction will be re-vegetated in a similar manner.
- 32.070 MITIGATION PLAN
 - A. All mitigation plans must contain an alternatives analysis demonstrating that:
 1. No practical alternatives to the requested development exist that will not disturb the water resource area; Site is zoned R4.5 and building location limited by required front setback. This means the west of end of the proposed building must encroach on the water resource area.
 2. Development in the water resource area has been limited to the area necessary for the proposed use; The future home is located as close to the front of the lot as zone setbacks allow. Development in Resource area is limited to area necessary to construct improvements plus minimal area around for construction activities.
 3. An explanation of rationale behind choosing alternative selected, including adverse impacts to water resource area will be avoided and/or minimized. The site is only 50'x100' and the zone setback limitation leaves only the size of the building footprint as an alternative for siting the future home on the

property. The developer has determined the home chosen as the only viable development for the property based on market demand. Since the designated water resource area is currently in a degraded vegetated condition the only adverse impact will be reduction in Resource area caused by the permanent building incursion. Offsetting this will be the re-vegetation of the construction disturbance area that will replace the degraded vegetation with Resource appropriate planting, none of which are currently on-site. Locating the rain garden in the Resource area will enhance the Resource area by adding appropriate planting to the area which is currently in a degraded condition. We also plan to replant the Resource area, not permanently or temporarily disturbed by construction, with appropriate plantings in an area exceeding the permanent disturbance area.

B. A mitigation plan shall contain the following information:

1. A description of adverse impacts that will be caused as a result of development. Minimal adverse impacts are anticipated as the resource area will be planted with resource appropriate plantings where none currently exist. Two trees in the resource area will be removed, a 9" diameter oak and a 10" cherry. Replacement trees will be planted.

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 32.050(K). Adverse impacts are minimized by minimizing the area to be disturbed during construction. Locating the proposed home as close to zone front setback as possible also minimizes the impact on the resource area. Adverse impacts are mitigated by replanting construction disturbance area with resource appropriate plantings. Most of the existing trees in the resource area, outside the building envelope, will be maintained. The tree canopy covers more than 50% of the resource area as required by section CDC 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. The owner/applicant is listed on the site plan and he will be responsible, with all contractors he engages, for work on the development site.

4. A map showing where specific mitigation activities will occur. Mike Perkins of the City Parks Dept. has selected Fields Bridge park Wetland for Mitigation Planting. The planting will be part of a larger effort. No specific plan is available but this project will pay \$1 per sq. ft. for each sq. ft. of water resource area permanently disturbed, 486 sq. ft.

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 Oregon Department of Fish and Wildlife water work periods. Implementation schedule will be during appropriate planting period after building construction completed. Creek is not fish bearing and no work is proposed in-stream. The off-site mitigation work at Fields Bridge Park Wetland planned, permitted, constructed, monitored and maintained as directed by City of West Linn.

6. Assurances shall be established to rectify any mitigation that are not successful. This may include bonding or other surety. Mitigation Plantings can be inspected by City of West Linn and the City establish whatever assurance program they require for the off-site mitigation area. This project will pay the mitigation assessment fee and be responsible for on-site planting and maintenance only.

7. Evidence that a Joint Permit Application, if impacts to wetlands are greater than 0.10 Acres, has been submitted and accepted for review. No wetlands will be disturbed onsite so no joint permit required. Entire Water Resource area on-site is only 0.06 Acres. The offsite mitigation area permit and impacts are the responsibility of City of West Linn.

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 that does not meet the standard set forth in CDC 32.050(K); or

2. Offsite, and is characterized by existing vegetation that does not meet the standard set forth in CDC 32.050(K). Mitigation is proposed offsite in the area designated by City of West Linn equivalent to the area permanently disturbed.

D. The mitigation plan for any wetland area to be disturbed.....No wetland area is proposed to be disturbed onsite. The offsite mitigation area at Fields Bridge Park Wetland is the responsibility of City of West Linn.

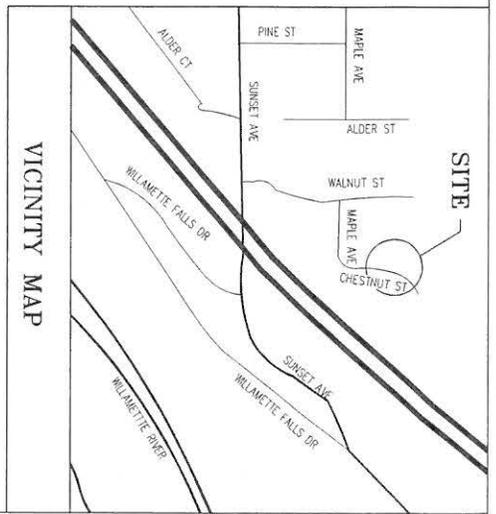
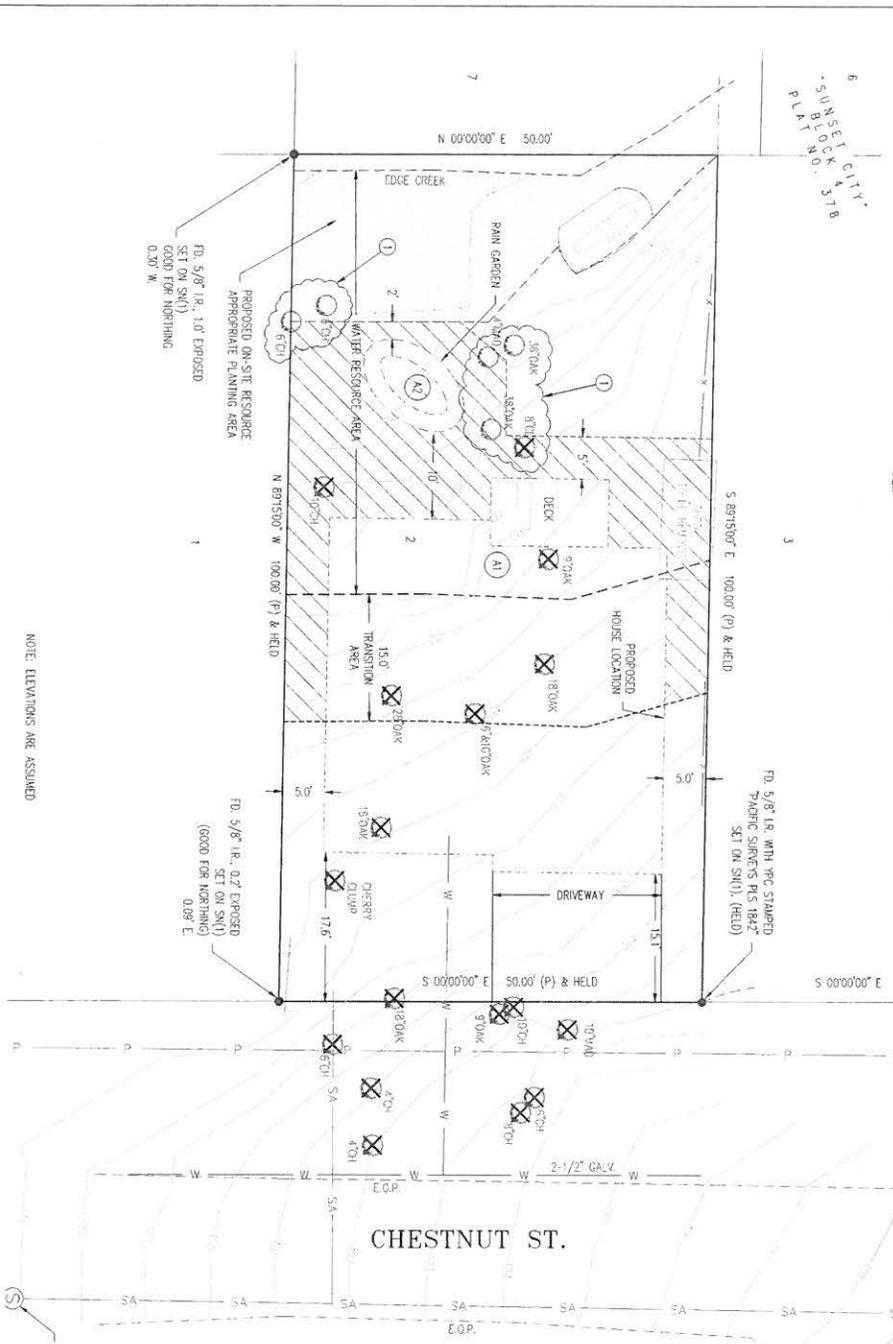
E. To ensure the mitigation area will be protected in perpetuity, proof that the area has been dedicated to the City or that a conservation easement has been placed on the property where the mitigation is to occur is required.

Mitigation area is offsite in area designated by City of West Linn. City ownership or easement issues to be resolved by City of West Linn.

- ### LEGEND:
- MONUMENTS FOUND AS NOTED
 - IR IRON ROD
 - IP IRON PIPE
 - FO FOUND
 - WPC MEASURED
 - SN(S) SN 19405
 - RT(1) B.T. ENTRY 2008-0999
 - PLAT OF 'SUNSET CITY'

- EXISTING FIRE HYDRANT
- EXISTING LIGHT POLE
- EXISTING POWER POLE
- EXISTING WATER VALVE
- EXISTING WATER METER
- EXISTING TREE
- CE CEDAR
- CH CHERRY
- MAPLE
- EDGE OF PAVEMENT
- REE TO REMOVE

- (XXX)X) EXISTING SPOT ELEVATION
- EXISTING CONTOUR
- EXISTING SEWER
- EXISTING CATCH BASIN
- EXISTING WATER
- EXISTING POWER
- EXISTING FENCE
- EXISTING STORM MANHOLE
- EXISTING SANITARY MANHOLE
- REPAIR AREA



TOTAL WATER RESOURCE AREA = 2576 SQ. FT.
 TOTAL PERMANENT DISTURBANCE AREA IN WATER RESOURCE AREA = 486 SQ. FT. (AREA (A1) + (A2)) (INCLUDES HOUSE, YARD, RAIN GARDEN)
 CONSTRUCTION DISTURBANCE AREA TO BE REVEGETATED PER REVEGETATION PLAN = 819 SQ. FT.
 WATER RESOURCE AREA EXISTING VEGETATION IS DEGRADED - WEEDS, LAMN PARS, BARE GROUND AND TREES. CANOPY COVER = 90%
 PROPOSED MITIGATION: REPLANT 100 486 SQ. FT. OF OFF-SITE WATER RESOURCE AREA WITH APPROPRIATE PLANTINGS, AS DIRECTED BY CITY OF WEST Linn.
 ZONE: R 4.5

① EXISTING TREES IN WATER RESOURCE AREA TO REMAIN

NOTE: ELEVATIONS ARE ASSUMED

SN, M, L, L
 1E, N (N) 482.88
 1E, M (S) 001.7 (S) 480.99

SITE ADDRESS: 4744 CHESTNUT ST., WEST LINN, OR 97068

ZTEC ENGINEERS INC.
 3737 S.E. 8TH AVE., PORTLAND, OREGON 97202
 PH: (503) 235-8795 FAX: (503) 233-7889

LOT 2, BLOCK 4 OF 'SUNSET CITY' LOCATED IN THE N.W. 1/4 OF SECTION 33, T2S, R2E, W4E, IN THE CITY OF WEST LINN, CLATSOP COUNTY, OREGON

REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON 041717 (98)
 CHRIS FISCHBORN
 1944
 RENEWAL DATE: 1/1/2014

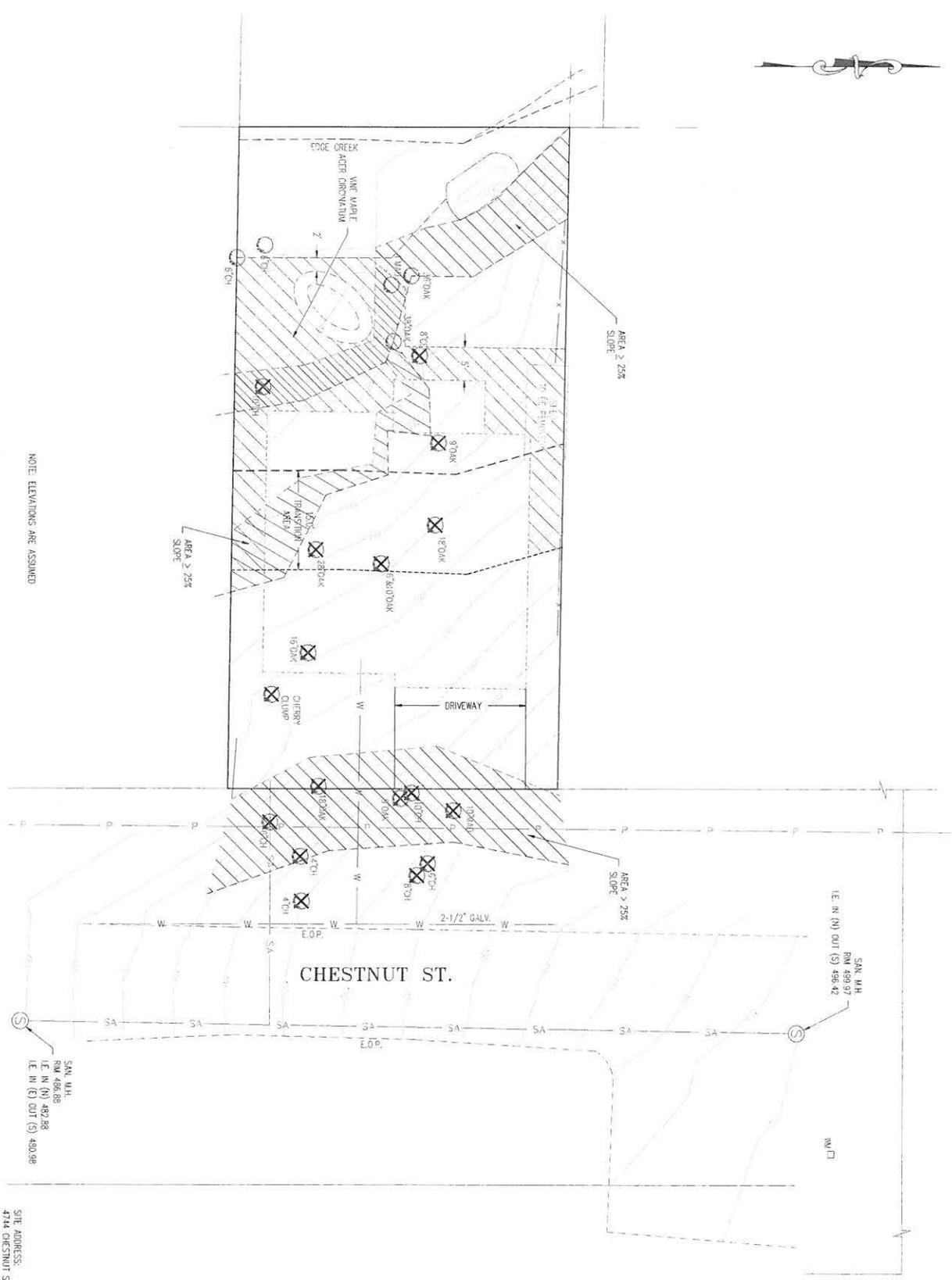
DAVE BURNETT
 2764 SUNSET AVE.
 WEST LINN, OR 97068
 PH: 307-248-0287

SITE PLAN

GRAPHIC SCALE
 0 5 10 20
 1 INCH = 10 FEET

JOB#: W3095-1
 DATE: 2-5-13
 SCALE: 1"=10'
 DRAWN: JHH
 CHKD: GCF

FILE: W3095-1
 PLOT: 5-29-13



NOTE: ELEVATIONS ARE ASSUMED

JOB#: W3095-1
 DATE: 2-5-13
 SCALE: 1"=10'
 DRAWN: JHH
 CHECK: CCF
 FILE: W3095-1
 PLOT: 5-29-13

ZTEC ENGINEERS INC.

3737 S.E. 8TH AVE., PORTLAND, OREGON 97202
 PH: (503) 233-8795 FAX: (503) 233-7889

LOT 2, BLOCK 4 OF "SUNSET CITY" LOCATED IN THE
 N.W. 1/4 OF SECTION 33, T.2S., R.2E., W.M.,
 IN THE CITY OF WEST LINN, CLATSOP COUNTY, OREGON

REGISTERED
 LAND SURVEYOR

OREGON
 CHRIS FISCHBORN
 1944
 RENEWAL DATE: 1/7/2014

SITE ADDRESS:
 4744 CHESTNUT ST., WEST LINN, OR 97068

DAVE BURNETT
 2764 SUNSET AVE
 WEST LINN, OR 97068
 PH: 507-248-0287

SLOPE AREA PLAN

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>PETER SPIR</i>	PROJECT NO(S). <i>WA-13-03</i>	
NON-REFUNDABLE FEE(S) <i>2600</i>	REFUNDABLE DEPOSIT(S) <i>0</i>	TOTAL <i>2600</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.

Site Location/Address: <i>4744 Chestnut St.</i>	Assessor's Map No.: <i>22E31B00600</i>
	Tax Lot(s): <i>00576013</i>
	Total Land Area: <i>5012 S/F</i>

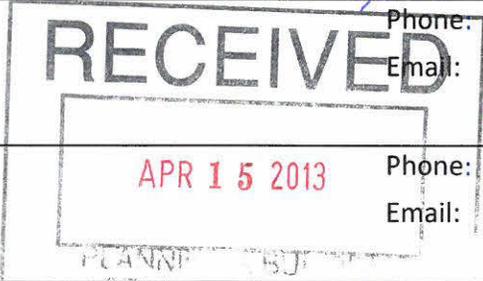
Brief Description of Proposal:

Set back change in WRA

Applicant Name: (please print) <i>David Burnett</i>	Phone: <i>503-656-4584</i>
Address: <i>2764 Sunset Ave West Linn, OR 97068</i>	Email: <i>Davidburnett27@gmail.com</i>
City State Zip: <i>2764 Sunset Ave West Linn, OR 97068</i>	

Owner Name (required): (please print) <i>Same</i>	Phone: <i>11</i>
Address: <i>Same</i>	Email: <i>11</i>
City State Zip:	

Consultant Name: (please print)	Phone:
Address:	Email:
City State Zip:	



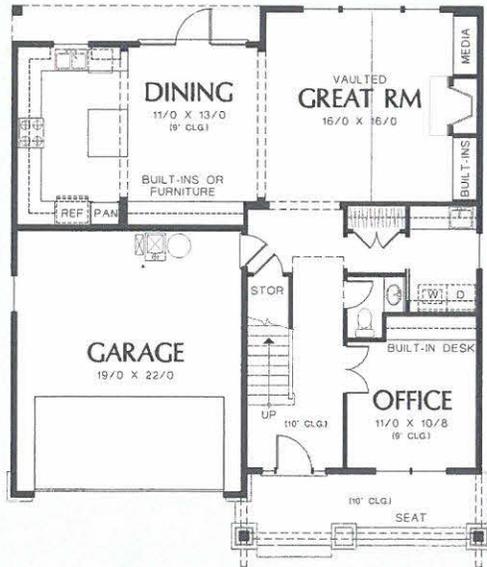
- All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
 - The owner/applicant or their representative should be present at all public hearings.
 - A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
 - 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.

Applicant's signature	Date	<i>[Signature]</i>	Owner's signature (required)	Date
				<i>4-14-13</i>

A MIRROR IMAGE OF THIS PLAN

Price Category
Plan 2111A
 Brentwood



45'

40'

Upper Floor	885 Sq. Ft.
Main Floor	1117 Sq. Ft.
Total Area	2002 Sq. Ft.

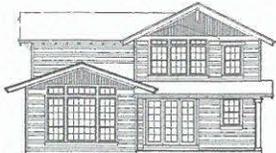
Width 40' Depth 45'
 Height 26' Crawlspace

EFFICIENT BUNGALOW

Paying tribute to the charming bungalows designed by California architects Charles Sumner Greene and Henry Mather Greene, this efficient home allows even those on a budget to enjoy great style. Gable-end brackets and rafter tails punctuate the roofline on all sides of the home and are offset by horizontal lap siding in varying widths. Stone-clad pedestals provide solid support for the flared columns of the front porch resulting in an authentic look.

Like many of the early Craftsman homes, the design is efficient and the footprint is square, which helps control building costs. The living spaces flow together at the rear of the home and are replete with amenities. The kitchen includes an island counter, the dining room offers a built-in hutch and French doors, and the great room provides a fireplace, vaulted ceiling, and built-in cabinets. An office, powder room, and laundry room are clustered together at the front of the main level.

The upper level contains three bedrooms, placed at separate ends of the staircase and hallway, for privacy. The master suite includes a wall of windows with transoms, a walk-in closet, and a private bath with large shower. The secondary bedrooms share a bath that has separate compartments for the sink and the tub and toilet.



March 25, 2013

burnettdave-13-1-cms

Dave Burnett

Daveburnett27@gmail.com

GEOTECHNICAL REPORT ADDENDUM 4744 Chestnut Street - West Linn, Oregon

We appreciate the opportunity to present this addendum to our geotechnical report for the project dated March 14, 2013, per your authorization. The addendum was requested to address the house setback from the small drainage ditch at the west of the property.

Based on the soil conditions encountered (test pit TP-2) suitable soil bearing is present at depths below 2.5 feet (where root content drops) in this vicinity in medium stiff silt. This test pit was completed within roughly 25 feet of the small drainage ditch. The soils at the base of the drainage ditch were observed to be similar if not better, with basalt fragments of cobble and small boulder size present. Neither of these conditions, combined with the gentle site topography, would result in erosion which would likely propagate more than 5 feet from the ditch. Based on the preceding observations, and to accommodate excavation and stem-wall backfill, we recommend a setback of at least 10 feet from the drainage onto the preceding medium stiff silt or better at a depth of at least 2.5 feet. Current plans call for a setback of 35 feet, which more than meet this criteria.

The Limitation of our report apply. Please contact us if you have any questions.

Sincerely,



Don Rondema, MS, PE, GE
Principal



David Burnett
2764 Sunset Ave
West Linn, Or 97068

April 14, 2013

To: Planning Department City of West Linn,

We are asking the Planning Director to approve an approximate 30 ft rear set back from a small seasonal ditch/stream for a new single family home at 4744 Chestnut St., West Linn, OR.

32.05 A. See attached site plan by Ztech Engineers Inc.,

32.05 B. Storm water will flow into an approved rain garden (see attached).

32.05 C. Four trees within the WRA will need to be removed in order to facilitate construction (See attached).

32.05 D. The set back will be over 15ft.

32.05 E. Slope is 0-25%

32.05 F. There are no proposals that meet these criteria.

32.05 G. We are proposing the installation of silt fence 25ft from the creek during construction.

32.05 H. There are no proposals that meet these criteria.

32.05 I. We are not proposing any disturbance of the stream.

32.05 J. Erosion control measures will be conducted by a licensed contractor and all work done shall be in compliance with West Linn CDC 31. i.e., Install silt fence along low end of work area, install gravel construction entrance, cover excess soil with plastic sheeting etc.

32.05 K. We will comply with CDC 32.07 and 32.08 as required.

32.05 L. The set back will be over 15ft and will include a deck (see attached).

32.05 M. A storm water treatment facility is not proposed.

32.05 N. We are not proposing a land division. This will not apply.

32.05 O. A front yard setback of 15ft is requested in order to limit disturbance to the WRA.

32.05 P. This requirement will be met if needed.

32.06 Site plan (see attached).

32.07 Mitigation plan (see attached).

32.08 Revegetation plan. We will comply with this section as required.

32.09A The building lot is not entirely inside the water resource area.

32.09B 1. The proposed single family home will be two story, 2002 square feet, three bedroom, two bath, two car garage. According to our analysis of real estate market conditions coupled with the current high cost of construction (including fees) we will be constructing a home that has the smallest footprint available while meeting market demand for an appealing three bedroom, two bath home. As of today, this would be the smallest single family home under construction in the City of West Linn. We propose the house footprint set at the 15ft minimum from the front lot line and at the 5ft minimum side yard set back thereby limiting encroachment into the water resource while maintaining economic viability.

32.09B 2. Adjusting the house plans in order to comply with a 50ft set back in the rear where the water resource is located would significantly reduce the size of the home to about 885sq ft. Given the high cost of construction and real estate market conditions, this would not be economically viable at this time.

32.09B 3. Erosion control measures will be conducted by a licensed contractor and all work done shall be in compliance with West Linn CDC 31. i.e., Install silt fence along low end of work area, install gravel construction entrance, cover excess soil with plastic sheeting. Also at no time will the maximum 5000sqft of water resource area be disturbed.

32.09C 1. The setback will be over 15ft.

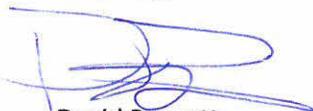
32.09C 2. This provision will be met if required.

32.09D A variance should not be required.

32.10 We recognize the City of West Linn has the right to enforce the CDC with penalty(s).

Attached is a report addendum by Geotech Solutions Inc., with their analysis of the site conditions. Thank you for your consideration.

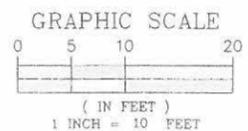
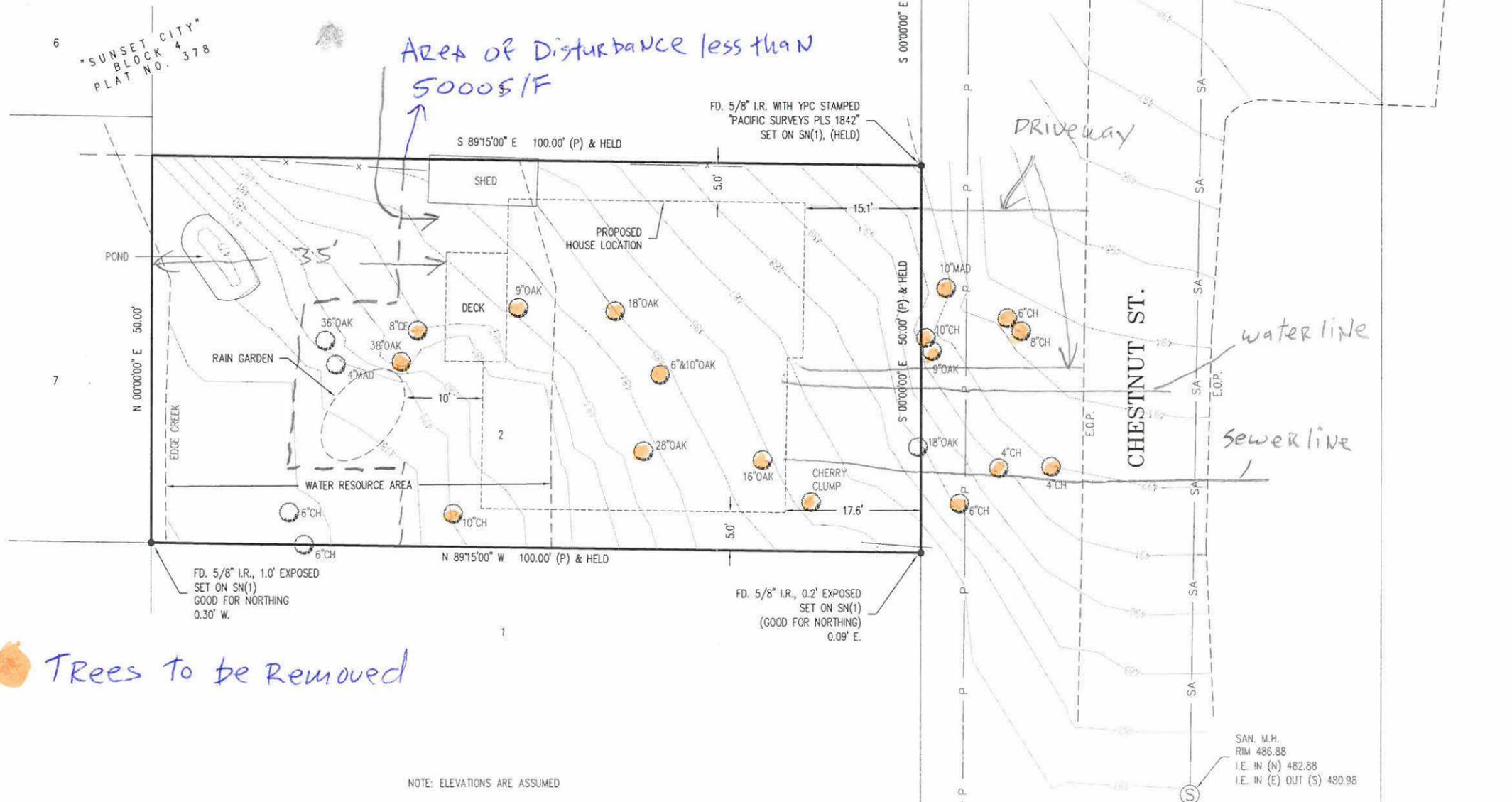
Sincerely,



David Burnett

LEGEND:

- | | | | | | |
|-------|--------------------------|--------|-----------------------|----------|---------------------------|
| ● | MONUMENTS FOUND AS NOTED | ☼ | EXISTING FIRE HYDRANT | (XXX.XX) | EXISTING SPOT ELEVATION |
| I.R. | IRON ROD | ☆ | EXISTING LIGHT POLE | -XXX- | EXISTING CONTOUR |
| I.P. | IRON PIPE | ⊙ | EXISTING POWER POLE | -SA- | EXISTING SEWER |
| FD. | FOUND | WV⊕ | EXISTING WATER VALVE | CB□ | EXISTING CATCH BASIN |
| (M) | MEASURED | WM□ | EXISTING WATER METER | -W- | EXISTING WATER |
| YPC | YELLOW PLASTIC CAP | ○ | EXISTING TREE | -P- | EXISTING POWER |
| SN(1) | SN 19405 | CE | CEDAR | -x- | EXISTING FENCE |
| R(1) | B.T. ENTRY 2008-099 | CH | CHERRY | ⊙ | EXISTING STORM MANHOLE |
| (P) | PLAT OF "SUNSET CITY" | MAD | MAPLE | ⊙ | EXISTING SANITARY MANHOLE |
| | | E.O.P. | EDGE OF PAVEMENT | | |



JOB#:	W3095-1
DATE:	2-5-13
SCALE:	1"=10'
DRAWN:	JHH
CHKD:	CCF
FILE:	W3095-1
PLOT:	4-9-13

ZTEC ENGINEERS INC.
 3737 S.E. 8TH AVE., PORTLAND, OREGON 97202
 PH: (503) 235-8795 FAX: (503) 233-7889

LOT 2, BLOCK 4 OF "SUNSET CITY" LOCATED IN THE
 N.W. 1/4 OF SECTION 33, T.2S., R.2E., W.M.,
 IN THE CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON

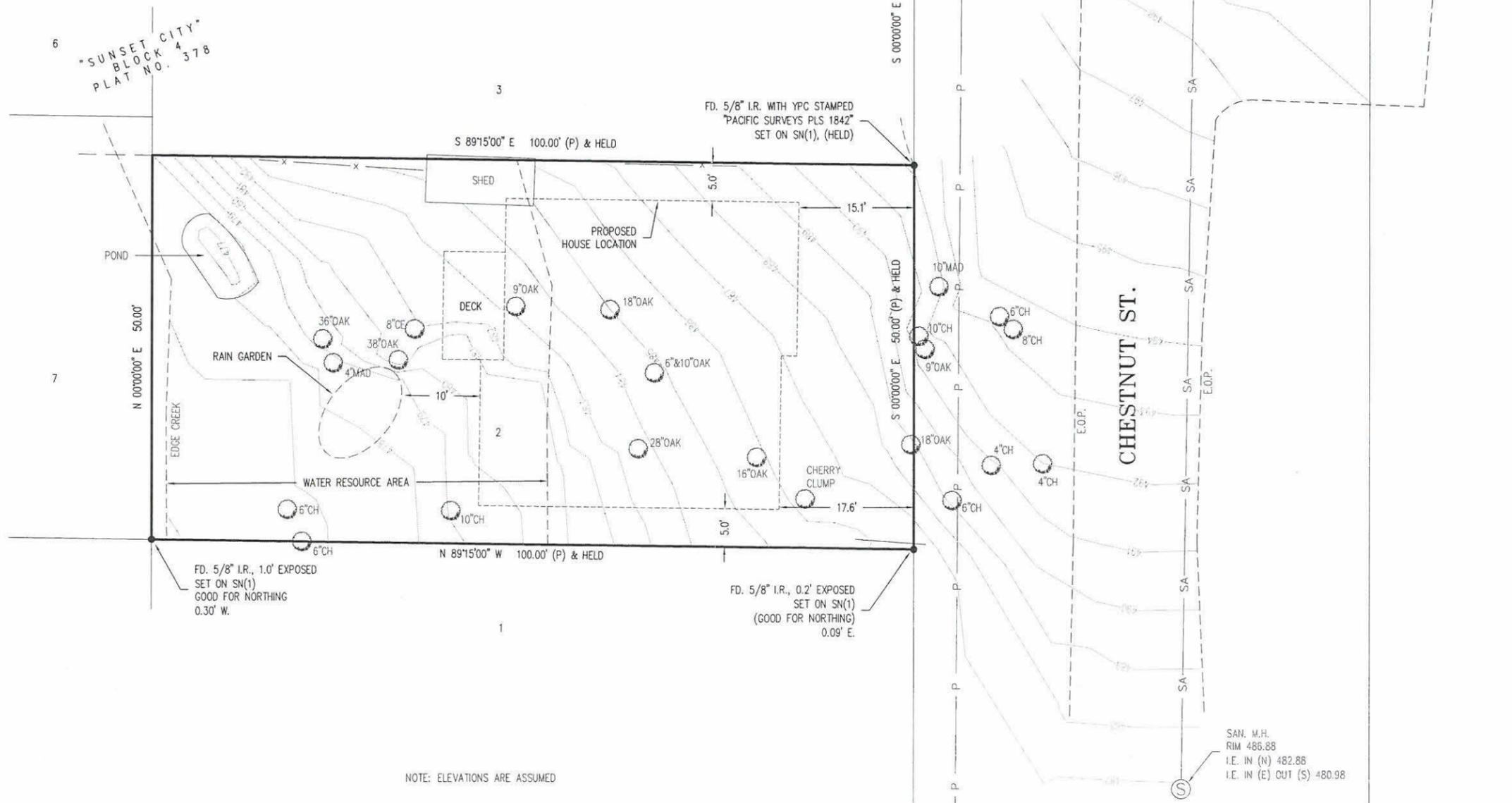
REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
Chris Fischborn
 OREGON
 JULY 17, 1981
 CHRIS FISCHBORN
 1944
 RENEWAL DATE: 1/1/2014

DAVE BURNETT

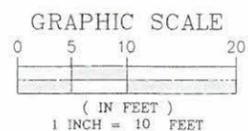
TOPOGRAPHY

LEGEND:

- | | | | | | |
|-------|--------------------------|--------|-----------------------|----------|---------------------------|
| ● | MONUMENTS FOUND AS NOTED | ⊗ | EXISTING FIRE HYDRANT | (XXX.XX) | EXISTING SPOT ELEVATION |
| I.R. | IRON ROD | ☆ | EXISTING LIGHT POLE | -XXX- | EXISTING CONTOUR |
| I.P. | IRON PIPE | ⊙ | EXISTING POWER POLE | -SA- | EXISTING SEWER |
| FD. | FOUND | WV⊕ | EXISTING WATER VALVE | CB□ | EXISTING CATCH BASIN |
| (M) | MEASURED | WM□ | EXISTING WATER METER | -W- | EXISTING WATER |
| YPC | YELLOW PLASTIC CAP | ○ | EXISTING TREE | -P- | EXISTING POWER |
| SN(1) | SN 19405 | CE | CEDAR | -x- | EXISTING FENCE |
| R(1) | B.T. ENTRY 2008-099 | CH | CHERRY | ⊙ | EXISTING STORM MANHOLE |
| (P) | PLAT OF "SUNSET CITY" | MAD | MAPLE | ⊙ | EXISTING SANITARY MANHOLE |
| | | E.O.P. | EDGE OF PAVEMENT | | |



NOTE: ELEVATIONS ARE ASSUMED



JOB#:	W3095-1
DATE:	2-5-13
SCALE:	1"=10'
DRAWN:	JHH
CHKD:	CCF
FILE:	w3095-1
PLOT:	4-9-13

ZTEC ENGINEERS INC.
 3737 S.E. 8TH AVE., PORTLAND, OREGON 97202
 PH: (503) 235-8795 FAX: (503) 233-7889

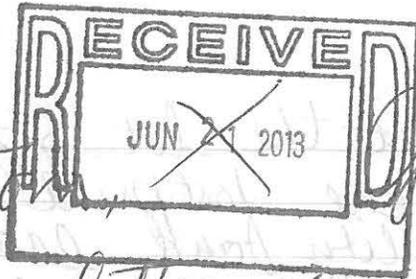
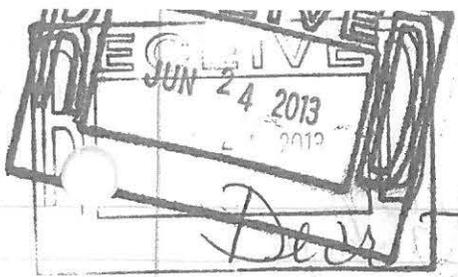
LOT 2, BLOCK 4 OF "SUNSET CITY" LOCATED IN THE
 N.W. 1/4 OF SECTION 33, T.2S., R.2E., W.M.,
 IN THE CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Chris Fischborn
 OREGON
 JULY 17, 1981
 CHRIS FISCHBORN
 1944
 RENEWAL DATE: 1/1/2014

DAVE BURNETT

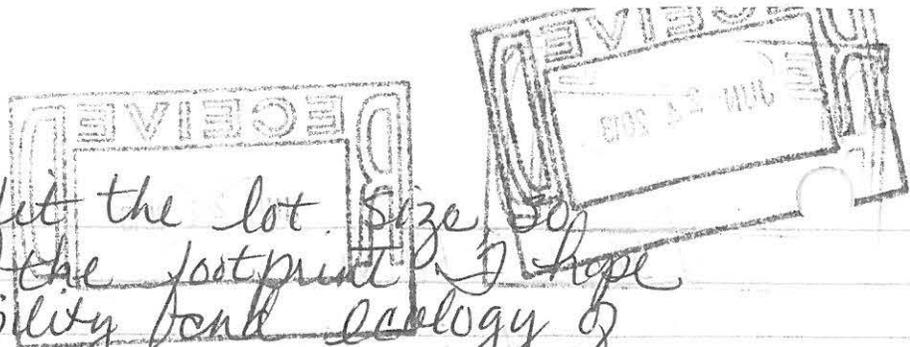
TOPOGRAPHY



This letter is in regards to the property at 4744 Chestnut St. I have lived next door to this site for 25 years. My house sits on dirt and boulders for a foundation. It is also downhill from the proposed build site. With the contractor planning to raise the lot even higher, I have huge concerns about the stability of my foundation as well as my basement and the rest of my property. Although we have only been flooded once I have the fear that once ~~on~~ trees and boulders are removed and displaced real issues will arise. Without the natural buffers I am afraid our little run off creek that abuts our property will be compromised. As it stands the creek mostly does it's job. The proposed structure is a behemoth footprint spanning a comparatively small lot that I do believe will jeopardize our "protected" creek and neighborhood.

I do understand progress and the contractor wanting to get the most for his investment. But, at what cost and loss to others?

I urge you to consider our real concerns. It just seems the structure



should fit the lot size, so
reducing the footprint. I hope
the stability bank ecology of
this sensitive area is
considered. I know the
contractor has plans to help
contain some of the run off,
but I do not believe it is
the answer to all the
problems that will arise from
a build of this size.

Thank you for listening,
Sincerely, Cheri Allen
4708 Chestnut St.

W.L.

(503) 863-1516

City of West Linn

21 Jun 2013

Planning commission

My name is Leon Huggett, I own the property at 4708 Chestnut street in West Linn. I recently received a letter from your offices informing me of a request to build a new homes next door to my property. I checked this out and found on your website the plans and property layout that they submitted. My big concern is the size of the house (2002 sq ft). I feel that this large of a house puts a lost of extra pressure on the drainage creek that flows thru the back of the lot, In the spring runoff this creek carries a lot of water, that has on occasion backed up and flooded under my house. Where is all this runoff from the new house going to go when it is not able to soak into the ground. Also cutting all the trees down will not help the situation. I feel that this should be addressed by some experts in ground water control,

The house is currently occupied by my daughter, Cheri Allen and she is quite aware of the water problems at this site.

Thanks for considering my concerns.

My address is : 11014 NE 26th St. Vancouver, WA 98684, PH: 360 254 6856


LEON J HUGGETT

File # WAP-13-03