



CITY OF
West Linn
PLANNING AND DEVELOPMENT

STAFF REPORT
PLANNING MANAGER DECISION

DATE: August 21, 2015

FILE NO.: WAP-15-04

REQUEST: To build a single family home in a Water Resource Area (WRA) at 3224 Sabo Lane.

PLANNER: Peter Spir, Associate Planner

Planning Manager AB

TABLE OF CONTENTS

	<u>Page</u>
STAFF ANALYSIS AND RECOMMENDATION	
GENERAL INFORMATION.....	2
EXECUTIVE SUMMARY.....	2
PUBLIC COMMENTS.....	3
DECISION	3
ADDENDUM	
STAFF FINDINGS.....	4-9
EXHIBITS	
PD-1 AFFADAVIT OF NOTICE.....	10-11
PD-2 NOTICE.....	12-16
PD-3 COMPLETENESS LETTER.....	17-18
PD-4 APPLICANT'S SUBMITTAL.....	19-40

GENERAL INFORMATION

OWNER:	Dave and Ann Farley, 280 Springtree Lane, West Linn OR. 97068
APPLICANT/ CONSULTANT:	James Wurscher, 630 Marylhurst Circle, West Linn, OR 97068
SITE LOCATION:	3224 Sabo Lane
SITE SIZE:	11,455 square feet
LEGAL DESCRIPTION:	Assessor's Map 2-1E-25CC Tax Lot 2800
COMP PLAN DESIGNATION:	Low Density Residential
ZONING:	R-7, Single-Family Residential Detached and Attached (7,000 square foot minimum lot size)
APPROVAL CRITERIA:	Community Development Code (CDC) Chapter 32 (WRA), Chapter 12 (R-7)
120-DAY RULE:	The application became complete on July 10, 2015. The 120-day period therefore ends on November 14, 2015.
PUBLIC NOTICE:	Notice was mailed to property owners within 500 feet of the subject property and all neighborhood associations on July 23, 2015. A sign was placed on the property on July 22, 2015. The notice was also posted on the City's website. Notice appeared in the West Linn Tidings on July 30, 2015. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The application is for the construction of a single family home within a Water Resource Area (WRA). The WRA is Tanner Creek which flows just to the north of this property, plus associated wetlands. The applicant will rely upon the hardship provisions of section 32.110. Those provisions make an allowance for development by the owners of properties that are either fully or partially within the WRA boundary and where the absence of these provisions would constitute the denial of reasonable use of the property.

Public comments:

No comments have been received by the close of the public comment period on August 12, 2015.

DECISION

The Planning Manager (designee) approves this application (WA-15-04), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, and 2) supplementary staff findings included in the Addendum below. With these findings, the applicable approval criteria are met. The following conditions of approval shall apply:

1. The development shall conform to the "Overall Site Plan" (sheet A-0.1).
2. The applicant's mitigation and revegetation for the site shall conform to the "WRA Submission Mitigation Plan" (Sheet A-0.4). In addition, the applicant shall restore any graded areas to the original grade where that grading would exceed the maximum disturbed area of 5,000 square feet and restore native ground cover to these areas.
3. A stamped geotechnical report shall demonstrate that the proposed storm water treatment and discharge facilities will not result in erosion or slope failure.

The provisions of the Community Development Code Chapter 99 have been met.

Peter Spir

PETER SPIR, Associate Planner

August 21, 2015

DATE

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of the mailing date listed below. The cost of an appeal is \$400. The appeal must be filed by an individual who has established standing by submitting comments prior to the date identified in the public notice. Appeals will be heard by City Council.

Mailed this 21st day of August, 2015.

Therefore, the 14-day appeal period ends at 5 p.m., on September 4, 2015.

ADDENDUM: STAFF FINDINGS IN RESPONSE TO APPROVAL CRITERIA

32.060 APPROVAL CRITERIA (STANDARD PROCESS)

No application for development on property containing a WRA shall be approved unless the approval authority finds that the proposed development is consistent with the following approval criteria, or can satisfy the criteria by conditions of approval:

A. WRA protection/minimizing impacts.

1. Development shall be conducted in a manner that will avoid or, if avoidance is not possible, minimize adverse impact on WRAs.

Staff Response 1: Seventy-two percent or 6,941 square feet of this property is within the Tanner Creek WRA. Even with reduced setbacks as allowed by the hardship provisions of section 32.110, most of the developable area is within the WRA. Avoidance of the WRA is not possible. However, by selecting a two story house design, the applicant has minimized disturbance to the degree possible when compared to a larger single story footprint.

2. Mitigation and re-vegetation of disturbed WRAs shall be completed per CDC 32.090 and 32.100 respectively.

Staff Response 2: The applicant will provide both mitigation and revegetation upon completion of this house per the submitted "WRA Submission Mitigation Plan" (Sheet A-04). By satisfying condition of approval 2, the criteria are met.

B. Storm water and storm water facilities.

1. Proposed developments shall be designed to maintain the existing WRAs and utilize them as the primary method of storm water conveyance through the project site unless:
 - a. The surface water management plan calls for alternate configurations (culverts, piping, etc.); or
 - b. Under CDC 32.070, the applicant demonstrates that the relocation of the water resource will not adversely impact the function of the WRA including, but not limited to, circumstances where the WRA is poorly defined or not clearly channelized.

Re-vegetation, enhancement and/or mitigation of the re-aligned water resource shall be required as applicable.

2. Public and private storm water detention, storm water treatment facilities and storm water outfall or energy dissipaters (e.g., rip rap) may encroach into the WRA if:

- a. Accepted engineering practice requires it;
- b. Encroachment on significant trees shall be avoided when possible, and any tree loss shall be consistent with the City's Tree Technical Manual and mitigated per CDC 32.090;
- c. There shall be no direct outfall into the water resource, and any resulting outfall shall not have an erosive effect on the WRA or diminish the stability of slopes; and
- d. There are no reasonable alternatives available.

A geotechnical report may be required to make the determination regarding slope stability.

Staff Response 3: The applicant proposes a rain garden to treat storm water. From the rain garden, water overflow will go into a trench and energy dissipaters (e.g. rip rap) towards the creek. There will be no direct discharge into the creek. The discharge design requires that a geotechnical report be prepared to demonstrate that it will not result in erosion or slope instability. By addressing condition of approval 3, the criterion is met.

D. WRA width. Except for the exemptions in CDC 32.040, applications that are using the alternate review process of CDC 32.070, or as authorized by the approval authority consistent with the provisions of this chapter, all development is prohibited in the WRA as established in Table 32-2 below:

Table 32-2. Required Width of WRA

Protected WRA Resource (see Chapter 2 CDC, Definitions)	Slope Adjacent to Protected Water Resource ^{1, 3}	Starting Point for Measurements from Water Resource ^{1, 3}	Width of WRA on Each Side of the Water Resource
B. Water Resource (Ravine)	over 25% to a distinct top of slope ²	OHW or delineated edge of wetland	From water resource to top of slope ² (30-foot minimum), plus an additional 50 feet ⁴
D. Riparian Corridor	Any	OHW	100 feet

1 The slope is the average slope in the first 50 feet as measured from bankfull stage or OHW.

2 Where the protected water resource is confined by a ravine or gully, the top of slope is the location (30-foot minimum) where the slope breaks to less than 15 percent for at least 50 feet.

3 At least three slope measurements along the water resource, at no more than 100-foot increments, shall be made for each property for which development is proposed. Depending upon topography, the width of the protected corridor may vary.

4 The 50-foot distance may be reduced to 25 feet if a geotechnical study by a licensed engineer or similar accredited professional demonstrates that the slope is stable and not prone to erosion.

Staff Response 3: The slope adjacent to Tanner Creek is over 25 percent, so the required setback from Tanner Creek is 50 feet from the top of the slope per the Table 32-2 above. Also, Tanner Creek is identified as a Riparian Corridor which has a setback of 100 feet. When that setback is imposed upon the subject property it extends to approximately 22 feet from the south property line and envelopes 72 percent of the functional space of the property.

H. The following habitat friendly development practices shall be incorporated into the design of any improvements or projects in the WRA to the degree possible:

1. Restore disturbed soils to original or higher level of porosity to regain infiltration and storm water storage capacity.
2. Apply a treatment train or series of storm water treatment measures to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.
4. Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and groundwater recharge.
8. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.
9. Use pervious paving materials for driveways, parking lots, sidewalks, patios, and walkways.
11. Use shared driveways.
16. Minimize the building, hardscape and disturbance footprint.
17. Consider multi-story construction over a bigger footprint.

Staff Response 4: The proposed design incorporates a number of these habitat friendly development practices including H. 1, 2, 4, 8, 9, 11, 16 and 17 which should make this house/development more sensitive and appropriate within the WRA.

32.110 HARDSHIP PROVISIONS

The purpose of this section is to ensure that compliance with this chapter does not deprive an owner of reasonable use of land. To avoid such instances, the requirements of this chapter may be reduced. The decision-making authority may impose such conditions as are deemed necessary to limit any adverse impacts that may result from granting relief. The burden shall be on the applicant to demonstrate that the standards of this chapter, including Table 32-2, Required Width of WRA, will deny the applicant "reasonable use" of his/her property.

- A. The right to obtain a hardship allowance is based on the existence of a lot of record recorded with the County Assessor's Office on, or before, January 1, 2006. The lot of record may have been, subsequent to that date, modified from its original platted configuration but must meet the minimum lot size and dimensional standards of the base zone.

Staff Response 5: This property is a lot of record, part of the Rogerfield Phase 2 subdivision, which was platted in 2002 and, as such, is eligible for the hardship provisions. The lot also meets the minimum lot size and dimensions of the base zone: R-7. Therefore, the criteria are met.

- B. For lots described in subsection A of this section that are located completely or partially inside the WRA, development is permitted, consistent with this section. The maximum disturbed area (MDA) of the WRA shall be determined on a per lot basis. The MDA shall be the greater of:

1. Five thousand square feet of the WRA; or
2. Thirty percent of the total area of the WRA.

Staff Response 6: The applicant proposes to use the 5,000 square foot allowance for the Maximum Disturbed Area (MDA) and therefore the criteria are met.

- C. The MDA shall be located as follows:

1. In areas where the development will result in the least square footage encroachment into the WRA.
2. The applicant shall demonstrate, through site and building design, that the proposed development is the maximum practical distance from the water resource based on the functional needs of the proposed use.
3. The minimum distance from a water resource shall be 15 feet.

4. Access driveways shall be the minimum permitted width; select an alignment that is least impactful upon the WRA; and shall share use of the driveway, where possible.

Staff Response 7: The applicant reduces square footage encroachment into the Tanner Creek WRA by using reducing the rear setback of the house from 20 to 10 feet (50%) per section 32.110(F)(1) below. The distance from the house to Tanner Creek will be 30 feet which exceeds the minimum standard of 15 feet. The house design is reasonable and consistent with the functional needs of a single family home and with the footprint and size of nearby homes. The joint driveway from Sabo Lane will taper to 12 feet wide on this property. Most of the driveway and parking area is outside of the WRA and, as a result, will have very little impact on the WRA.

D. The MDA shall include:

1. The footprints of all structures, including accessory structures, decks and paved water impermeable surfaces including sidewalks, driveways, parking pads, paths, patios and parking lots, etc. Only 75 percent of water permeable surfaces at grade shall be included in the MDA.
2. All graded, disturbed or modified areas that are not subsequently restored to their original grade and replanted with native ground cover per an approved plan.

Staff Response 8: The applicant's submittal acknowledges that all development within the WRA will count against the MDA. The applicant proposes to grade the slope at the rear of the house during the development phase. Once that has been completed the applicant will be required by Condition of Approval 2 to restore the original grade and replant the area with native ground cover prior to issuance of a final occupancy permit.

E. The MDA shall not include:

1. Temporarily disturbed areas (TDAs) adjacent to an approved structure or development area for the purpose of grading, material storage, construction activity, trenched or buried utilities and other temporary activities so long as these areas are subsequently restored to the original grades and soil permeability, and re-vegetated with native plants per CDC 32.100, such that they are at least equal in functional value to the area prior to the initiation of the permitted activity;
2. Bay windows and similar cantilevered elements (including decks, etc.) of the principal or secondary structure so long as they do not extend more than five feet towards the WRA from the vertical plane of the house, and have no vertical supports from grade;
3. PDAs that are not built upon as part of the development proposal will not count in the MDA (e.g., use of an existing access driveway). (Conversely, PDAs that are built upon as part of the development proposal will count in the MDA.);

4. The installation of public streets and public utilities that are specifically required to meet either the transportation system plan or a utility master plan so long as all trenched public utilities are subsequently restored to the original grades and soil permeability, and revegetated with native plants per CDC 32.100, such that they are at least equal in functional value to the area prior to the initiation of the permitted activity. All areas displaced by streets shall be mitigated for.

Staff Response 9: Staff review of the applicant's submittal indicates that the MDA is properly calculated. The slope at the north side of the house is expected to be temporarily graded and subsequently restored to its original grade and revegetated with native ground cover at the conclusion of the development process. There are no public streets or public utilities proposed in this application.

F. Development allowed under subsection A of this section may use the following provisions:

1. Setbacks required by the underlying zoning district may be reduced up to 50 percent where necessary to avoid construction within the WRA, as long as the development would otherwise meet the standards of this chapter. However, front loading garages shall be set back a minimum of 18 feet, while side loading garages shall be set back a minimum of three feet.

Staff Response 10: The applicant will be reducing the rear setback of the house from 20 to 10 feet (50%) to keep as much of the house footprint away from Tanner Creek.

H. Mitigation and re-vegetation of disturbed WRAs shall be completed per CDC 32.090 and 32.100 respectively.

Staff Response 11: The applicant will provide re-vegetation and mitigation per CDC 32.090 and 32.100 and as required by Condition of Approval 4. These measures should have the effect of enhancing the function and value of the existing WRA which had extensive amounts of non-native vegetation.

PD-1 AFFADAVIT OF NOTICE

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. WA-15-04 Applicant's Name James Wurscher
Development Name _____
Scheduled Meeting/Decision Date 8-12-15

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) <u>7/23/15</u>	(signed) <u>S. Shroyer</u>
B.	Affected property owners (date) <u>7/23/15</u>	(signed) <u>S. Shroyer</u>
C.	School District/Board (date) _____	(signed) _____
D.	Other affected gov't. agencies (date) <u>7/23/15</u>	(signed) <u>S. Shroyer</u>
E.	Affected neighborhood assns. (date) <u>7/23/15</u> <u>AK</u>	(signed) <u>S. Shroyer</u>
F.	All parties to an appeal or review (date) <u>7/23/15</u>	(signed) <u>S. Shroyer</u>

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

Tidings (published date) <u>7/30/15</u>	(signed) <u>S. Shroyer</u>
City's website (posted date) <u>7/24/15</u>	(signed) <u>S. Shroyer</u>

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) July 22 (signed) [Signature]
2015

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) 8-21-15 (signed) S. Shroyer

PD-2 NOTICE

**CITY OF WEST LINN
NOTICE OF UPCOMING
PLANNING MANAGER DECISION
FILE NO. WA-15-04**

The West Linn Planning Manager is considering a request for a Water Resource Area (WRA) permit to construct a single family home at 3224 Sabo Lane.

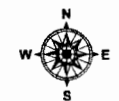
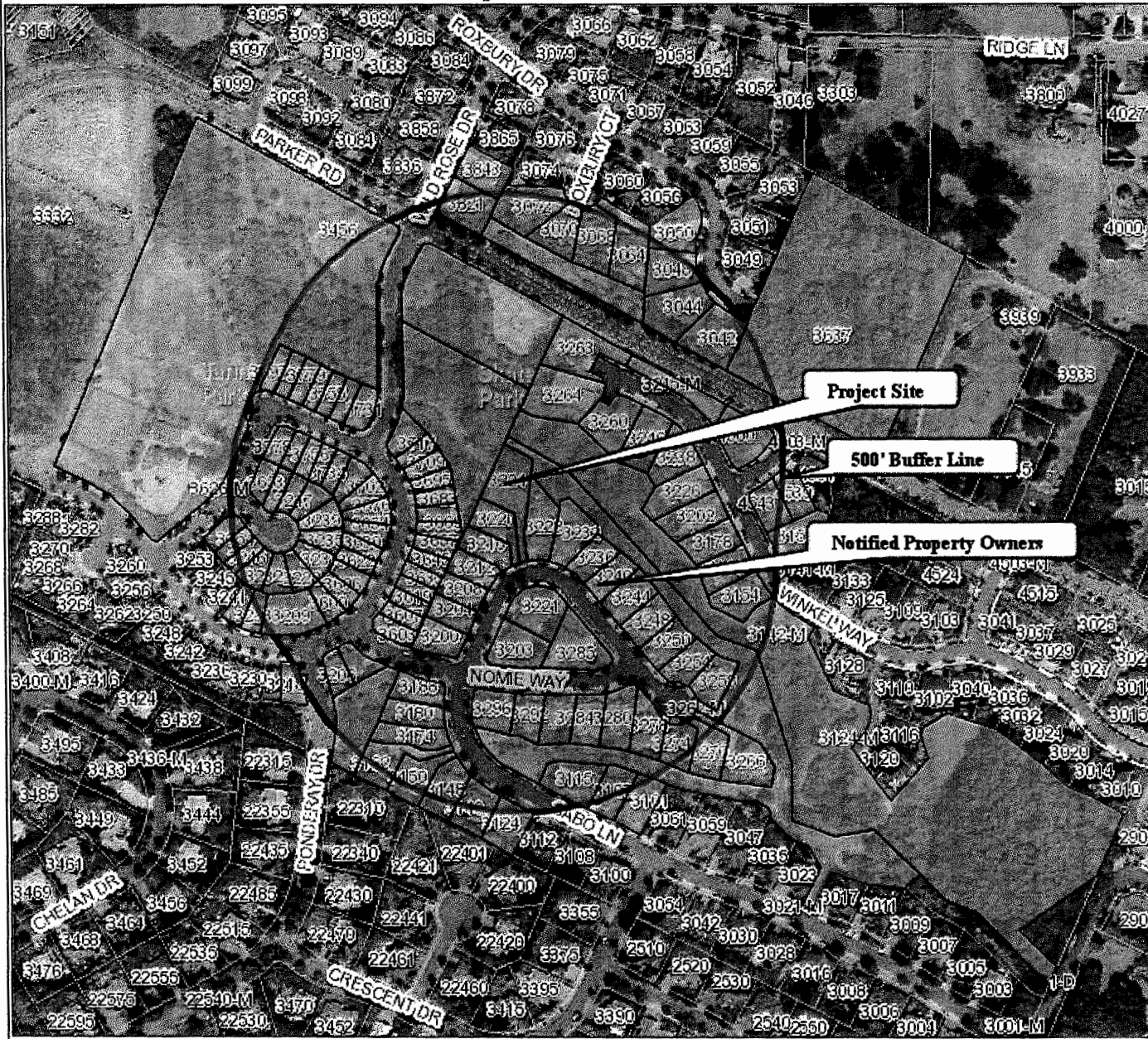
The decision will be based on the approval criteria in chapters 32 of the Community Development Code (CDC). The approval criteria from the CDC are available for review at City Hall, at the City Library, and at <http://www.westlinnoregon.gov/cdc>.

You have received this notice because County records indicate that you own property within 500 feet of this property (Tax Lot 2800 of Clackamas County Assessor's Map 21E 25CC) or as otherwise required by Chapter 99 of the CDC.

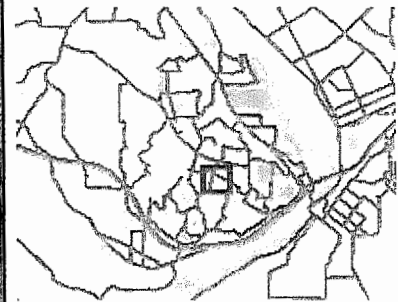
All relevant materials in the above noted file are available for inspection at no cost at City Hall, and on the city web site <http://westlinnoregon.gov/planning/3224-sabo-lane-water-resource-area-protection-permit-build-new-home> or copies may be obtained for a minimal charge per page. A public hearing will not be held on this decision. **Anyone wishing to present written testimony for consideration on this matter shall submit all material before 4:00 p.m. on August 12, 2015.** Persons interested in party status should submit their letter along with any concerns related to the proposal by the comment deadline. For further information, please contact Peter Spir, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 723-2539, pspir@westlinnoregon.gov.

Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. **It is important to submit all testimony in response to this notice. City Council will not accept additional evidence if there is an appeal of this proposal.** 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.

3224 Sabo Lane Notification Map



Scale 1:3,600 - 1 in = 300 ft
Scale is based on 8-1/2 x 11 paper size



Map created by: SSHROYER
Date Created: 21-Jul-15 10:38 AM

WEST LINN GIS

DISCLAIMER: 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. Source: West Linn GIS (Geographic Information System) MapOptix.

**CITY OF WEST LINN
NOTICE OF UPCOMING
PLANNING MANAGER DECISION
FILE NO. WA-15-04**

The West Linn Planning Manager is considering a request for a Water Resource Area (WRA) permit to construct a single family home at 3224 Sabo Lane. (Tax Lot 2800 of Clackamas County Assessor's Map 21E 25CC)

The decision will be based on the approval criteria in chapters 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 <http://westlinnoregon.gov/planning/3224-sabo-lane-water-resource-area-protection-permit-build-new-home> or copies may be obtained for a minimal charge per page. A public hearing will not be held on this decision. **Anyone wishing to present written testimony for consideration on this matter shall submit all material before 4:00 p.m. on August 12, 2015.** Persons interested in party status should submit their letter along with any concerns related to the proposal by the comment deadline. For further information, please contact Peter Spir, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 723-2539, pspir@westlinnoregon.gov.

Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. **It is important to submit all testimony in response to this notice. City Council will not accept additional evidence if there is an appeal of this proposal.** 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.

Like Copy



6605 SE Lake Road, Portland, OR 97222
PO Box 22109, Portland, OR 97269-2109
Phone: 503-684-0360 Fax: 503-620-3433
E-mail: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Clackamas, SS
I, Charlotte Allsop, being the first duly sworn,
depose and say that I am the Accounting Manager
of the *West Linn Tidings*, a newspaper of general
circulation, published at West Linn, in the
aforesaid county and state, as defined by ORS
193.010 and 193.020, that

City of West Linn
Notice of Public Hearing PLN15-01
WLT9930

a copy of which is hereto annexed, was published
in the entire issue of said newspaper for

1

week in the following issue:

July 30, 2015

Charlotte Allsop

Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this
July 30, 2015

Desirae A Marglin

NOTARY PUBLIC FOR OREGON

My commission expires *March 02, 2019*

Acct # 146588

Attn: Shauna Shroyer

City of West Linn

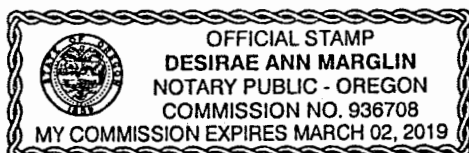
22500 Salamo Road #1000

West Linn, OR 97068

Size: 2 x 5.5"

Amount Due: \$87.45*

*Please remit to the address above.



CITY OF WEST LINN NOTICE OF UPCOMING PLANNING MANAGER DECISION FILE NO. WA-15-04

The West Linn Planning Manager is considering a request for a Water Resource Area (WRA) permit to construct a single family home at 3224 Sabo Lane. (Tax Lot 2800 of Clackamas County Assessor's Map 21E 25CC)

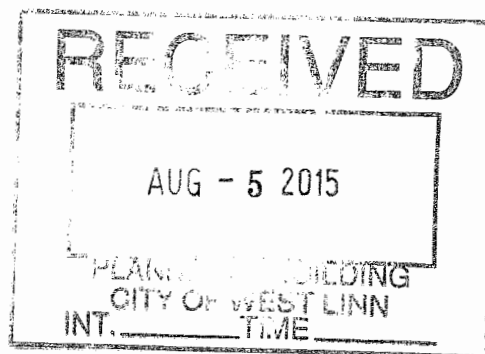
The decision will be based on the approval criteria in chapters 32 of the Community Development Code (CDC). The approval criteria from the CDC are available for review at City Hall, at the City Library, and at <http://www.westlinnoregon.gov/cdc>.

All relevant materials in the above noted file are available for inspection at no cost at City Hall, and on the city web site <http://westlinnoregon.gov/planning/3224-sabo-lane-water-resource-area-protection-permit-build-new-home> or copies may be obtained for a minimal charge per page. A public hearing will not be held on this decision. **Anyone wishing to present written testimony for consideration on this matter shall submit all material before 4:00 p.m. on August 12, 2015.** Persons interested in party status should submit their letter along with any concerns related to the proposal by the comment deadline. For further information, please contact Peter Spir, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 723-2539, pspir@westlinnoregon.gov.

Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. **It is important to submit all testimony in response to this notice. City Council will not accept additional evidence if there is an appeal of this proposal.** 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.

Publish 07/30/2015.

WLT9932



PD- 3 COMPLETENESS LETTER

*revised
sent
7-17-15*



City of West Linn

July 17, 2015

James Wurscher
630 Marylhurst Circle
West Linn, OR 97068

SUBJECT: Completeness Determination for Water Resource Area permit to construct a single family home at 3224 Sabo Lane (FILE: WA-15-04)

Dear James:

Your submittal was received on July 10, 2015 and found to be **complete**. The City has 120 days to exhaust all local review; that period ends on November 14, 2015.

Please be aware that a determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Planning Manager to render a decision on your proposal.

Twenty day public notice will be prepared and mailed. The notice will identify the earliest possible decision date by the Planning Manager.

Please contact me at 503-723-2539, or by email at pspir@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Peter Spir

Peter Spir
Associate Planner

PD-4 APPLICANT'S SUBMITTAL

FARLEY RESIDENCE WATER RESOURCE AREA (WRA) DEVELOPMENT REVIEW SUBMISSION

Submitted by
James Wurscher, AIA, NCARB
630 Marylhurst Circle
West Linn, OR 97068
(503) 635-6985

The following has been prepared for the Water Resource Area Development Review Application for a single lot. The subject property is at 3224 Sabo Lane, West Linn, OR 97068.

A pre-application conference was held on May 21st, 2015. The meeting minutes for this can be found at the end of this report.

A study of the Natural Hazards Mitigation Maps of the subject property has shown the following:

- The subject property does not reside within a hazard area on Map 10, Flood Inundation
- The subject property does not reside within a hazard area on Map 11, Potential Landslides
- The subject property resides in Low, Zone D, area on Map 12, Earthquake Hazards
- The subject property does not reside on a road identified to be closed during a winter event as shown on Map 13, Snow and Ice. There is a nearby road identified as a secondary road to receive plowing and sand.
- The subject property does reside within both a moderate hazard and a high hazard area on Map 14, Wildfire Hazard.
- The subject property does not reside within a hazard area on Map 15, Flood Vulnerability Analysis
- The subject property does not reside within a hazard area on Map 16, Landslide Vulnerability Analysis
- The subject property does not reside within a hazard area on Map 17, Earthquake Vulnerability Analysis
- The subject property does reside within a hazard area on Map 18, Snow and Ice Vulnerability Analysis
- A portion of the subject property does reside within a high hazard area on Map 19, Wildfire Vulnerability Analysis.

In total there are three environmental hazards; Earthquake shaking, Snow and Ice and Wildfire.

Oregon HazVu identifies "Expected Earthquake Shaking" as the only geological hazard for this site.

There are no indicators either through maps, or site inspection that soil erosion or landslides is a problem. Therefore no geotechnical report has been identified as required for this submission.

The following are responses to Section 32.060 through 32.110 of the West Linn Development Code. Each paragraph or main topic has a specific response.

32.060 APPROVAL CRITERIA (STANDARD PROCESS)

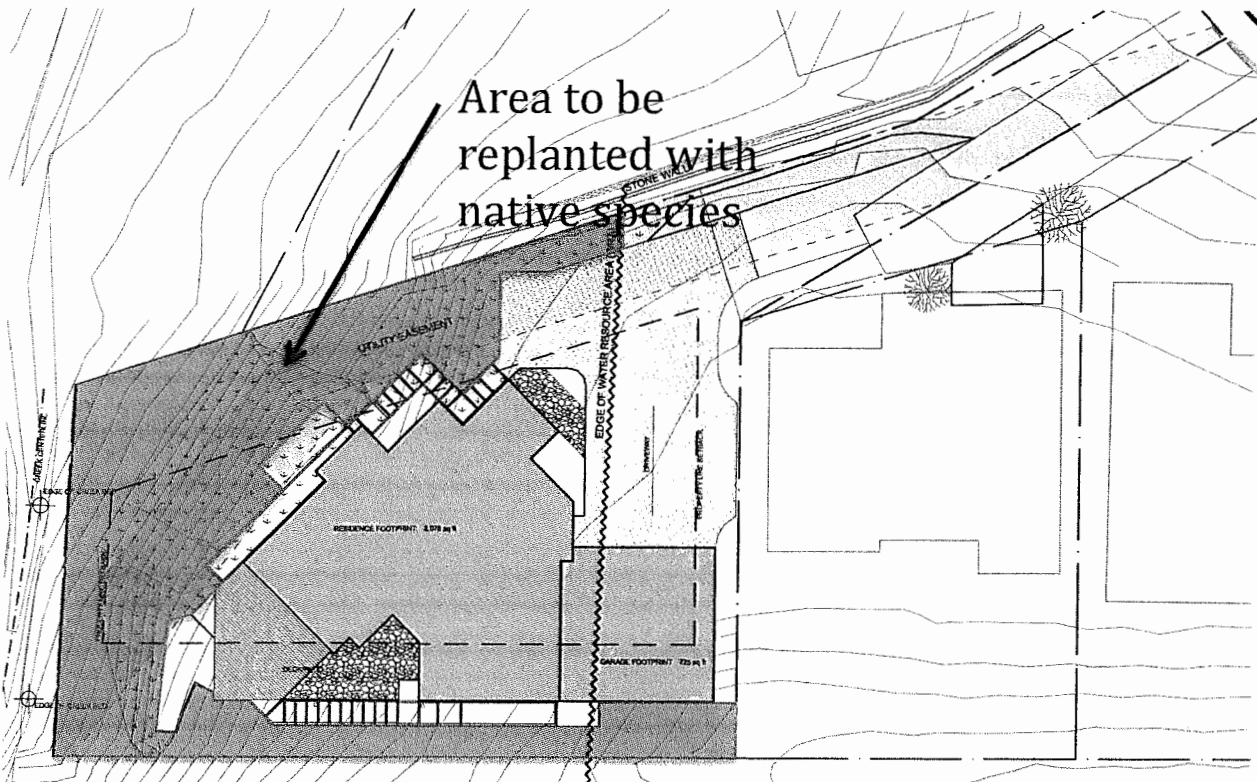
No application for development on property containing a WRA shall be approved unless the approval authority finds that the proposed development is consistent with the following approval criteria, or can satisfy the criteria by conditions of approval:

A. WRA protection/minimizing impacts.

1. Development shall be conducted in a manner that will avoid or, if avoidance is not possible, minimize adverse impact on WRAs.
 - a. **RESPONSE:** *The existing building area resides primarily in the WRA. Design has worked on having the most impacting functions (parking and driveways) located outside and in the peripheral areas of the WRA. The house primarily sits within the WRA. The house design has been shifted and shortened to be as far back from the creek as possible. This project is utilizing the ability to reduce yard widths by up to 50% to allow the structure to shift as much out of the WRA as possible.*
2. Mitigation and re-vegetation of disturbed WRAs shall be completed per CDC 32.090 and 32.100 respectively.
 - a. **RESPONSE:** *The proposed design calls for all native vegetation to be replanted in the affected areas.*

B. Storm water and storm water facilities.

1. Proposed developments shall be designed to maintain the existing WRAs and utilize them as the primary method of storm water conveyance through the project site unless:
 - a. The surface water management plan calls for alternate configurations (culverts, piping, etc.); or
 - 1) **RESPONSE:** *No culverts are proposed. Piping of storm water from gutters is being used to manage the water to a storm water swale allowing the water to percolate down the hillside.*
 - b. Under CDC 32.070, the applicant demonstrates that the relocation of the water resource will not adversely impact the function of the WRA including, but not limited to, circumstances where the WRA is poorly defined or not clearly channelized.
 - 1) **RESPONSE:** *The WRA is being impacted by the new structure as the building lot resides mostly in the WRA. The design has worked at minimizing the impact.*
 - c. Re-vegetation, enhancement and/or mitigation of the re-aligned water resource shall be required as applicable.
 - 1) **RESPONSE:** *The proposed design calls for all native vegetation to be replanted in the affected areas.*



2. Public and private storm water detention, storm water treatment facilities and storm water outfall or energy dissipaters (e.g., rip rap) may encroach into the WRA if:
 - a. Accepted engineering practice requires it;
 - b. Encroachment on significant trees shall be avoided when possible, and any tree loss shall be consistent with the City's Tree Technical Manual and mitigated per CDC 32.090;
 - c. There shall be no direct outfall into the water resource, and any resulting outfall shall not have an erosive effect on the WRA or diminish the stability of slopes; and
 - d. There are no reasonable alternatives available.

A geotechnical report may be required to make the determination regarding slope stability.

RESPONSE: There is a proposed, rainwater detention/filtration area that will require energy dissipaters at the overflow where water could flow from the rain garden to the stream. Clay subsurface is relatively shallow based on test holes. There is no other location for rainwater to be directed to.

3. Roadside storm water conveyance swales and ditches may be extended within rights-of-way located in a WRA. When possible, they shall be located along the side of the road furthest from the water resource. If the conveyance facility must be located along the side of the road closest to the water resource, it shall be located as close to the road/sidewalk as possible and include habitat friendly design features (treatment train, rain gardens, etc.).

RESPONSE: There are no proposed roadside storm water conveyance swales or ditches.

4. Storm water detention and/or treatment facilities in the WRA shall be designed without permanent perimeter fencing and shall be landscaped with native vegetation.

RESPONSE: There is no fencing proposed around any storm water detention or treatment facilities. Plants residing in the drainage swale will be native.

5. Access to public storm water detention and/or treatment facilities shall be provided for maintenance purposes. Maintenance driveways shall be constructed to minimum width and use water permeable paving materials. Significant trees, including roots, shall not be disturbed to the degree possible. The encroachment and any tree loss shall be mitigated per CDC 32.090. There shall also be no adverse impacts upon the hydrologic conditions

of the site.

RESPONSE: *This is not a public project.*

- C. Dedications and easements. The City shall request dedications of the WRA to the City when acquisition of the WRA by dedication or easement would serve a public purpose. When such a dedication or easement is mutually agreed upon, the applicant shall provide the documentation for the dedication or easement. Nothing in this section shall prohibit the City from condemning property if:

1. The property is necessary to serve an important public purpose; and
2. Alternative means of obtaining the property are unsuccessful.

RESPONSE: *This is an existing lot established prior to the WRA.*

- D. WRA width. Except for the exemptions in CDC 32.040, applications that are using the alternate review process of CDC 32.070, or as authorized by the approval authority consistent with the provisions of this chapter, all development is prohibited in the WRA as established in Table 32-2 below:

Table 32-2. Required Width of WRA

Protected WRA Resource (see Chapter 2 CDC, Definitions)	Slope Adjacent to Protected Water Resource ^{1, 3}	Starting Point for Measurements from Water Resource ^{1, 3}	Width of WRA on Each Side of the Water Resource
A. Water Resource	0% - 25%	OHW or delineated edge of wetland	65 feet
B. Water Resource (Ravine)	Over 25% to a distinct top of slope ²	OHW or delineated edge of wetland	From water resource to top of slope ² (30-foot minimum), plus an additional 50 feet ⁴
C. Water Resource	Over 25% for more than 30 feet, and no distinct top of slope for at least 150 feet	OHW or delineated edge of wetland	200 feet
D. Riparian Corridor	Any	OHW	100 feet
E. Formerly Closed Drainage Channel Reopened	Any	OHW	15 feet
F. Ephemeral Stream	Any	Stream thread or centerline	15 feet with treatment or vegetation (see CDC 32.050(G)(1))
G. Fish Bearing Streams per Oregon Department of Fish and Wildlife (ODFW) or 2003-2004 Survey	Applies to all that stream section where fish were inventoried and upstream to the first known barrier to fish passage.	OHW or delineated edge of wetland	100 feet when no greater than 25% slope. See B or C above for steeper slopes
H. Re-aligned Water Resource	See A, B, C, D, F, or G, above	OHW or delineated edge of wetland	See A, B, C, D, F, or G, above

¹ The slope is the average slope in the first 50 feet as measured from bankfull stage or OHW.

² Where the protected water resource is confined by a ravine or gully, the top of slope is the location (30-foot minimum) where the slope breaks to less than 15 percent for at least 50 feet.

³ At least three slope measurements along the water resource, at no more than 100-foot increments, shall be made for each property for which development is proposed. Depending upon topography, the width of the protected corridor may vary.

⁴ The 50-foot distance may be reduced to 25 feet if a geotechnical study by a licensed engineer or similar accredited professional demonstrates that the slope is stable and not prone to erosion.

Table 32-3 Consists of Figures 32-2, 32-3, 32-4, 32-5, 32-6

RESPONSE: The City of West Linn has identified the lot at 3224 Sabo Lane as a Riparian Corridor per pre-application meeting held on May 21st.

E. Roads, driveways and utilities.

1. New roads, driveways, or utilities shall avoid WRAs unless the applicant demonstrates that no other practical alternative exists. In that case, road design and construction techniques shall minimize impacts and disturbance to the WRA by the following methods:
 - a. New roads and utilities crossing riparian habitat areas or streams shall be aligned as close to perpendicular to the channel as possible.
 - b. Roads and driveways traversing WRAs shall be of the minimum width possible to comply with applicable road standards and protect public safety. The footprint of grading and site clearing to accommodate the road shall be minimized.
 - c. Road and utility crossings shall avoid, where possible:
 - 1) Salmonid spawning or rearing areas;
 - 2) Stands of mature conifer trees in riparian areas;
 - 3) Highly erodible soils;
 - 4) Landslide prone areas;
 - 5) Damage to, and fragmentation of, habitat; and
 - 6) Wetlands identified on the WRA Map.

RESPONSE: The layout of the house minimized the area of driveway within the WRA. The majority of the driveway is outside of the WRA.

2. Crossing of fish bearing streams and riparian corridors shall use bridges or arch-bottomless culverts or the equivalent that provides comparable fish protection, to allow passage of wildlife and fish and to retain the natural stream bed.

RESPONSE: There is no proposed crossing of the stream or riparian corridor.

3. New utilities spanning fish bearing stream sections, riparian corridors, and wetlands shall be located on existing roads/bridges, elevated walkways, conduit, or other existing structures or installed underground via tunneling or boring at a depth that avoids tree roots and does not alter the hydrology sustaining the water resource, unless the applicant demonstrates that it is not physically possible or it is cost prohibitive. Bore pits associated with the crossings shall be restored upon project completion. Dry, intermittent streams may be crossed with open cuts during a time period approved by the City and any agency with jurisdiction.

RESPONSE: There are no utilities crossing the stream or riparian corridor.

4. No fill or excavation is allowed within the ordinary high water mark of a water resource, unless all necessary permits are obtained from the City, U.S. Army Corps of Engineers and Oregon Department of State Lands (DSL).

RESPONSE: There is no proposed fill or excavation within the ordinary high water mark of the stream.

5. Crossings of fish bearing streams shall be aligned, whenever possible, to serve multiple properties and be designed to accommodate conduit for utility lines. The applicant shall, to the extent legally permissible, work with the City to provide for a street layout and crossing location that will minimize the need for additional stream crossings in the future to serve surrounding properties.

RESPONSE: There is no proposed crossing of the stream or riparian corridor.

F. Passive recreation. Low impact or passive outdoor recreation facilities for public use including, but not limited to, multi-use paths and trails, not exempted per CDC 32.040(B)(2), viewing platforms, historical or natural interpretive markers, and benches in the WRA, are subject to the following standards:

1. Trails shall be constructed using non-hazardous, water permeable materials with a maximum width of four feet or the recommended width under the applicable American Association of State Highway and Transportation Officials (AASHTO) standards for the expected type and use, whichever is greater.
2. Paved trails are limited to the area within 20 feet of the outer boundary of the WRA, and

such trails must comply with the storm water provisions of this chapter.

3. All trails in the WRA shall be set back from the water resource at least 30 feet except at stream crossing points or at points where the topography forces the trail closer to the water resource.
4. Trails shall be designed to minimize disturbance to existing vegetation, work with natural contours, avoid the fall line on slopes where possible, avoid areas with evidence of slope failure and ensure that trail runoff does not create channels in the WRA.
5. Footbridge crossings shall be kept to a minimum. When the stream bank adjacent to the foot bridge is accessible (e.g., due to limited vegetation or topography), where possible, fences or railings shall be installed from the foot bridge and extend 15 feet beyond the terminus of the foot bridge to discourage trail users and pets from accessing the stream bank, disturbing wildlife and habitat areas, and causing vegetation loss, stream bank erosion and stream turbidity. Bridges shall not be made of continuous impervious materials or be treated with toxic substances that could leach into the WRA.
6. Interpretive facilities (including viewpoints) shall be at least 10 feet from the top of the water resource's bankfull flow/OHW or delineated wetland edge and constructed with a fence between users and the resource. Interpretive signs may be installed on footbridges.

RESPONSE: *The proposed development is not for passive recreation.*

G. Daylighting Piped Streams.

1. As part of any application, covered or piped stream sections shown on the WRA Map are encouraged to be "daylighted" or opened. Once it is daylighted, the WRA will be limited to 15 feet on either side of the stream. Within that WRA, water quality measures are required which may include a storm water treatment system (e.g., vegetated bioswales), continuous vegetative ground cover (e.g., native grasses) at least 15 feet in width that provides year round efficacy, or a combination thereof.
2. The re-opened stream does not have to align with the original piped route but may take a different route on the subject property so long as it makes the appropriate upstream and downstream connections and meet the standards of subsections (G)(3) and (4) of this section.
3. A re-aligned stream must not create WRAs on adjacent properties not owned by the applicant unless the applicant provides a notarized letter signed by the adjacent property owner(s) stating that the encroachment of the WRA is permitted.
4. The evaluation of proposed alignment and design of the reopened stream shall consider the following factors:
 - a. The ability of the reopened stream to safely carry storm drainage through the area without causing significant erosion.
 - b. Continuity with natural contours on adjacent properties, slope on site and drainage patterns.
 - c. Continuity of adjacent vegetation and habitat values.
 - d. The ability of the existing and proposed vegetation to filter sediment and pollutants and enhance water quality.
 - e. Provision of water temperature conducive to fish habitat.
5. Any upstream or downstream WRAs or riparian corridors shall not apply to, or overlap, the daylighted stream channel.
6. When a stream is daylighted the applicant shall prepare and record a legal document describing the reduced WRA required by subsections (G)(1) and (5) of this section. The document will be signed by a representative of the City and recorded at the applicant's expense to better ensure long term recognition of the reduced WRA and reduced restrictions for the daylighted stream section.

RESPONSE: *The proposed development has no piped streams.*

H. The following habitat friendly development practices shall be incorporated into the design of any improvements or projects in the WRA to the degree possible:

1. Restore disturbed soils to original or higher level of porosity to regain infiltration and storm water storage capacity.

RESPONSE: *The proposed design does provide for some areas of fill to help with the*

higher level of porosity, as the clay subsurface is very shallow.

2. Apply a treatment train or series of storm water treatment measures to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.

RESPONSE: The proposed design divides the overall rainwater that falls on the roof, driveway and walkways, between the storm water drainage on street and rain garden/filtration. There are multiple clean-outs and back-flow prevention devices to assure proper

3. Incorporate storm water management in road rights-of-way.

RESPONSE: The road rights-of-way are insufficient in size to provide adequate storm water management.

4. Landscape with rain gardens to provide on-lot detention, filtering of rainwater, and groundwater recharge.

RESPONSE: A rain garden and on-lot detention providing filtration has been included in the design.

5. Use multi-functional open drainage systems in lieu of conventional curb-and-gutter systems.

RESPONSE: The driveway portion will drain to a standard curb-and-gutter system, as that is an existing condition. In addition, there is a significant amount of rainwater that will go through an on-site filtration system.

6. Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.

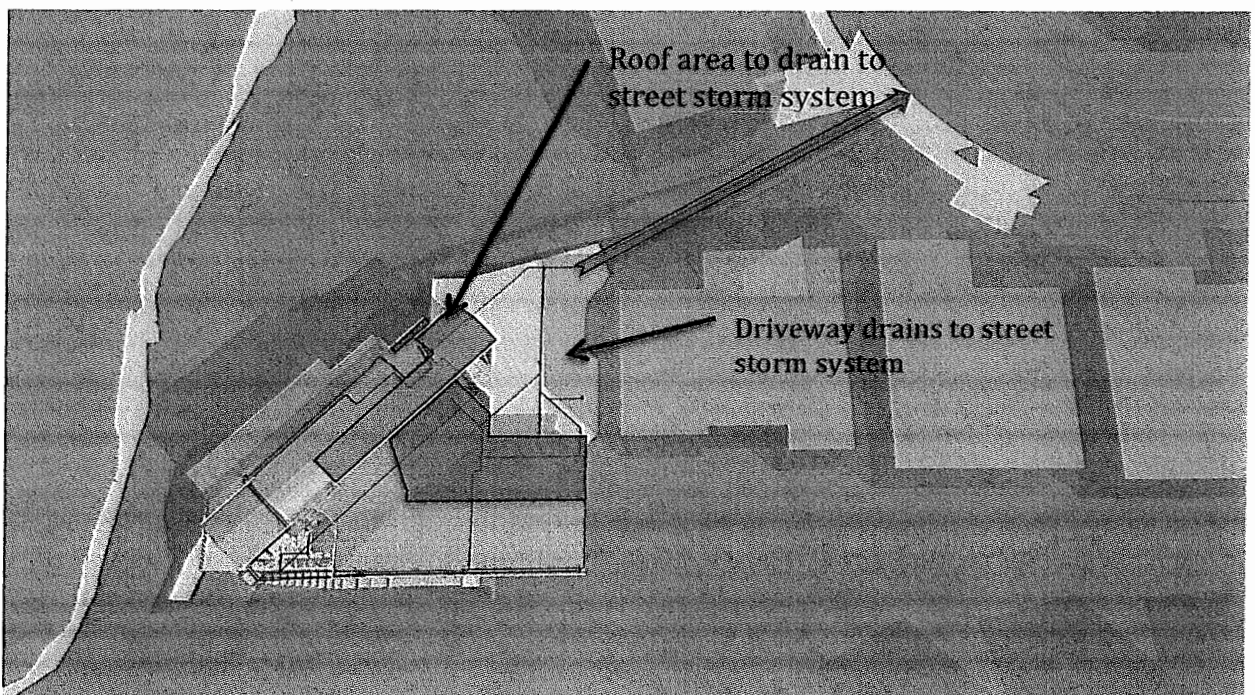
RESPONSE: A green roof was considered. However cost and required maintenance makes this option not feasible. However, some of the rainwater does flow through a rain garden/filtration area.

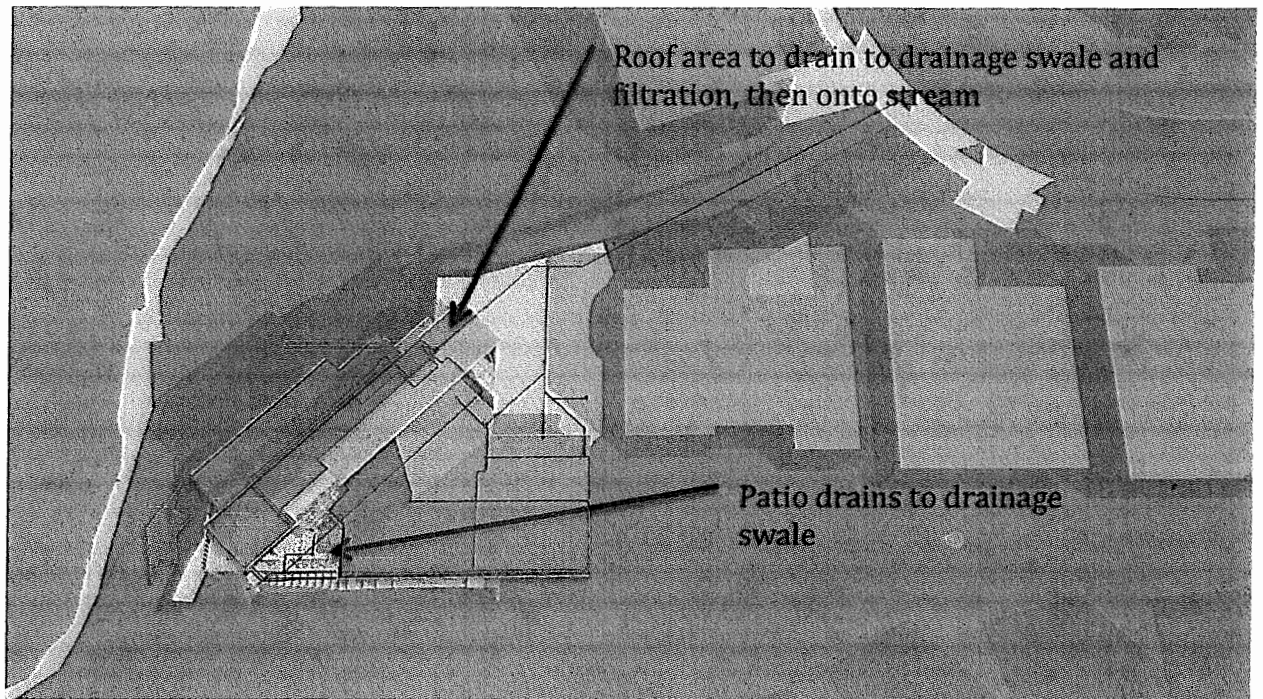
7. Retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden watering.

RESPONSE: The vast majority of the site will be replanted with native species, thus not requiring storage of water for the purpose irrigation.

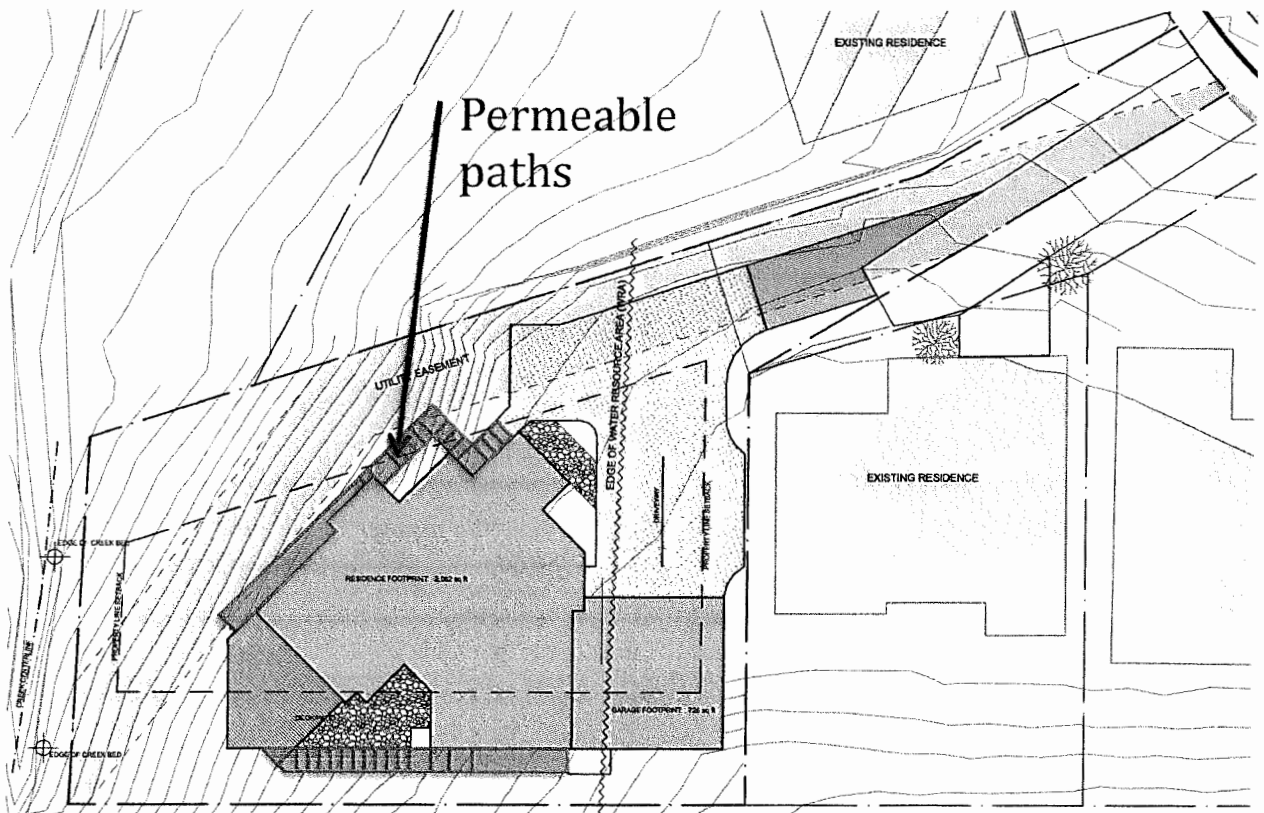
8. Disconnect downspouts from roofs and direct the flow to vegetated infiltration/filtration areas such as rain gardens.

RESPONSE: Approximately half of the rainwater is directed through a vegetated infiltration/filtration area.





9. Use pervious paving materials for driveways, parking lots, sidewalks, patios, and walkways.
RESPONSE: The walkway around the house will be pervious gravel held in place with pressure treated 4x8 wood. This will create steps that will provide access around the entire house to allow maintenance. See sketch below for location of pervious paths.

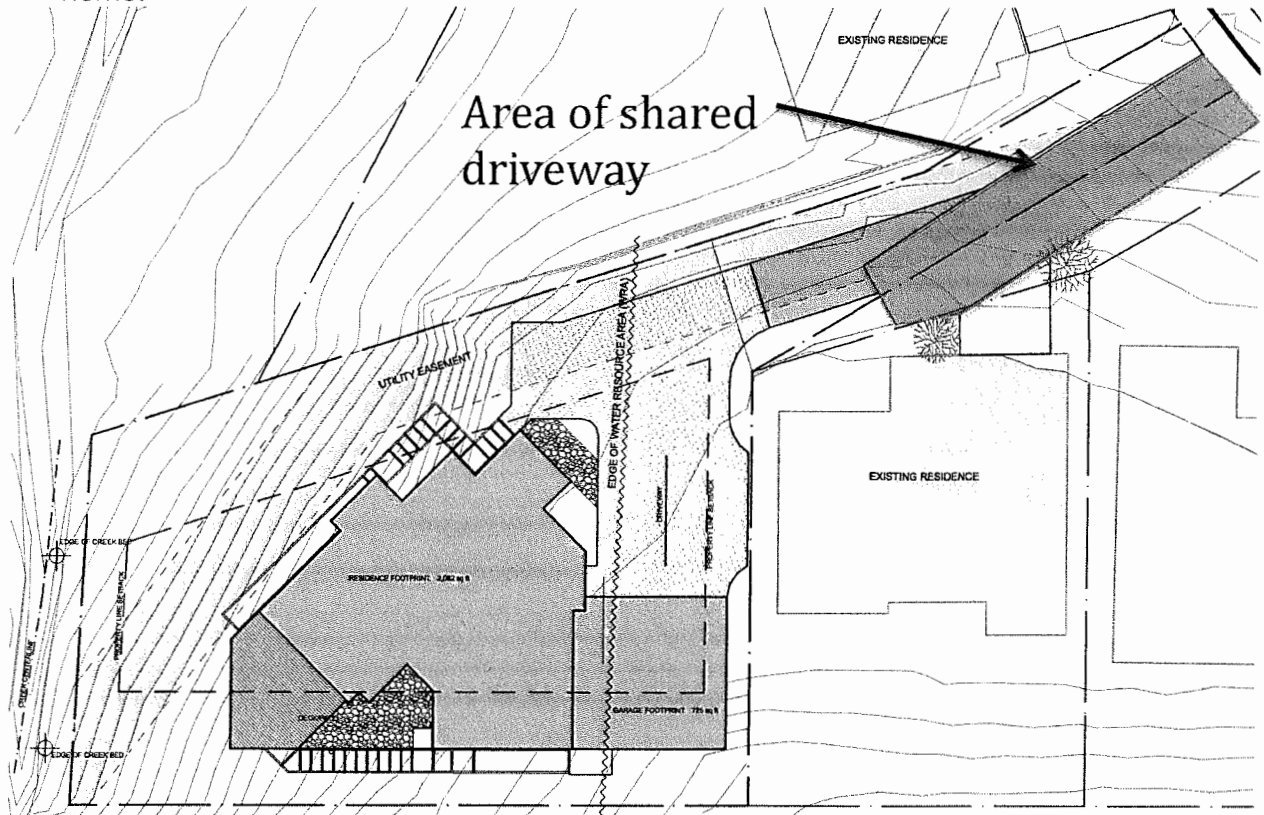


10. Reduce sidewalk width to a minimum four feet. Grade the sidewalk so it drains to the front yard of a residential lot or retention area instead of towards the street.

RESPONSE: Sidewalks exist and will only be modified where utilities need to run below. Sidewalks removed to allow the installation of utilities will be replaced to match existing configuration and construction.

11. Use shared driveways.

RESPONSE: The proposed design is utilizing the existing driveway that serves the adjacent home.



12. Reduce width of residential streets and driveways, especially at WRA crossings.

RESPONSE: The proposed design is in a current development with existing streets. Access to the lot is incorporating an existing driveway.

13. Reduce street length, primarily in residential areas, by encouraging clustering.

RESPONSE: The proposed design is in a current development with existing streets.

14. Reduce cul-de-sac radii and use pervious and/or vegetated islands in center to minimize impervious surfaces.

RESPONSE: The proposed design is in a current development with existing streets.

15. Use previously developed areas (PDAs) when given an option of developing PDA versus non-PDA land.

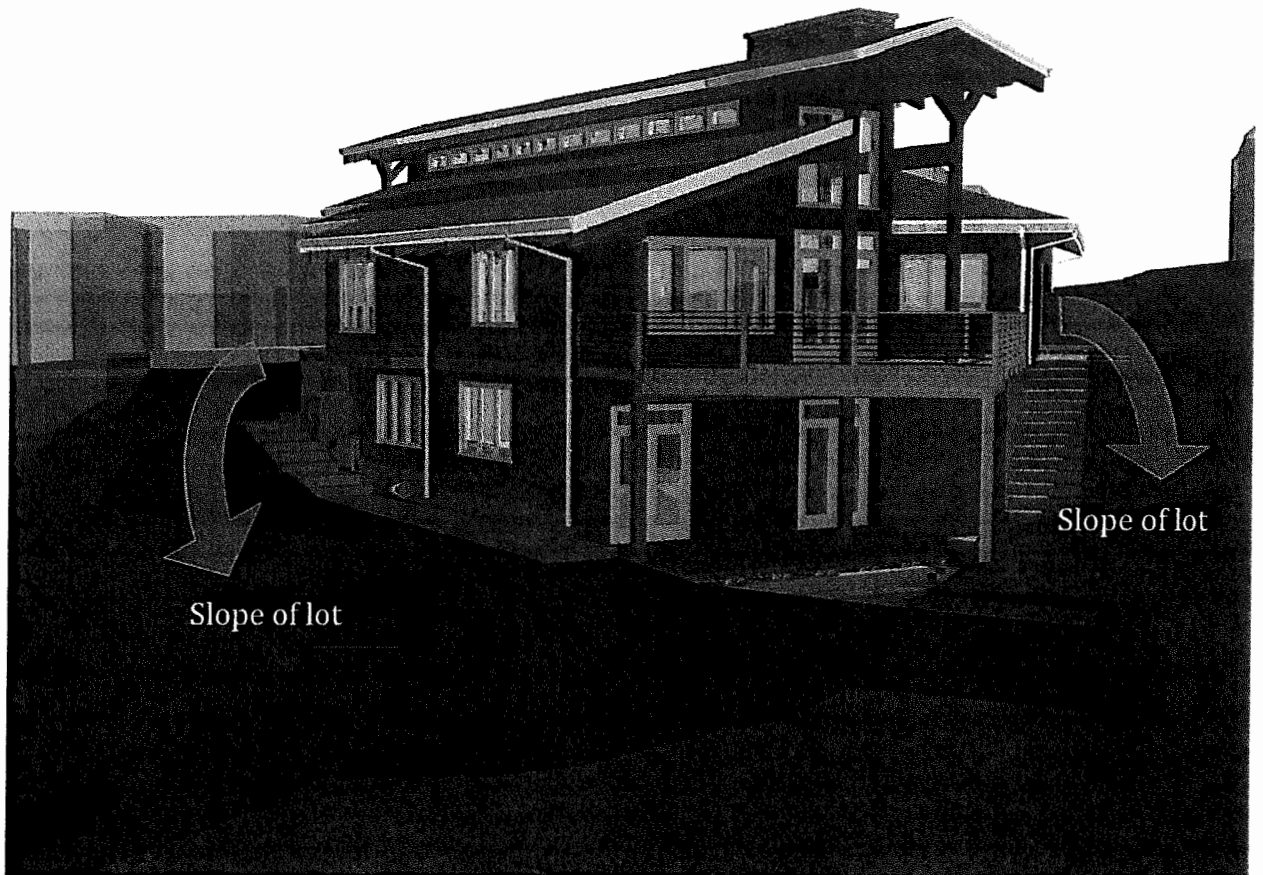
RESPONSE: The proposed residence is utilizing the last remaining lot of a development.

16. Minimize the building, hardscape and disturbance footprint.

RESPONSE: The proposed design focuses on highly usable area. The deck overhangs the concrete stoop below (which is required by code) making best use of the impacted area of the WRA. The living area utilizes a great room concept that eliminates the standard living room, dining room, kitchen layout that requires more square footage.

17. Consider multi-story construction over a bigger footprint. (Ord. 1623 § 1, 2014; Ord. 1635 § 19, 2014)

RESPONSE: The proposed design utilizes the slope of the lot to create a daylight basement reducing the main floor footprint. See sketch on next page.



32.070 ALTERNATE REVIEW PROCESS & 32.080 APPROVAL CRITERIA (ALTERNATE REVIEW PROCESS)

RESPONSE: *This project is currently not seeking an alternate review process.*

32.090 MITIGATION PLAN

- A. A mitigation plan shall only be required if development is proposed within a WRA (including development of a PDA). (Exempted activities of CDC 32.040 do not require mitigation unless specifically stated. Temporarily disturbed areas, including TDAs associated with exempted activities, do not require mitigation, just grade and soil restoration and re-vegetation.) The mitigation plan shall satisfy all applicable provisions of CDC 32.100, Re-Vegetation Plan Requirements.
- B. Mitigation shall take place in the following locations, according to the following priorities (subsections (B)(1) through (4) of this section):
1. On-site mitigation by restoring, creating or enhancing WRAs.
RESPONSE: *This project includes the removal of blackberry bushes from the site. Currently the site is mostly covered with blackberries. Native plants will be planted in the WRA area of the lot.*
 2. Off-site mitigation in the same sub-watershed will be allowed, but only if the applicant has demonstrated that:
 - a. It is not practicable to complete mitigation on-site, for example, there is not enough area on-site; and
 - b. The mitigation will provide equal or superior ecological function and value.
RESPONSE: *This project includes the removal of eleven, unhealthy maple trees. These trees reside on City of West Linn property and pose a hazard to the project. The owner has agreed to provide 4 new 5-gallon Douglas-Fir trees to replace the removed maples. This has been coordinated with Mike Perkins, the city Arborist.*
 1. Off-site mitigation outside the sub-watershed will be allowed, but only if the applicant has demonstrated that:
 - a. It is not practicable to complete mitigation on-site, for example, there is not enough area on-site; and
 - b. The mitigation will provide equal or superior ecological function and value.
RESPONSE: *This project is not proposing any mitigation outside of the impacted WRA.*
 2. Purchasing mitigation credits through DSL or other acceptable mitigation bank.
RESPONSE: *This project is not proposing purchasing any mitigation credits.*
- B. Amount of mitigation.
1. The amount of mitigation shall be based on the square footage of the permanent disturbance area by the application. For every one square foot of non-PDA disturbed area, on-site mitigation shall require one square foot of WRA to be created, enhanced or restored.
RESPONSE: *A total of 3,549 square feet of lot area will have all the blackberries removed and will be replanted with native plants. This consists of the entire remaining site area within the WRA and additional area behind the proposed garage that would be considered an extension of the WRA.*
 2. For every one square foot of PDA that is disturbed, on-site mitigation shall require one half a square foot of WRA vegetation to be created, enhanced or restored.
RESPONSE: *This project has no previously disturbed areas (PDA).*
 3. For any off-site mitigation, including the use of DSL mitigation credits, the requirement shall be for every one square foot of WRA that is disturbed, two square feet of WRA shall be created, enhanced or restored. The DSL mitigation credits program or mitigation bank shall require a legitimate bid on the cost of on-site mitigation multiplied by two to arrive at the appropriate dollar amount.
RESPONSE: *This project is enhancing the adjacent city property with the removal of existing, unhealthy, maple trees, the addition of four new Douglas-Fir trees, and removal of blackberry bushes and replanting of native grasses. The total area is 1,868 sq. ft., which results in 934 sq. ft. of allowable disturbed WRA.*

- C. The Planning Director may limit or define the scope of the mitigation plan and submittal requirements commensurate with the scale of the disturbance relative to the resource and pursuant to the authority of Chapter 99 CDC. The Planning Director may determine that a consultant is required to complete all or a part of the mitigation plan requirements.
- D. A mitigation plan shall contain the following information:
1. 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.
 2. A map showing where the specific adverse impacts will occur and where the mitigation activities will occur.
 3. A re-vegetation plan for the area(s) to be mitigated that meets the standards of CDC 32.100.
 4. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, and reporting. All in-stream work in fish bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife.
 5. Assurances shall be established to rectify any mitigation actions that are not successful within the first three years. This may include bonding or other surety. (Ord. 1623 § 1, 2014)

RESPONSE: Refer to Drawing A-0.4 WRA Submission Mitigation Plan.

32.100 RE-VEGETATION PLAN REQUIREMENTS

- A. In order to achieve the goal of re-establishing forested canopy, native shrub and ground cover and to meet the mitigation requirements of CDC 32.090 and vegetative enhancement of CDC 32.080, tree and vegetation plantings are required according to the following standards:
1. All trees, shrubs and ground cover to be planted must be native plants selected from the Portland Plant List.
 2. Plant size. 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.
 3. Plant coverage.
 - a. Native trees and shrubs are required to be planted at a rate of five trees and 25 shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals 0.66, and 0.66 times five equals 3.3, so three trees must be planted, and 0.66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.
 - b. 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 drip line of the existing tree shall be the starting point for plant spacing measurements.
 4. Plant diversity. 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 genus.
 5. Invasive vegetation. Invasive non-native or noxious vegetation must be removed within the mitigation area prior to planting.

6. Tree and shrub survival. A minimum survival rate of 80 percent of the trees and shrubs planted is expected by the third anniversary of the date that the mitigation planting is completed.
7. Monitoring and reporting. Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die must be replaced in kind.
8. To enhance survival of tree replacement and plantings, the following practices are required:
 - a. Mulching. Mulch new plantings a minimum of three inches in depth and 18 inches in diameter to retain moisture and discourage weed growth.
 - b. Irrigation. Water new plantings one inch per week between June 15th to October 15th, for the three years following planting.
 - c. Weed control. Remove, or control, non-native or noxious vegetation throughout maintenance period.
 - d. Planting season. Plant bare root trees between December 1st and February 28th, and potted plants between October 15th and April 30th.
 - e. Wildlife protection. Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and resulting damage to plants.
- B. When weather or other conditions prohibit planting according to schedule, the applicant shall ensure that disturbed areas are correctly protected with erosion control measures and shall provide the City with funds in the amount of 125 percent of a bid from a recognized landscaper or nursery which will cover the cost of the plant materials, installation and any follow up maintenance. Once the planting conditions are favorable the applicant shall proceed with the plantings and receive the funds back from the City upon completion, or the City will complete the plantings using those funds. (Ord. 1623 § 1, 2014)

RESPONSE: *Landscaping plans submitted for building permit shall meet these criteria.*

32.110 HARDSHIP PROVISIONS

The subject property at 3224 Sabo Lane was a lot set-aside during the initial housing tract development. This original development occurred in 2002 prior to January 1, 2006. Due to this condition, Subsection A of 32.110 applies.

Per subsection B of 32.110, a maximum of 5,000 square feet of the WRA may be impacted. Per drawing A-0.1, a proposed total of 4,262 square feet of the site will be impacted. This includes areas to be landscaped to something other than native species, driveways, paved walkways, pervious paths, rainwater filtration area, and the house proper.

The minimum distance from the water resource shall be 15 feet. The proposed design is 30'-9" feet away from the water resource as shown on drawing A-0.1

Per subsection F, paragraph 1 of 32.110; "Setbacks required by the underlying zoning district may be reduced up to 50 percent where necessary to avoid construction within the WRA, as long as the development would otherwise meet the standards of this chapter." This project is utilizing the change in setbacks to allow the development to reduce the impact to the WRA.

Drawings A-0.1, A-0.2, A-0.3, A-0.4, and A-0.5 demonstrate compliance with the WRA's general site layout, grading, mitigation plan, and construction management plan.

End of Report

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
May 21, 2015

SUBJECT: Proposed Water Resource Area (WRA) Permit for the development of a single family home at 3224 Sabo Lane

FILE: PA-15-17

ATTENDEES: Applicant: James Wurscher, Gisela Wurscher, Ann Farley
Staff: Peter Spir, Associate Planner
Public: Gail Holmes

The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.

Site Information

Site Address: 3224 Sabo Lane
Site Area: 11,441 square feet
Neighborhood: Parker Crest
Comp. Plan: Low density residential
Zoning: R-7 (7,000 square foot minimum lot size)
Environmental Overlays: Water Resource Area (WRA) CDC Chapter 32

Proposal: The applicant proposes to build a single family home on this lot of record. Tanner Creek runs along the north edge of the property. There are wetlands associated with the creek plus a riparian corridor. The riparian corridor setback of 100 feet, as measured from the outer edge of the wetland and creek, extends well onto this lot. A Water Resource Area (WRA) permit is required. The WRA chapter includes hardship provisions (CDC section 32.110) that allow property owners of severely constrained properties, such as this, to enjoy reasonable use of their property by allowing them a maximum disturbed area (MDA) of 5,000 square feet of developable area within the WRA. Mitigation for the disturbed area is required per 32.090.

Engineering will not permit the proposal to span the utility easement with the deck and will not permit excavation/grading within the easement for the daylight basement patio.

Process

For the WRA permit, address the submittal requirements and responses to the criteria of 32.060, and the hardship provisions of 32.110. N/A is not an acceptable response to the approval criteria. The submittal requirements may be waived, but the applicant must first identify the specific submittal requirement and request, in letter form, that it be waived by the Planning Manager and must identify the specific grounds for that waiver.

The fee is \$2,600 plus a \$200 inspection fee. **Please note that fees may change after July 1, 2015, with a new Master Fee Schedule.** The CDC is online at <http://westlinnoregon.gov/cdc>.

Once the application and deposit/fee are submitted, the City has 30 days to determine if the application is complete or not. If the application is not complete, the applicant has 180 days to make it complete or provide written notice to staff that no other information will be provided.

Once the submittal is deemed complete, the staff will schedule the Planning Manager's decision date and post notice. There is a 14-day window to appeal the Planning Manager's decision to City Council. If no appeal has been received by the close of the appeal period, the Planning Manager's decision becomes final and the applicant may move forward with the development of their proposal.

Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required.

Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required.

Typical land use applications can take 6-10 months from beginning to end.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application ***or provide any assurance of potential outcomes.*** Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. ***A new pre-application conference would have to be scheduled one that period lapses and these notes would no longer be valid. Any changes to the CDC standards may require a different design or submittal.***

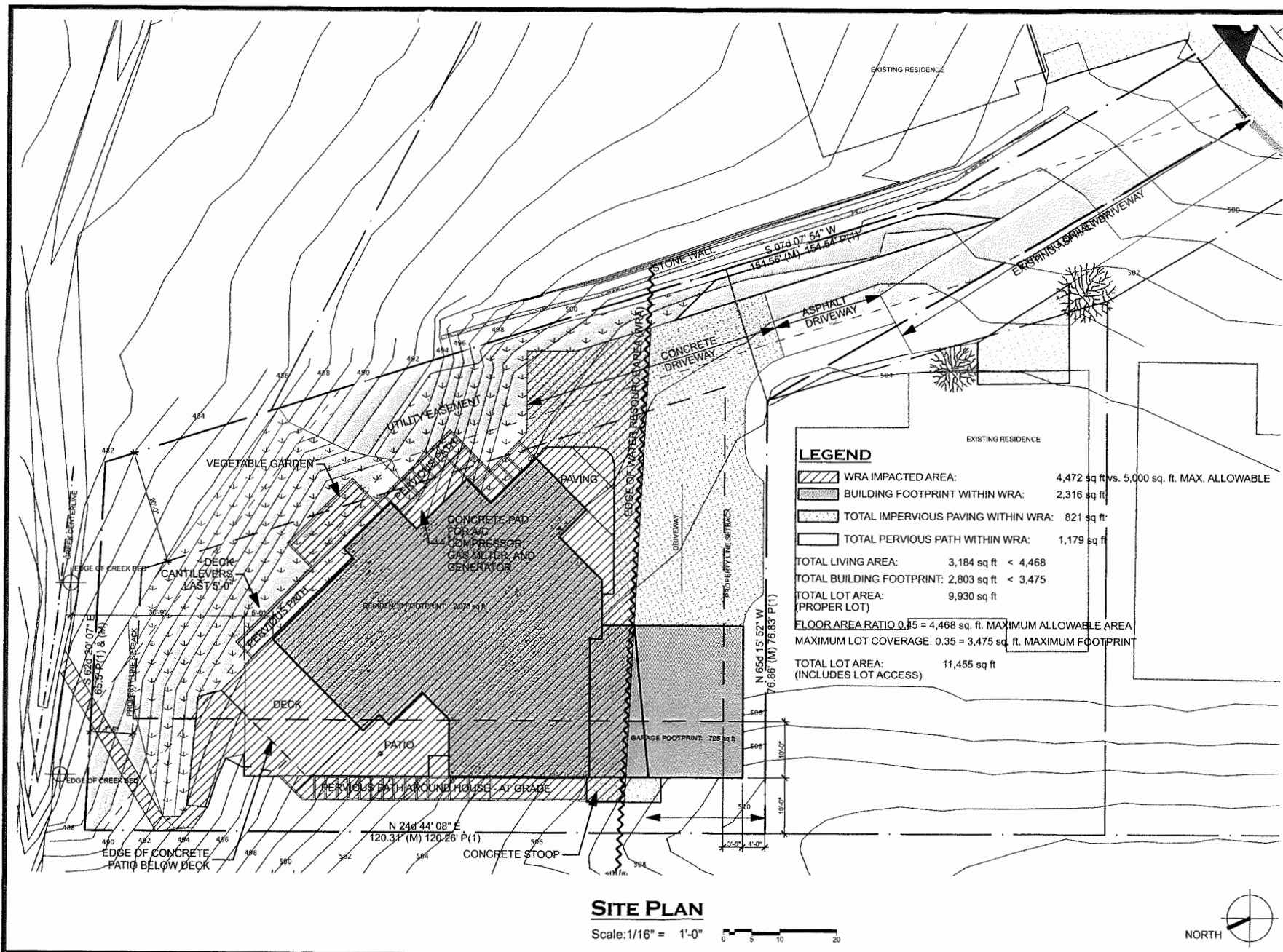


PROJECT INFO:
David and Ann Farley
24 Sabo Lane
West Linn, OR 97068

REV	DATE	DESCRIPTION
0	2015/07/10	ISSUED FOR WRA
PROJECT NO.: 15-01		
MODEL FILE: Farley Residence.plt		
DRAWN BY: J. Wurscher		
CHKD BY: JFW		
COPYRIGHT:		
WURSCHER ARCHITECT P.C.		

A-O.1

SHEET 1 OF 5



**FARLEY
RESIDENCE**

PROJECT INFO:

David and Ann Farley
3224 Sabo Lane
West Linn, OR 97068

REV	DATE	DESCRIPTION
0	2015/07/10	ISSUED FOR WRA

0	2015/07/10	ISSUED FOR WRA
---	------------	----------------

PROJECT NO.:	15-01
MODEL FILE:	Farley Residence.pln
DRAWN BY:	J. Wurscher
CHK'D BY:	JRW
COPYRIGHT WURSCHER ARCHITECT P.C.	

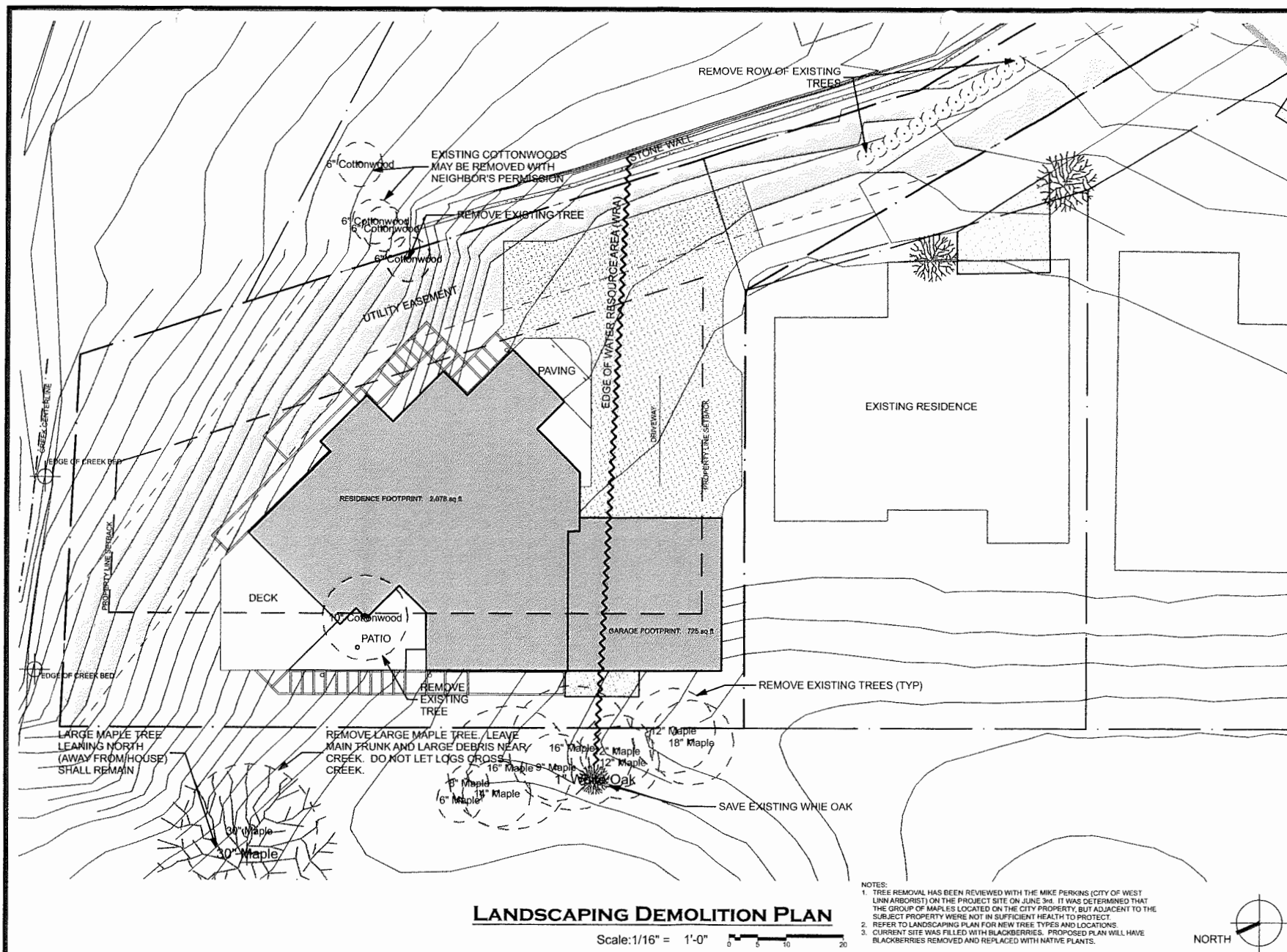
SHEET TITLE

WRA
SUBMISSION
LANDSCAPING
DEMOLITION
PLAN

A-0.3

SHEET 3

OF 5



**FARLEY
RESIDENCE**

PROJECT INFO:

David and Ann Farley
3224 Sabo Lane
West Linn, OR 97068

REV	DATE	DESCRIPTION
0	2015/07/10	ISSUED FOR WRA

PROJECT NO.:	15-01
MODEL FILE:	Farley Residence.pln
DRAWN BY:	J. Wurscher
CHK'D BY:	JRW
COPYRIGHT WURSCHE ARCHITECT P.C.	

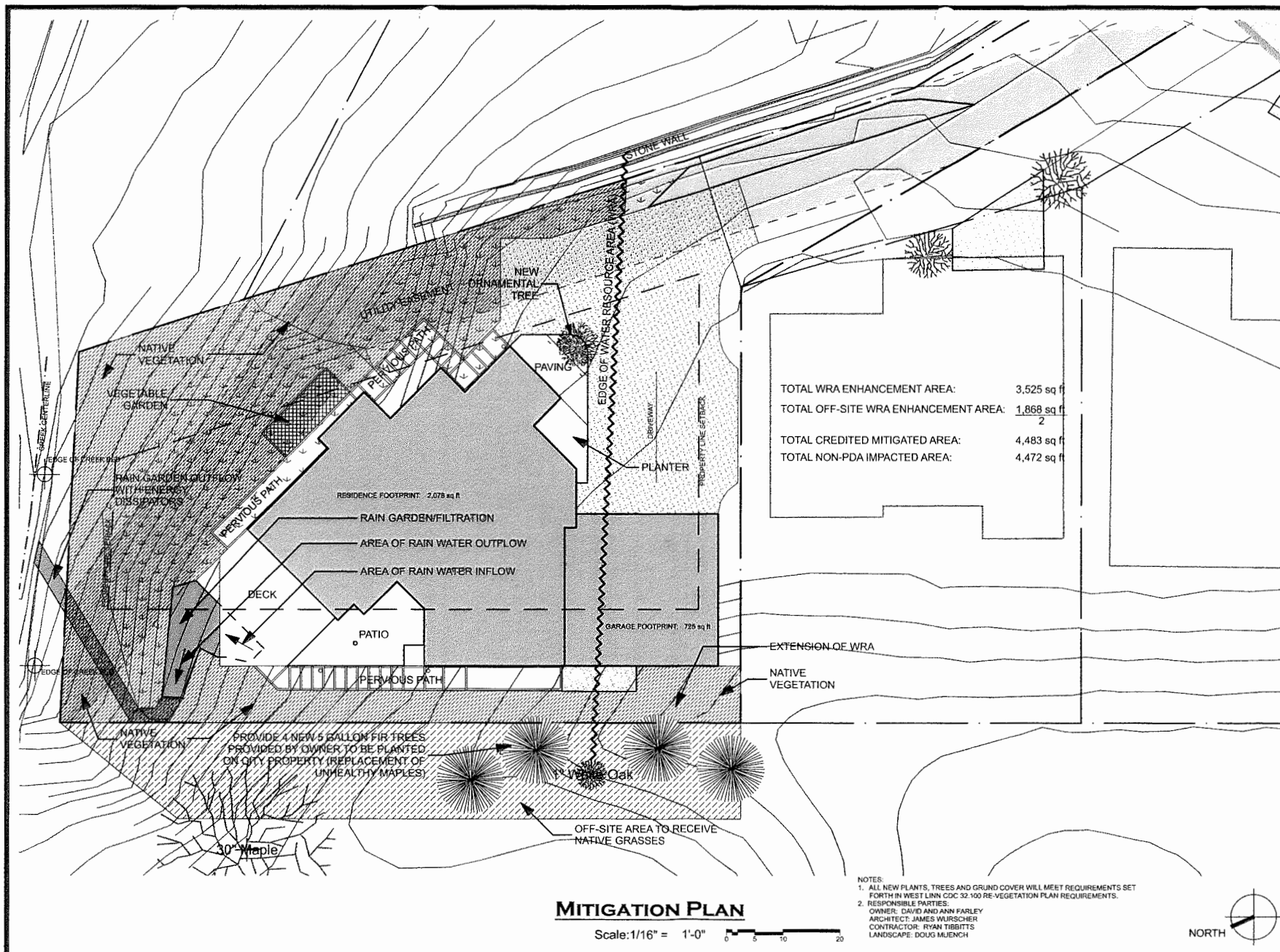
SHEET TITLE

**WRA
SUBMISSION
MITIGATION
PLAN**

A-0.4

SHEET 4

OF 5



**FARLEY
RESIDENCE**

PROJECT INFO:

David and Ann Farley
3224 Sabo Lane
West Linn, OR 97068

REV	DATE	DESCRIPTION
0	2015/07/10	ISSUED FOR WORK

0	2015/07/10	ISSUED FOR WRA
---	------------	----------------

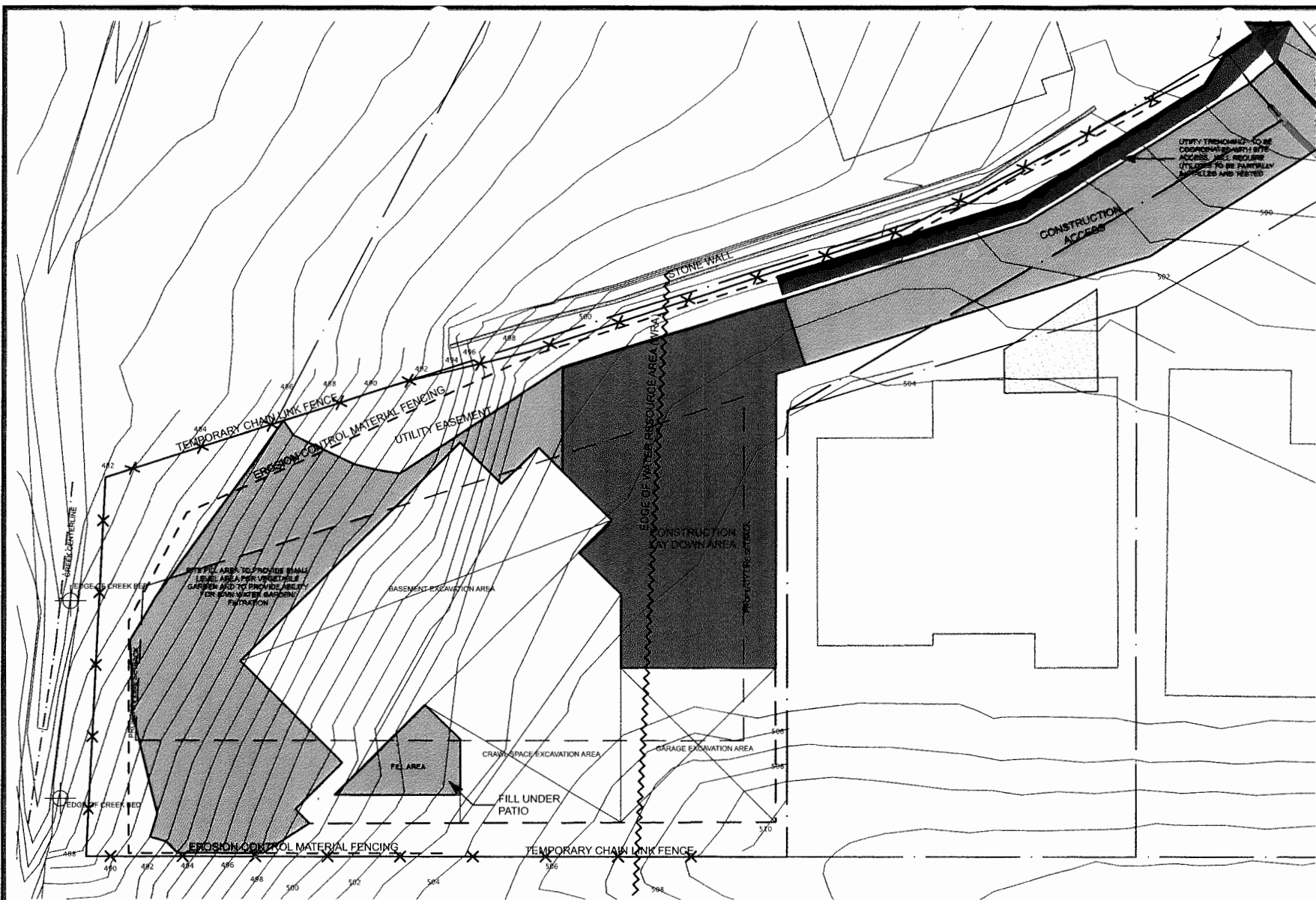
PROJECT NO.: 15-01
MODEL FILE: Farley Residence.pln
DRAWN BY: J. Wurscher
CHKD BY: JRW
COPYRIGHT
WURSCHER ARCHITECT P.C.

SHEET TITLE

**WRA
SUBMISSION
CONSTRUCTION
MANAGEMENT
PLAN**

A-0.5

SHEET 5 OF 5



CONSTRUCTION MANAGEMENT PLAN

Scale: 1/16" = 1'-0"

- NOTES:
1. CONTRACTOR SHALL PATCH AND REPAIR DAMAGE TO EXISTING DRIVEWAY. IF DRIVEWAY RECEIVED SUBSTANTIAL DAMAGE, CONTRACTOR SHALL REPLACE DRIVEWAY.
 2. REFER TO LANDSCAPING PLAN FOR INFORMATION REGARDING EXISTING TREES AND REPLANTING OF NATIVE SPECIES.

