



CITY OF
West Linn
 PLANNING AND DEVELOPMENT

**STAFF REPORT
 PLANNING MANAGER DECISION**

DATE: May 10, 2016

FILE NO.: WAP-16-04

REQUEST: The applicant requires a Water Resource Area (WRA) for an addition to the existing house at 3979 Kenthorpe Way

PLANNER: Peter Spir, Associate Planner

Planning Manager 

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GENERAL INFORMATION

OWNER:	Ryan O'Farrell, 1115 Blankenship Road, West Linn OR. 97068
APPLICANT:	James Wurscher, 630 Marylhurst Circle, West Linn OR. 97068
SITE LOCATION:	3979 Kenthorpe Way
SITE SIZE:	.44 acres/19,194 square feet
LEGAL DESCRIPTION:	Assessor's Map 2-1E-24BB Tax Lot 3600
COMP PLAN DESIGNATION:	Low Density Residential
ZONING:	R-10, Single-Family Residential Detached (10,000 square foot minimum lot size)
APPROVAL CRITERIA:	Community Development Code (CDC) Chapter 32 (WRA), Chapter 28.040 (HCA), Chapter 11 (R-10)
120-DAY RULE:	The application became complete on April 14, 2016. The 120-day period therefore ends on August 12, 2016.
PUBLIC NOTICE:	Notice was mailed to property owners within 500 feet of the subject property and all neighborhood associations on April 19, 2016. A sign was placed on the property on April 28, 2016. The notice was also posted on the City's website. Notice appeared in the West Linn Tidings on April 28, 2016. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

Trillium Creek is located on the east edge of the 3979 Kenthorpe Way property. The standard WRA boundary and Riparian Corridor extends onto, and encumbers, 99.5 percent of the property (see Figure 2). The property is also partially within a Habitat Conservation Area (HCA) (Chapter 28).

Based on staff visits to the property, staff finds that the WRA is significantly disturbed by development on both sides of Trillium Creek. Specifically, the creek channel has been armored

with concrete and stonework. A footpath runs along the east side of the creek before crossing by a footbridge at the south end. A shed occupies the west side of the creek on the subject property. Non-native/invasive vegetation exists on both sides of the creek.

The applicant is proposing an addition to the existing home and will address the approval criteria of CDC Chapter 32.060 plus the Hardship provisions of 32.110. The proposed new disturbed area (house footprint, impermeable and semi-permeable surfaces and non-native landscaping) comprises a total disturbed area of 4,842 square feet. To mitigate for the increase in disturbed area, the applicant will be removing invasive plant species and planting 6,130 square feet of native plants on-site. This vegetative mitigation exceeds the "one for one" on-site mitigation requirement. An accessory shed near the creek will also be removed.

Public comments:

Staff received an inquiry from Lorie Griffith regarding the Red Cedar tree near the front property line. (The City Arborist found that the tree was non-significant.) Also, Diana Bullen submitted an email into the record in support of the application.

DECISION

The Planning Manager (designee) approves this application (WA-16-04), 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 applicant shall (a) remove the invasive groundcover and install native vegetative mitigation consistent the applicant's submittal and per CDC 32.100(A) (1-8) and (b) remove all existing development (shed, etc.) within the WRA. Both tasks (a and b) shall be completed prior to issuance of a building occupancy permit.

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

Peter Spir

PETER SPIR, Associate Planner

May 10, 2016

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 10th day of May, 2016.

Therefore, the 14-day appeal period ends at 5 p.m., on May 24, 2016.

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: To minimize adverse impacts on the WRA the applicant will be using selected “habitat friendly practices” listed in 32.060(H). Specifically, per 32.060 (H) (1) (4) and (5), the applicant will apply a treatment train or series of storm water treatment measures in the form of a rain garden with discharge into the creek via an energy dissipater. The rain garden will provide on-site detention, filtering of rainwater, and groundwater recharge. This storm drainage treatment provides a more desirable drainage system in lieu of conventional curb-and-gutter systems.

Per 32.060 (H) (9) the applicant will be using pervious material for walkways around the house. This has the benefit of filtering of rainwater and facilitating groundwater recharge.

Section 32.060 (H) (15) encourages the use of previously developed areas (PDAs) when given an option of developing PDA versus non-PDA land. There is an existing gravel driveway with a PDA of 439 square feet. The new driveway, in the same location as the existing one, comprises 500 square feet and will be 32 feet from the stream channel. This increase of 61 square feet represents a minimal impact and disturbance to the WRA. It is also mitigated by the fact a 194 square foot shed, closer to the creek than the home addition and driveway, is being removed and revegetated with native plants.

Section 32.060 (H) (16) calls for minimizing the building, hardscape and disturbance footprint which the applicant has achieved by a total disturbed area of 4,842 square feet out of the 19,194 square foot property. The disturbed area equates to a lot coverage of 25 percent whereas the underlying zone allows a 35 percent lot coverage.

Section 32.060 (H) (17) is addressed by selecting a two story design which has a smaller footprint than a single story design and thus minimizes the expansion into the WRA .

In total, these habitat friendly measures demonstrate that the applicant is minimizing adverse impacts on the WRA. The criteria is met.

2. Mitigation and re-vegetation of disturbed WRAs shall be completed per CDC [32.090](#) and [32.100](#) respectively.

Staff Response 2: The applicant has provided Mitigation Plan Drawing A-0.4. The required amount of mitigation is per 32.090(C): “For every one square foot of non-Previously Disturbed Area, on-site mitigation shall require one square foot of WRA to be created, enhanced or restored.” The applicant will be removing invasive plant species, mostly invasive English Ivy, and planting 6,130 square feet of native plants in that area. The vegetative mitigation exceeds the “one for one” on-site mitigation requirement. The criteria is 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 is proposing a rain garden in the west portion of the property 40 feet from the creek. The rain garden will be sized per City of Portland storm water standards. The location of the rain garden will not displace any native vegetation and will be part of the native plant mitigation area. The rain garden will collect and treat rain from all impervious surfaces with an overflow channel connecting with the Trillium Creek near Cedaroak Drive. The outfall will incorporate energy dissipaters so no creekside erosion will occur. No geotechnical report is required since the property is not in an identified hazard area (see applicant’s findings). The criteria is met.

D. WRA width. Except for the exemptions in CDC [32.040](#), applications that are using the alternate review process of CDC [32.080](#), 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

(...)

Staff Response 4: Trillium Creek is mapped as a Riparian Corridor with a 100 foot setback. The WRA width encompasses 99.5 percent of the property. Only a small 113 square foot area in the southwest corner is not within the WRA. By defining the WRA boundary/width, the criteria is met.

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.

(...)

Staff Response 5: No new roads are created and no public utilities are being installed in the WRA. A new paved driveway is proposed to access a garage on the east side of the addition to replace an existing gravel driveway. Because the existing house is being retained on the west side of the property, there is no reasonable alternative to the proposed garage and driveway location.

There is an existing gravel driveway with a PDA of 439 square feet. The new driveway, in the same location as the existing one, comprises 500 square feet and will be 32 feet from the stream channel. This increase of 61 square feet represents a minimal impact and disturbance to the WRA. It is also mitigated by the fact a 194 square foot shed, closer to the creek than the home addition and driveway, is being removed and revegetated with native plants.

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.

9. Use pervious paving materials for driveways, parking lots, sidewalks, patios, and walkways.

(....)

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

16. Minimize the building, hardscape and disturbance footprint.

17. Consider multi-story construction over a bigger footprint.

Staff Response 6: To minimize adverse impacts on the WRA the applicant will be using selected “habitat friendly practices”. Specifically, per 32.060 (H) (1) (4) and (5), the applicant will apply a treatment train or series of storm water treatment measures in the form of a rain garden with discharge into the creek via an energy dissipater. The rain garden will provide on-site detention, filtering of rainwater, and groundwater recharge. This storm drainage treatment provides a more desirable drainage system in lieu of conventional curb-and-gutter systems.

Per 32.060 (H) (9) the applicant will be using pervious material for walkways around the house. This has the benefit of filtering of rainwater and facilitating groundwater recharge.

Section 32.060 (H) (15) encourages the use of previously developed areas (PDAs) when given an option of developing PDA versus non-PDA land. There is an existing gravel driveway with a PDA of 439 square feet. The new driveway, in the same location as the existing one, comprises 500 square feet and will be 32 feet from the stream channel. This increase of 61 square feet represents a minimal impact and disturbance to the WRA. It is also mitigated by the fact a 194 square foot shed, closer to the creek than the home addition and driveway, is being removed and revegetated with native plants.

Section 32.060 (H) (16) calls for minimizing the building, hardscape and disturbance footprint which the applicant has achieved by a total disturbed area of 4,842 square feet out of the 19,194 square foot property. The disturbed area equates to a lot coverage of 25 percent whereas the underlying zone allows a 35 percent lot coverage.

Section 32.060 (H) (17) is addressed by selecting a two story design which has a smaller footprint than a single story design and thus minimizes the expansion into the WRA .

In total, these habitat friendly measures demonstrate that the applicant is minimizing adverse impacts on the WRA. The criteria is met.

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 7: This lot was created as part of the Kenthorpe Tracts in 1940. (The house was built in 1952.) Therefore the lot correctly pre-dates the January 1, 2006 eligibility date.

The current house comprises 1,352 square feet. The average size of nearby homes is 2,200 square feet and the adjoining house to the east is 3,340 square feet. Increasing the home's total square footage, including basement, to 3,002 square feet allows for "reasonable use" of the property.

The minimum lot size and dimensional standards of the base zone are met per "Staff Response" 15. The criteria is 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.

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 8: Per 32.110(B) (1), the applicant proposes an MDA (house, driveway, and other impervious surfaces) of 4,842 square feet, which is under the 5,000 square foot limit. (See applicant's table on "Proposed Site Plan" Sheet A-0.2, reproduced below, which identifies development square footage.)

WRA IMPACTED AREA: 4,842 sq ft vs. 5,000 sq. ft. MAX. ALLOWABLE
NEW BUILDING FOOTPRINT WITHIN WRA: 1,218 sq ft
EXISTING BUILDING FOOTPRINT WITHIN WRA: 914 sq ft
NEW DECK FOOTPRINT WITHIN WRA: 633 sq ft
TOTAL IMPERVIOUS PAVING WITHIN WRA: 528 sq ft
TOTAL PERVIOUS PATHWAY AREA WITHIN WRA: 506 sq ft
TOTAL PERVIOUS NON-NATIVE LANDSCAPE AREA WITHIN WRA: 1,043 sq ft

By selecting a two story addition, the expansion into the WRA is minimized compared to a single floor addition which would have had a bigger footprint and encroached more into the WRA. The house design, given the site topography, keeps the maximum practical distance (32 feet) from the creek and still accommodates a two car garage which is a functional need of a standard single family home. (The 32 foot setback from the creek exceeds the minimum 15 foot setback allowed by this section.)

The new driveway, off Kenthorpe Way, comprises 500 square feet and will also be 32 feet from the stream channel. The existing gravel driveway, in the same location as the proposed driveway, constitutes a PDA of 439 square feet. This increase of 61 square feet represents a minimal impact and disturbance to the WRA. It is also mitigated by the fact a 194 square foot shed, closer to the creek than the home addition and driveway, is being removed and revegetated with native plants.

The criteria is met.

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.

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: The Maximum Disturbed Area (MDA) is 5,000 square feet. The applicant proposes a total disturbed area, including the house, hardscapes and driveway, of 4,842 square feet, which is under the allowed MDA limit. (Staff finds the use of pervious paving materials for the pathway allows a 25 percent reduction or 127 square feet in the calculation for the pathway for a net MDA of 4,715 square feet.) See Staff Response 8. The criteria is met.

(....)

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 is requesting a reduced front yard setback of 10 feet. This is to legitimize the six inch encroachment of a 3.3 square foot portion of the existing house into the front 20 foot setback. All of the proposed addition will meet the 20 foot setback. (See also staff response 19 regarding non-conforming structures.) The criteria is met.

(....)

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 satisfy all mitigation and re-vegetation per code (see staff response 13 and 14). The applicant’s proposed development will result in a total non-PDA and PDA impacted area of 4,842 square feet. The applicant will be removing invasive plant species, mostly English Ivy, and planting 6,130 square feet of native plants in that area. By providing 1,288 square feet of additional mitigation beyond the required 4,842 square feet, the applicant has met and exceeded the required “one for one” on-site mitigation requirement.

Two trees will be removed in the footprint of the addition and a third (Red Cedar) for the driveway. The red cedar was inspected by Mike Perkins, the City Arborist, and found to have a “...co-dominant trunk. These tend to split over time and can be quite dangerous as the tree grows taller.” None of the trees were classed as significant. No mitigation is required for the removal of three trees within the footprint of the proposed addition and the driveway area.

The applicant has provided a re-vegetation plan which satisfies the criteria of CDC 32.100. The criteria is met.

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.

(....)

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.

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.

Staff Response 12: The applicant will provide on-site mitigation. The applicant’s “Mitigation Plan” on sheet A-0.5 of the applicant’s submittal involves removing invasive plant species,

mostly English Ivy, and planting 6,130 square feet of native plants in that area. By providing 1,288 square feet of additional mitigation beyond the required 4,842 square feet for the MDA/encroachment into the WRA, the applicant has met and exceeded the required “one for one” on-site mitigation requirement.

(....)

E. 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.

(....)

Staff Response 13: The applicant’s “Mitigation Plan” on sheet A-0.5 of the applicant’s submittal demonstrates compliance with the submittal requirements. The criteria is met.

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 dripline 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.

(....)

Staff Response 14 The applicant's "Mitigation Plan" on sheet A-0.5 of the applicant's submittal demonstrates compliance with the submittal requirements. The criteria is met.

Chapter 11 SINGLE-FAMILY RESIDENTIAL DETACHED, R-10

11.030 PERMITTED USES

The following are uses permitted outright in this zoning district

1. Single-family detached residential unit.

11.070 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:

1. The minimum lot size shall be 10,000 square feet for a single-family detached unit.
2. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.

3. The average minimum lot width shall be 50 feet.
5. Except as specified in CDC [25.070](#)(C) (1) through (4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback area from the lot line shall be:
 - a. For the front yard, 20 feet; except for steeply sloped lots where the provisions of CDC [41.010](#) shall apply.
 - b. For an interior side yard, seven and one-half feet.
 - c. For a side yard abutting a street, 15 feet.
 - d. For a rear yard, 20 feet.
6. The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of Chapter [41](#) CDC shall apply.
7. The maximum lot coverage shall be 35 percent.
8. The minimum width of an accessway to a lot which does not abut a street or a flag lot shall be 15 feet.
9. 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.
10. The sidewall provisions of Chapter [43](#) CDC shall apply.

Staff Response 15: The lot is 19,194 square feet which exceeds the minimum lot size of 10,000 square feet. The lot frontage is 100 feet which exceeds the minimum lot width of 35 feet and average lot width of 50 feet.

The house addition meets all front, rear and side setbacks. The existing house is non-conforming in that an 11 square foot section of the front elevation encroaches six inches into the front 20-foot setback. Please see Staff Response 14 for findings relating to the non-conforming structure.

Under the hardship provisions of 32.110(F) (1), building setbacks may be reduced by 50 percent to minimize encroachment into the WRA. The applicant proposes to use this provision to allow a front yard setback of 10 feet, instead of the standard R-10 base zone front setback of 20 feet. The reduced setback will legitimize the six-inch encroachment. Thus, by approval of this application the existing front setback of 19.5 feet will meet the required setback and be conforming.

The existing house and addition height is 26 feet which is under the allowable 35 feet. With the addition, the lot coverage will be 15.6 percent which is under the allowed 35 percent. Based on a non-basement living space of 2,046 square feet with the addition, the FAR will be 10.6 percent which is under the allowed 45 percent. No sidewall transitions are needed since this structure has its gable end on the side elevation which meets exemption 43.040(C) (5). The criteria is met.

10.090 OTHER APPLICABLE DEVELOPMENT STANDARDS

- A. The following standards apply to all development including permitted uses:
1. Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.
 2. Chapter 35 CDC, Temporary Structures and Uses.
 3. Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.
 4. Chapter 40 CDC, Building Height Limitations, Exceptions.
 5. Chapter 41 CDC, Structures on Steep Lots, Exceptions.
 6. Chapter 42 CDC, Clear Vision Areas.
 7. Chapter 44 CDC, Fences.
 8. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.
 9. Chapter 48 CDC, Access, Egress and Circulation.
 10. Chapter 52 CDC, Signs.
 11. Chapter 54 CDC, Landscaping.

Staff Response 16: No accessory structures, temporary structures and uses are proposed so those criteria do not apply. (A shed near the creek is being removed.) No additional yard area is required and no exceptions to yard requirements are proposed so those criteria do not

apply. The building height of 24 feet is below the R-10 allowed 35 foot height so no exemption is required. This is not a steep lot so the provisions of Chapter 41 do not apply. The clear vision area associated with the intersections would not apply here since there is no nearby intersection. No fences are proposed with this application so this criteria is not applicable. Single family homes are required to have one off street parking space. The applicant is proposing a two car garage which will meet the requirement. The access requirements are met by the proposed driveway which will meet the minimum width of 12 feet. No signs are proposed with this application. There are no landscaping requirements for detached single family homes; therefore this criteria does not apply.

Chapter 28

WILLAMETTE AND TUALATIN RIVER PROTECTION

28.040 EXEMPTIONS/USES PERMITTED OUTRIGHT

S. In cases where the required development standards of this chapter are applied and met with no encroachment into HCAs, and also meeting subsections T and U of this section, where applicable, then no permit under the provisions of this chapter will be required. For example, if the proposed development or action will be located in the "Habitat and Impact Areas Not Designated as HCAs" and keeps out of the habitat conservation areas, a Willamette or Tualatin River Protection Area permit shall not be required. Floodplain management area or other permits may still be required.

T. The construction, remodeling or additions of home and accessory structures that take place completely within the "Habitat and Impact Areas Not Designated as HCAs" shall be exempt from a Willamette or Tualatin River Protection Area permit. Where the "Habitat and Impact Areas Not Designated as HCAs" goes to the edge of a clearly defined top of bank, the applicant's home and accessory structures shall be set back at least 15 feet from top of bank. At-grade patios and deck areas within 30 inches of grade may extend to within five feet from top of bank. No overhang or cantilevering of structures is permitted over HCA or over setback area. If these terms are met then no permit will be required under this chapter.

U. Maintenance, alteration, expansion, repair and replacement of existing structures are exempt, provided impermeable surfaces do not exceed 5,000 square feet and that it complies with the provisions of Chapters 27 and 28 CDC. The following standards shall also apply:

1. Rebuilding of existing residential and non-residential structures within the same foundation lines as the original structure(s) including, but not limited to, those damaged or destroyed by fire or other natural hazards; or

2. The alteration, expansion, repair and replacement of a house or structure per the standards of CDC [28.110\(E\)](#) not to exceed 5,000 square feet of impermeable surface per that section; or
3. The alteration, expansion, repair and replacement of a house or structure vertically where the applicant is adding additional floors or expanding above the footprint of the existing structure regardless of whether the structure's footprint is in an HCA or not.

Staff Response 17: The east portion of the applicant's property has a "Habitat Conservation Area" (HCA) designation covering 6,648 square feet or 34 percent of the property. The majority of the west portion of the property has a "Development Allowed" designation. These HCA designations trigger review under CDC Chapter 28. This is a limited exemption subject to standards of 28.040 (S) (T) and (U).

In response to 28.040 (S), the eastern 10-15 feet of the proposed house expansion (comprising 225 square feet) including the pervious path on the east side of the house will be within the HCA. Therefore the application is not exempt per this criteria. The required development standards of the chapter apply; specifically, subsections (T) and (U) below.

Addressing 28.040 (T), staff finds that the purpose of this subsection is only to identify the circumstances or conditions that would exempt development from a Willamette or Tualatin River Protection Area permit. An exemption would only apply if development was completely within the "Habitat and Impact Areas Not Designated as HCAs". That is not the case here. The HCA line varies: extending 10-15 feet from the east property line adjacent to the house expansion. It takes in 225 square feet of the house expansion, including the pervious path to the east of the house. Because of this encroachment into the HCA, the application is not exempt per this criteria.

Addressing 28.040 (U), staff finds that this subsection offers limited exemptions from a Willamette or Tualatin River Protection Area permit. The relevant exemption is (T)(2) where *"The alteration, expansion, repair and replacement of a house or structure per the standards of CDC [28.110\(E\)](#) not to exceed 5,000 square feet of impermeable surface per that section"*. Staff finds that this is only an expansion of an existing house. The proposed "expansion" comprises a disturbed are of 225 square feet (east edge of house addition and pervious walkways) within the HCA. This amount is below the allowable disturbed area of 5,000 square feet per (U) (2). Therefore, the application is exempt and no Willamette or Tualatin River Protection Area permit is required.

28.050 PROHIBITED USES

The following are prohibited:

5. Any new lawn area or garden area consisting primarily of non-native vegetation within HCA lands. A lawn area in the "Allowed Development" area is permitted.
6. Planting of any species identified as nuisance or prohibited plants on the Metro Native Plant List.
8. Excessive trimming or removal of existing native vegetation within the HCA unless it is to reestablish native vegetation in place of non-native or invasive vegetation.

Staff Response 18. All landscaping within the HCA will be native per 28.050(5). No nuisance or prohibited plants on the Metro Native Plant List are proposed per 28.050(6). The mitigation plan calls for removal of non-native/invasive vegetation and replacing it, in excess of a one to one basis, with native plant material 28.050(8) per condition of approval 1. The criteria is met.

Chapter 66

NON-CONFORMING STRUCTURES

66.080 ENLARGEMENT OF OR ALTERATION TO A NON-CONFORMING STRUCTURE: PROCESS AND APPROVAL STANDARDS

- A. An enlargement of or alteration to a non-conforming structure containing a non-conforming use may be permitted subject to review and approval by the Planning Commission under the provisions of CDC [99.060\(B\)](#) and CDC [65.120](#) through [65.140](#).
- B. An enlargement or alteration to a non-conforming structure containing a conforming use may be permitted subject to the following:
 1. If the enlargement, in and of itself, meets all provisions of this code, the enlargement will be permitted. This exception does not preclude design review or other applicable provisions of this code.
 2. If the enlargement, in and of itself, does not meet all provisions of the code, review and approval by the Planning Director for single-family structures, and by the Planning Commission for non-single-family structures under the provisions of CDC [99.060\(B\)](#) is required subject to the following standards.
 - a. The enlargement or alteration will not change the non-conformity; and
 - b. All other applicable ordinance provisions will be met.

Staff Response 19: A 3.3 square foot portion of the existing house's footprint encroaches six inches into the required front yard 20 foot setback. The existing house is presently non-conforming because of that encroachment. The findings below will demonstrate that by

using the reduced front setback provisions of 32.110(F) (1), the structure can be made conforming and, ultimately, the provisions of 66.080(A) will not apply.

The Water Resource Area Hardship provisions of 32.110 (F) (1) state that:

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.

With these provisions, the existing house setbacks may be reduced by 50 percent to minimize encroachment into the WRA; thus approval of this application will allow a front yard setback of ten feet and make the existing home's front setback of 19.5 feet conforming.

Per 66.080(B) (1), staff finds that whereas the existing structure is non-conforming, the addition/enlargement will meet all the setback provisions of the R-10 zone, especially the front yard setback. Since this criteria only relates to the area of enlargement (the house addition), it is permitted under this chapter. No design review is required for single family home construction or expansion.

Per 66.080(B) (2), staff finds that this provision and subsequent criteria (a) and (b) is not applicable since the addition/enlargement will meet all the setback provisions of the R-10 zone, including the front yard setback, and the addition/enlargement will not change the non-conformity.

Therefore, the applicable criteria of Chapter 65 is met.

FIGURE 1: Location Map



FIGURE 2: Riparian Corridor/WRA Boundary superimposed on applicant's property

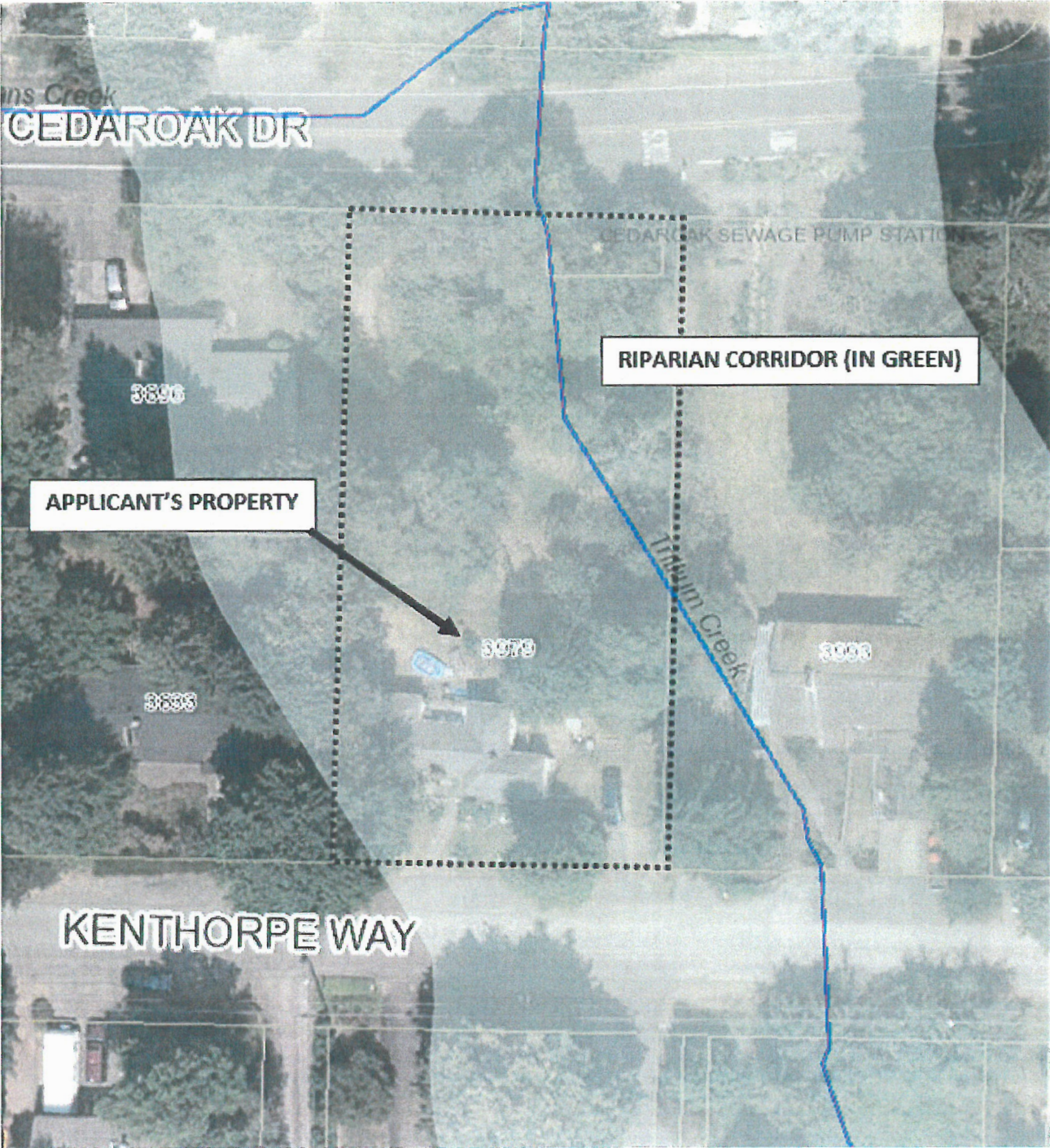


FIGURE 3: Habitat Conservation Area (HCA) Map

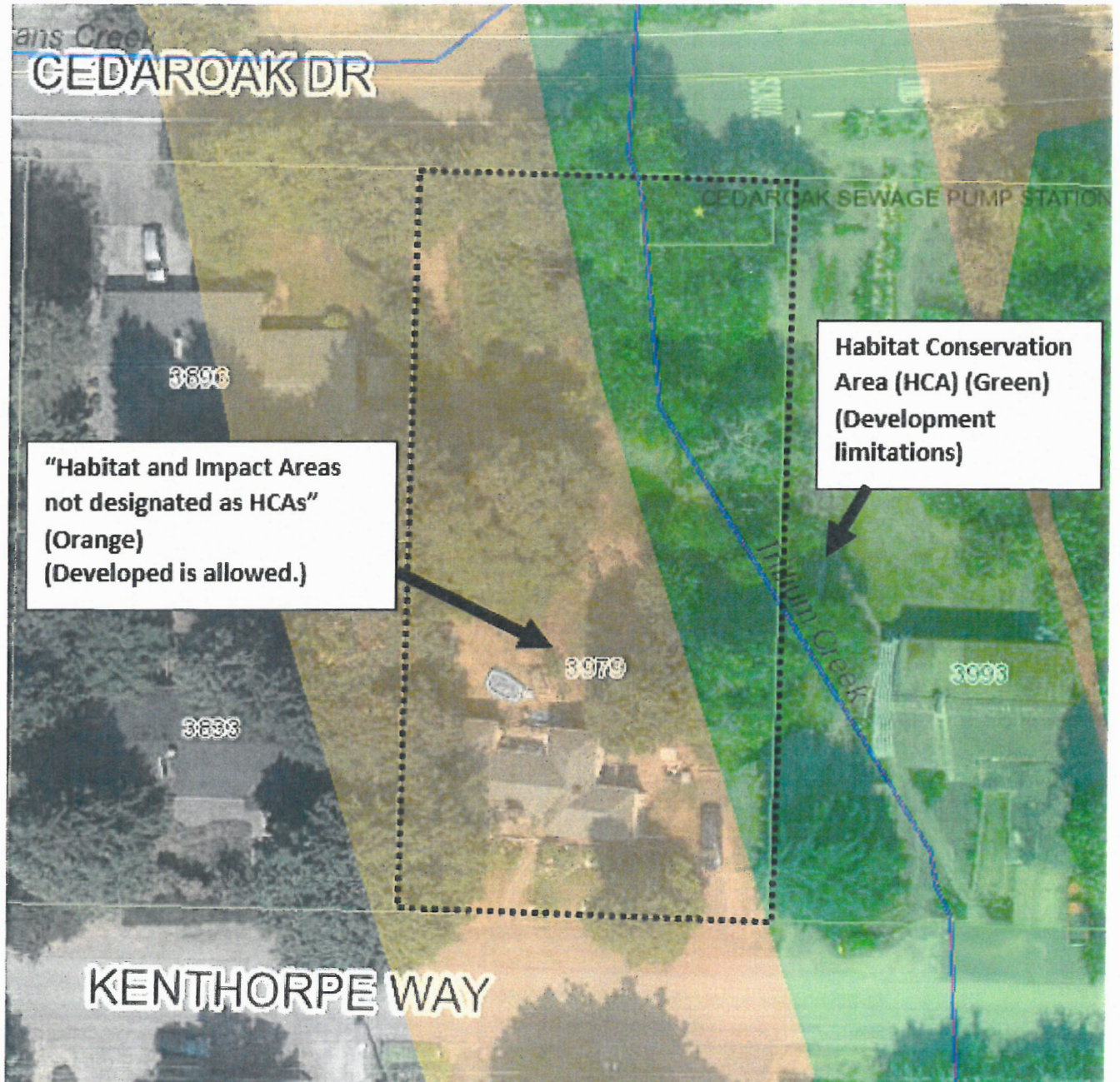


FIGURE 4: Mitigation Plan (with staff comments in boxes)

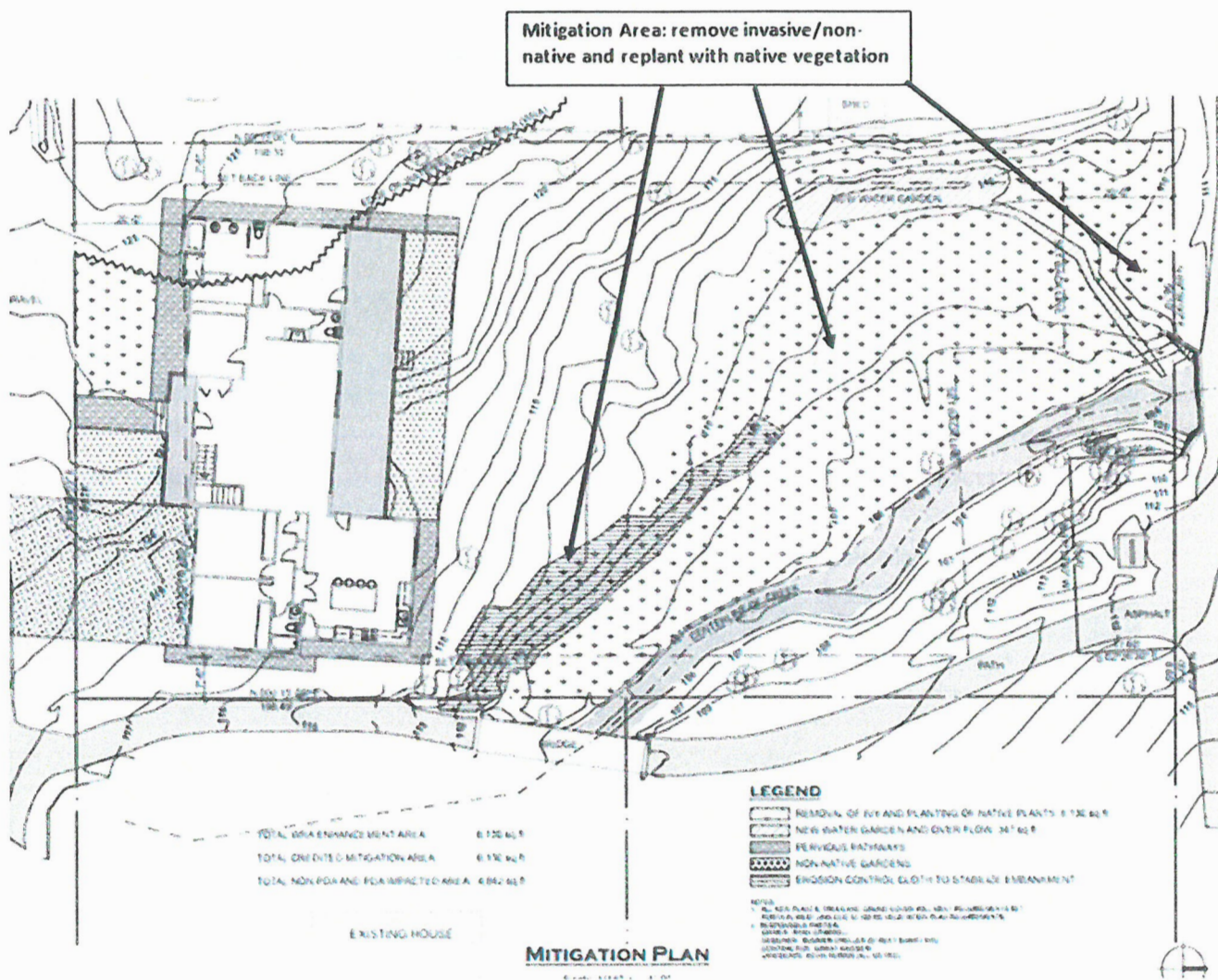
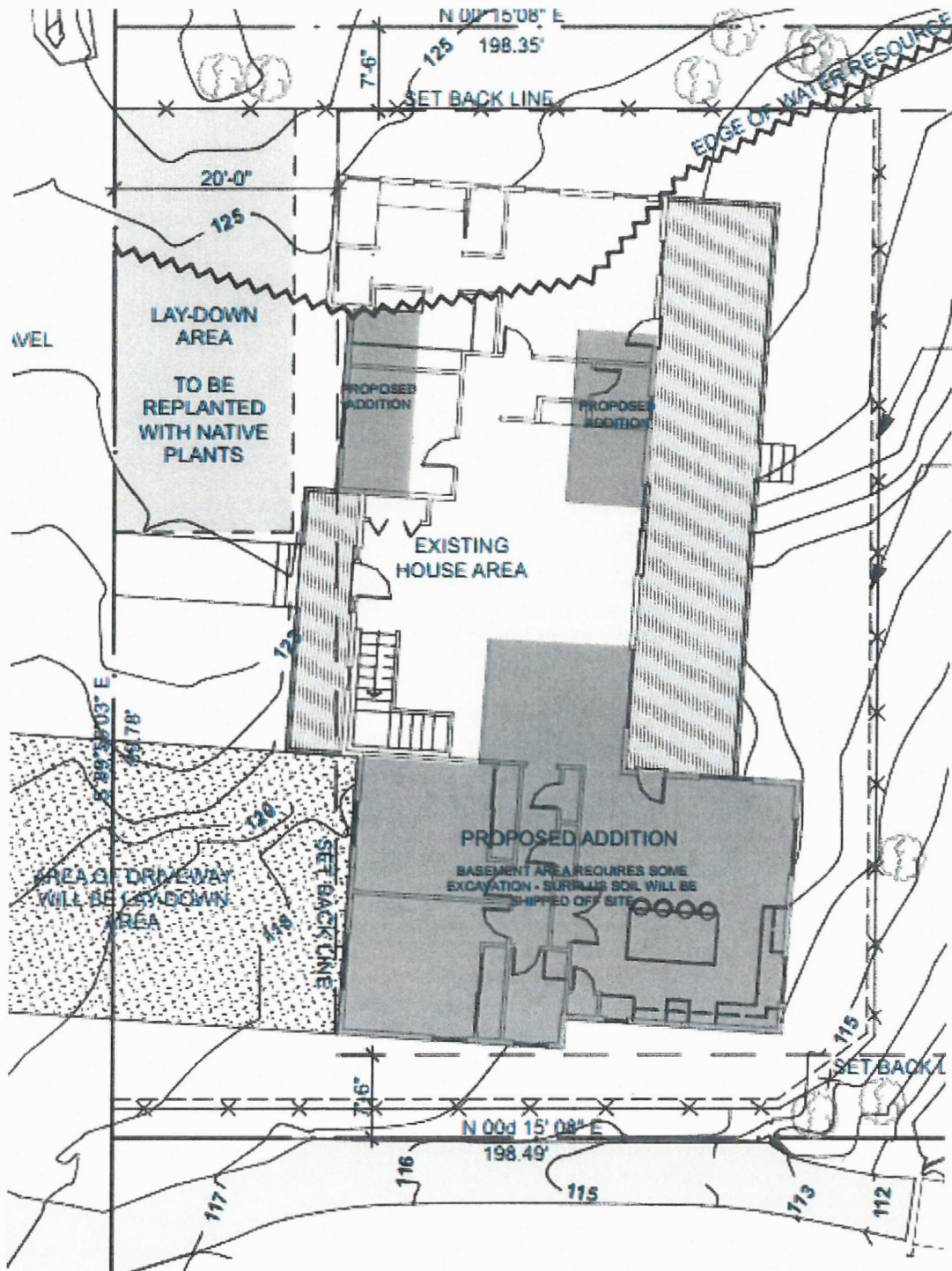


FIGURE 5: Main Area of Development (“Edge of Water Resource”, as shown on map, does not include Riparian Corridor (see Figure 2))



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. WAP-16-04 Applicant's Name James Wurscher
Development Name
Scheduled Meeting/Decision Date 5-9-16

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 4x

- A. The applicant (date) 4-19-16 (signed) J. Shroyer
B. Affected property owners (date) 4-19-16 (signed) J. Shroyer
C. School District/Board (date) (signed)
D. Other affected gov't. agencies (date) 4-19-16 (signed) J. Shroyer
E. Affected neighborhood assns. (date) 4-19-16 all (signed) J. 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) 4-28-16 (signed) J. Shroyer
City's website (posted date) 4-19-16 (signed) J. 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) April 28 (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) 5-10-16 (signed) J. Shroyer

PD-2 NOTICE

**CITY OF WEST LINN
NOTICE OF UPCOMING
PLANNING MANAGER DECISION
FILE NO. WAP-16-04**

The West Linn Planning Manager is considering a request for a Water Resource Area (WRA) permit to construct an addition to an existing single family home at 3979 Kenthorpe Way (Tax Lot 3600 of Clackamas County Assessor's Map 21E 24BB)

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/3979-kenthorpe-way-water-resource-area-protection> 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 May 9, 2016. 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.

PD- 3 COMPLETENESS LETTER



City of
West Linn

April 14, 2016

James Wurscher
630 Maryhurst Court
West Linn, OR 97068

SUBJECT: Completeness Determination for Water Resource Area permit to construct an addition to a single family home at 3979 Kenthorpe Way (FILE: WAP-16-04)

Dear James:

Your submittal was received on March 23, 2016 and found to be **complete**. The City has 120 days from today's date to exhaust all local review; that period ends on August 12, 2016.

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

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>Peter Spier</i>	PROJECT NO(S). <i>WA-16-04</i>	
NON-REFUNDABLE FEE(S) <i>2600 + 250</i>	REFUNDABLE DEPOSIT(S)	TOTAL <i>2850</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>3979 KENTHORPE, WEST LINN, OR 97068</i>	Assessor's Map No.: <i>21E24BB03600</i>
	Tax Lot(s): <i>00372634</i>
	Total Land Area: <i>.44 acres</i>

Brief Description of Proposal: *WRA SUBMISSION*

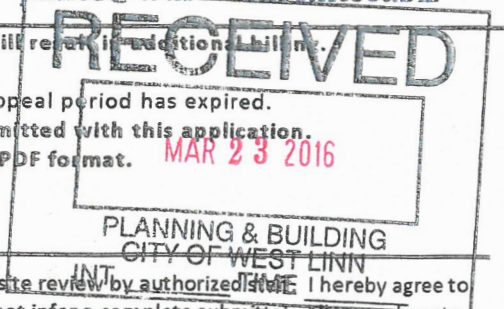
Applicant Name: <i>JAMES WURSCHER</i> <small>(please print)</small> Address: <i>630 MARYLHURST CIRCLE</i> City State Zip: <i>WEST LINN, OR 97068</i>	Phone: <i>503 753-6985</i> Email: <i>james@wurcherarchitect.biz</i>
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Owner Name (required): <i>RYAN O'FARRELL</i> <small>(please print)</small> Address: <i>1115 Blankenship Rd</i> City State Zip: <i>West Linn Or 97068</i>	Phone: <i>503 890-6071</i> Email: <i>rofarrell@financeofamerica.com</i>
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Consultant Name: <i>JAMES WURSCHER</i> <small>(please print)</small> Address: <i>630 MARYLHURST CIRCLE</i> City State Zip: <i>WEST LINN, OR 97068</i>	Phone: <i>503 753-6985</i> Email: <i>james@wurcherarchitect.biz</i>
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1. All application fees are non-refundable (excluding deposit). Any overruns to deposit will result in additional billings.
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.
 One (1) complete set of digital application materials must also be submitted on CD in PDF format.
 If large sets of plans are required in application please submit only two sets.

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

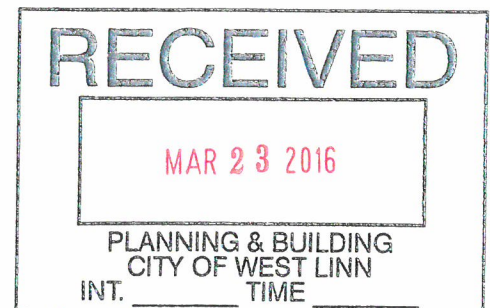


The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

<i>[Signature]</i>	3/23/2016	<i>[Signature]</i>	3/23/2016
Applicant's signature	Date	Owner's signature (required)	Date

O'FARRELL 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 3979 Kenthorpe Way, West Linn, OR 97068.

A pre-application conference was held on February 23rd, 2016. 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 High, Zone A, 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. Kenthorpe Way is not a main thoroughfare and is neither a primary or secondary snow route.
- 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 reside within a high hazard area on Map 17, Earthquake Vulnerability Analysis
- The subject property does not 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 two environmental hazards; Earthquake shaking and Wildfire.

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

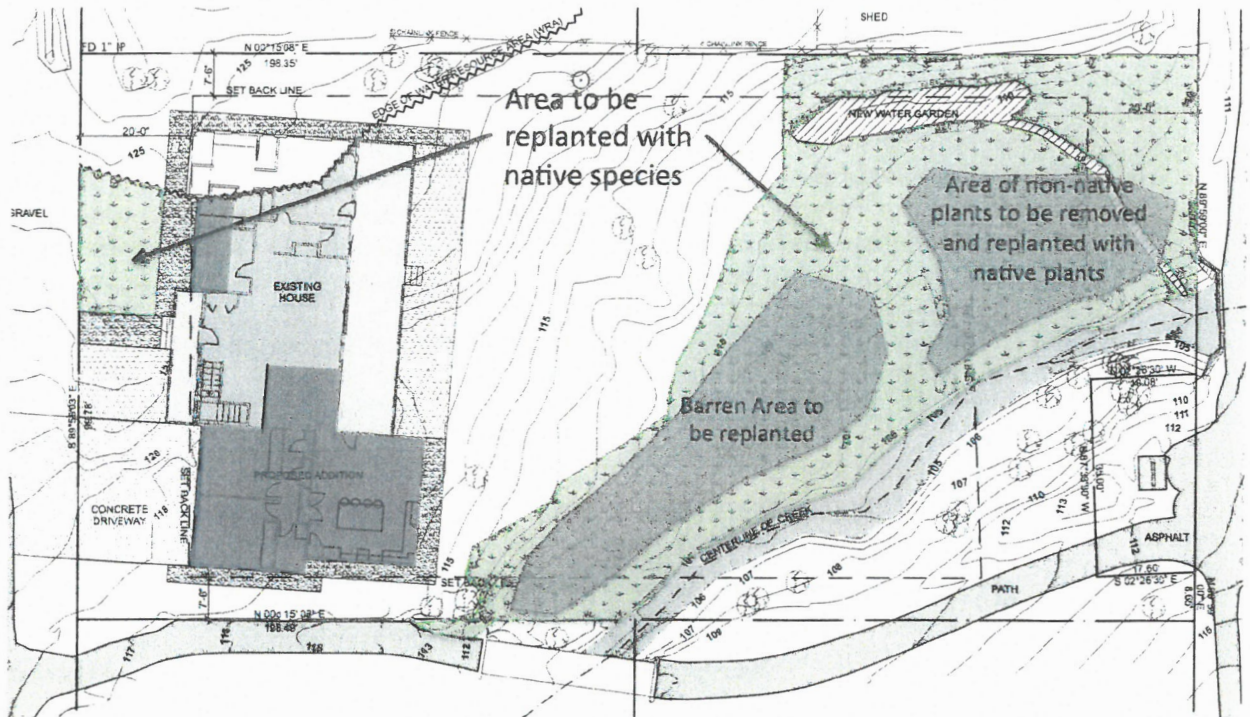
There are no indicators either through maps, or site inspection that soil erosion or landslides is a problem. Therefore no geotechnical report has been identified as required for this submission.

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 home and building area resides primarily in the WRA. This project is a complete rework of the existing residence and an addition. Design is limited to the existing house and the surrounding area. The house primarily sits within the WRA. The existing house encroaches on the front yard setback. This project is utilizing the ability to reduce the front yard width by up to 50% to accommodate the existing structure as being compliant with the setback requirements.*
 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 existing home and the proposed new addition, as the building lot resides mostly in the WRA.*
 - c. Re-vegetation, enhancement and/or mitigation of the re-aligned water resource shall be required as applicable.



- 1) **RESPONSE:** There are two areas that require WRA enhancement. The first area is a barren area along the creek where there is currently no vegetation and erosion into the creek could occur. This will be planted with native vegetation to stabilize the creek bank. The second area is the north end of the lot where there are non-native plants. These plants will be removed and replaced with native vegetation. The majority of the site will be replanted to native species.
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.
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 3979 Kenthorpe Way as a Riparian Corridor per pre-application meeting held on February 23rd, 2016.*

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: *This is a remodel of an existing home. The location of the garage has been changed to reduce driveway length and work with the contours of the lot.*

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 streambed.

RESPONSE: *There is an existing bridge over the stream however the bridge is on the adjacent property. There is no proposed crossing of the stream or riparian corridor to occur as part of this project or on this property.*

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 an existing bridge over the stream however the bridge is on the adjacent property. There is no proposed crossing of the stream or riparian corridor to occur as part of this project or on this property.*

- 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.
 - a. The ability of the existing and proposed vegetation to filter sediment and pollutants and enhance water quality.
 - d. 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. The existing stream is currently piped under Kenthorpe Way and then under Cedaroak Drive. There are no proposed plans to modify this as part of this project.*

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: *There are no proposed changes to the lot contours (no fill or cuts) other than what is required for the new foundations and around the perimeter of the existing house to achieve proper drainage away from the structure.*

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 sends the storm water drainage to the rain garden/filtration. There are multiple clean-outs and back-flow prevention devices to assure proper water flow from the collection areas around the house to the water garden.*

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

RESPONSE: *Kenthorpe Way storm water drainage is higher than the rainwater collection points around the house. The Cedaroak Drive storm water is too far to reach.*

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 rainwater from the roofs, driveways, and decks will go through the on-site filtration system. In addition, the existing neighbors rainwater discharge will also be collected in the rain garden.*

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

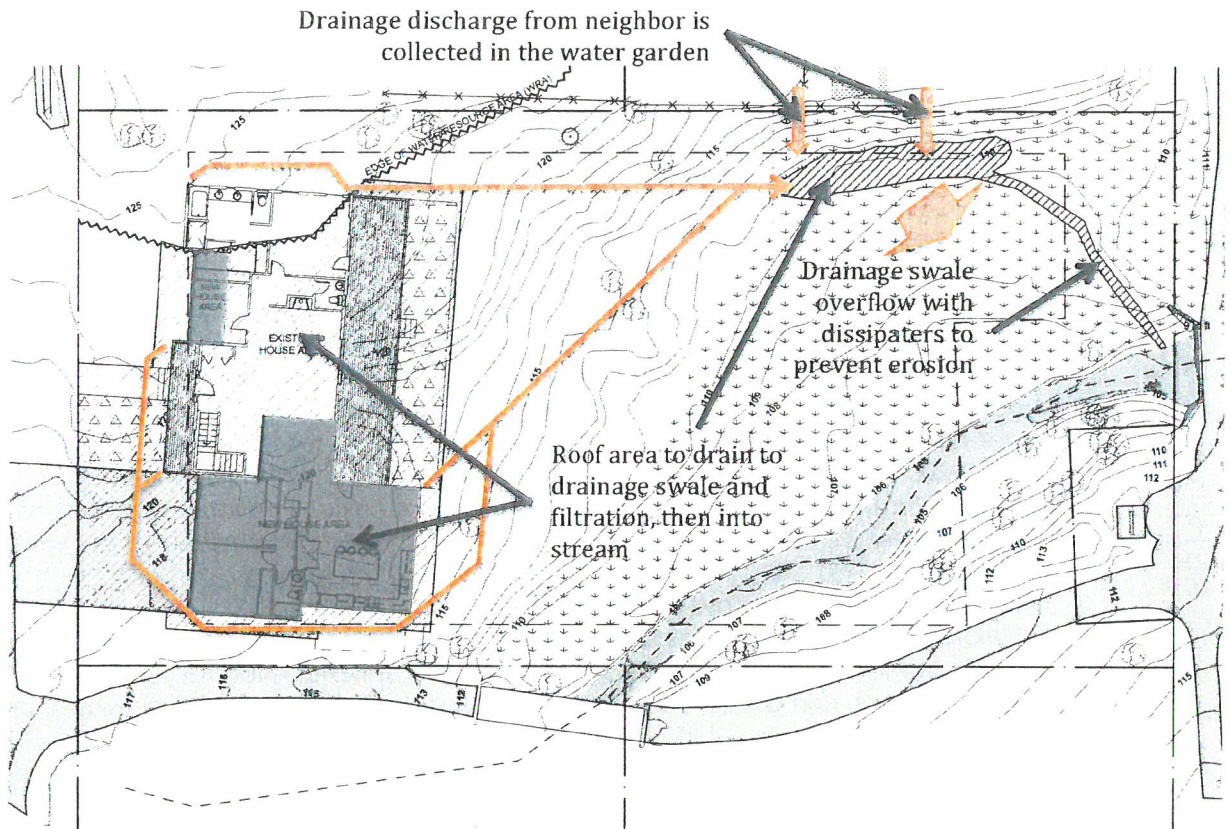
RESPONSE: *A green roof was considered. However cost and required maintenance makes this option not feasible. However, all the site rainwater does flow through a rain garden/filtration area.*

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

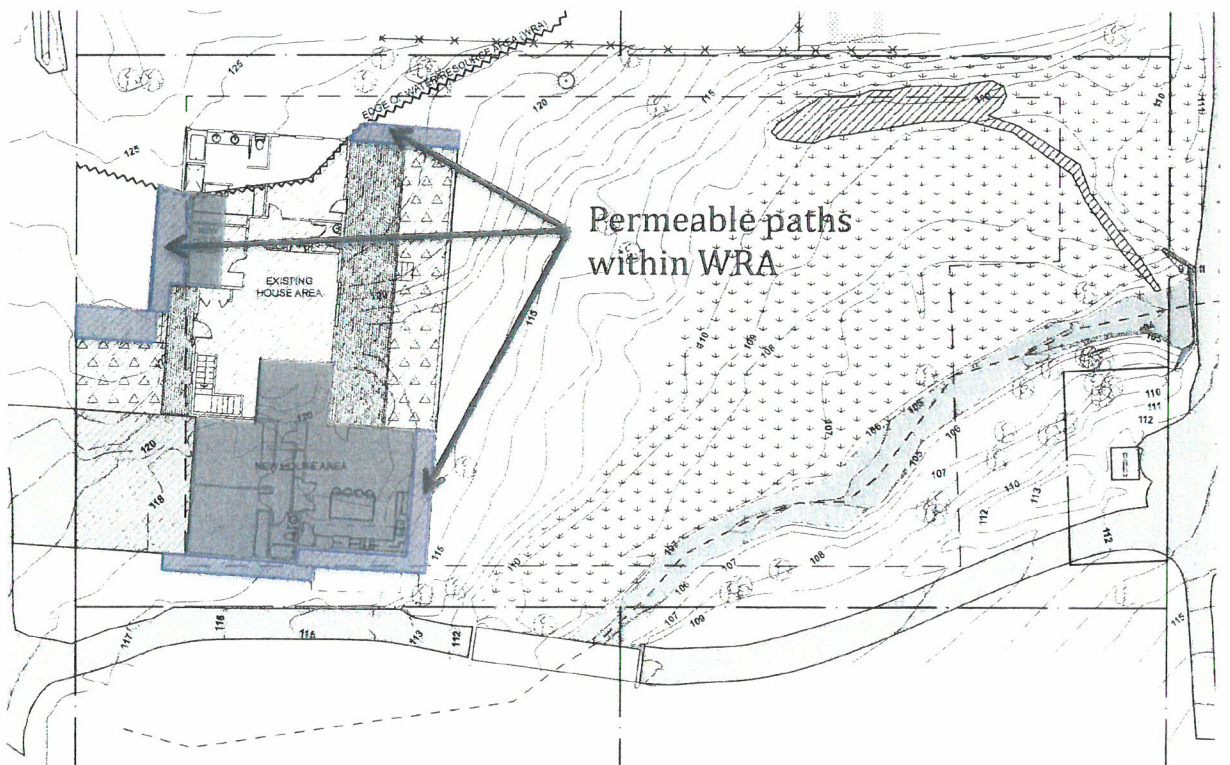
RESPONSE: *The vast majority of the site will be replanted with native species, thus not requiring storage of water for the purpose irrigation.*

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

RESPONSE: *All 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 a path 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: *There are no sidewalks in the neighborhood.*
11. Use shared driveways.
RESPONSE: *There is no opportunity to share driveways on this project.*
12. Reduce width of residential streets and driveways, especially at WRA crossings.
RESPONSE: *The proposed design is in a current development with existing streets. The garage is sufficiently close to the street such that reducing driveway width is not practical and still provides access for two vehicles to access the garage.*
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: *This project is a remodel of an existing house and is utilizing existing PDA.*
16. Minimize the building, hardscape and disturbance footprint.
RESPONSE: *The proposed design focuses on highly usable area and utilizes the existing main house footprint plus an additional area such that the house living area is consistent with those of the surrounding neighborhood.*
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 locate the garage below the main house footprint.*

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 ivy from the site and the planting of native plants in areas that are currently bare of vegetation. 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 does not include any off-site mitigation.*
 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 6,130 square feet of lot area will have invasive species (ivy) removed and replanted with native plants. This also includes stabilizing some of the steeper lot areas near the streambed with material and native plants. Refer to Drawing A-0.5 WRA Submission Mitigation Plan for location of proposed mitigation work.*
 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 does have previously disturbed areas (PDA). Total amount of PDA area is 1,450 square feet. The total amount of new disturbed area is 3,392 square feet for a total WRA impacted area of 4,842 square feet. The proposed plan is to enhance 6,130 square feet of WRA area on site.*
 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 not proposing any mitigation outside of the impacted 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 3979 Kenthorpe Way was originally developed in 1952, which is prior to January 1, 2006. Therefore, 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-0.2, a proposed total of 4,842 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 approximately 33'-0" feet away from the water resource as shown on drawing A-0.2

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 the front yard setback to allow the development to reduce the impact to the WRA.

Drawings A-0.1, A-0.2, A-0.3, A-0.4, A-0.5, and A-0.6 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
February 23, 2016

SUBJECT: Addition to a single family home within a Water Resource Area (WRA) at 3979 Kenthorpe Way.

FILE: PA-16-04

ATTENDEES: Applicant: Ryan O'Farrell, James Wurscher (Architect)
Staff: Peter Spir (Planning)

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: 3979 Kenthorpe Way
Site Area: 19,194 square feet
Neighborhood: Robinwood NA
Comp. Plan: Low density residential
Zoning: R-10 (Single family residential detached / 10,000 square foot minimum lot size)
Applicable code: Community Development Code (CDC) Chapter 32: WRA
CDC Chapter 11: R-10

Project Details: Ninety-five percent of this property is encumbered by a 100 foot wide riparian corridor in addition to the standard 65 foot WRA transition area from Trillium Creek which runs along the east edge of the property.

The applicant proposes an addition to the east of the existing house which would comprise a garage with a second floor. The addition cannot be constructed to meet the setbacks of the WRA chapter. (The applicant will remove a shed on the east property line that encroaches into the side setback area.)

The WRA chapter offers the Hardship provisions (section 32.100) which has the stated purpose of ensuring that "compliance with this chapter does not deprive an owner of reasonable use of land." "Reasonable Use" is defined as "Uses, similar in size, intensity and type, to uses allowed on other properties in the City that have the same zoning designation as the subject property." Since the existing house comprises 1,352 square feet and the average

square footage of the eight homes surrounding this property is 2,334 square feet, the house is well below “reasonable use”.

The “Hardship” provisions of CDC 32.110 allow 5,000 square feet or 30% of the WRA for development (whichever is greater) in addition to developable non-WRA lands.

Development includes all structures, all graded areas that are not restored to original grades and replanted with native material and all non-native landscaping, driveways, patios, etc. The addition must have a minimum setback of 15 feet to the edge of the creek and must meet the R-10 side yard setback of 7.5 feet.

One to one (on-site) mitigation for the WRA area used under the hardship provisions is required. Staff notes the lack of groundcover along the southern creekside area. This area needs to be stabilized and planted with groundcover to avoid soil erosion. There may be other portions that need erosion control as well. Removal of invasives, like English Ivy in the north creekside area, and reestablishing native plant material would be another potential project. Off-site mitigation or fees in lieu is not an option.

Process

For the WRA permit address the submittal requirements and approval criteria of CDC Chapter 32. There is a deposit fee of \$2,600 and an inspection fee of \$250. The CDC is online at <http://westlinnoregon.gov/cdc>.

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.

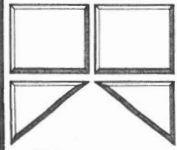
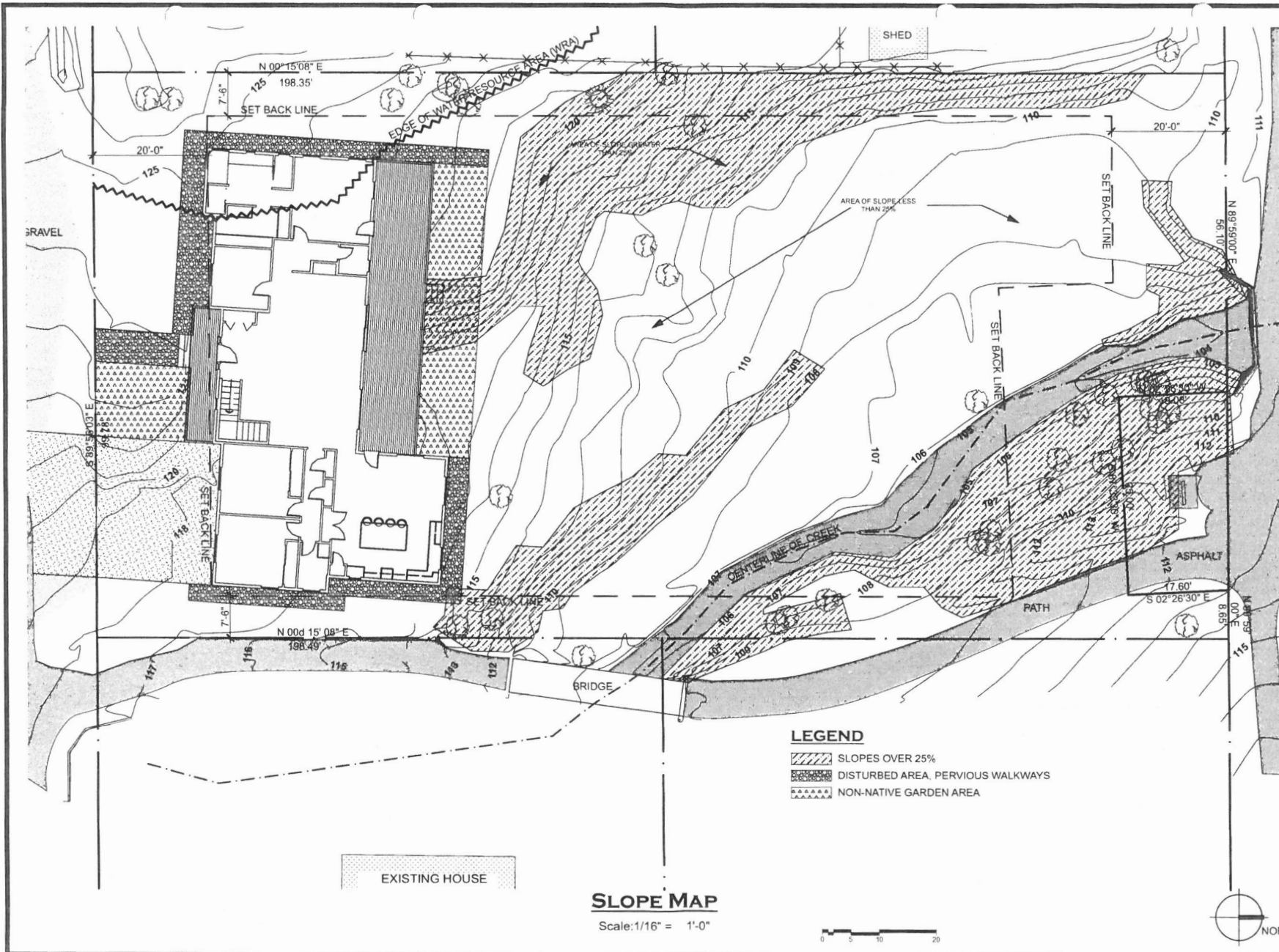
Once the application and deposit/fee are submitted, the City has 30 days to determine if the application is complete or not. If the application is not complete, the applicant has 180 days to make it complete or provide written notice to staff that no other information will be provided.

Once the submittal is deemed complete, staff will provide notice per CDC Chapter 99 and schedule a decision date by the Planning Manager. A decision is usually rendered within 5 weeks of the determination of completeness. Appeals of the Planning Manager’s decision are heard by City Council.

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.**



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 630 MARYLHURST CIRCLE
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 FAX: 503 210-9122
 OFFICE@WURSCHERARCHITECT.BIZ

O'FARRELL

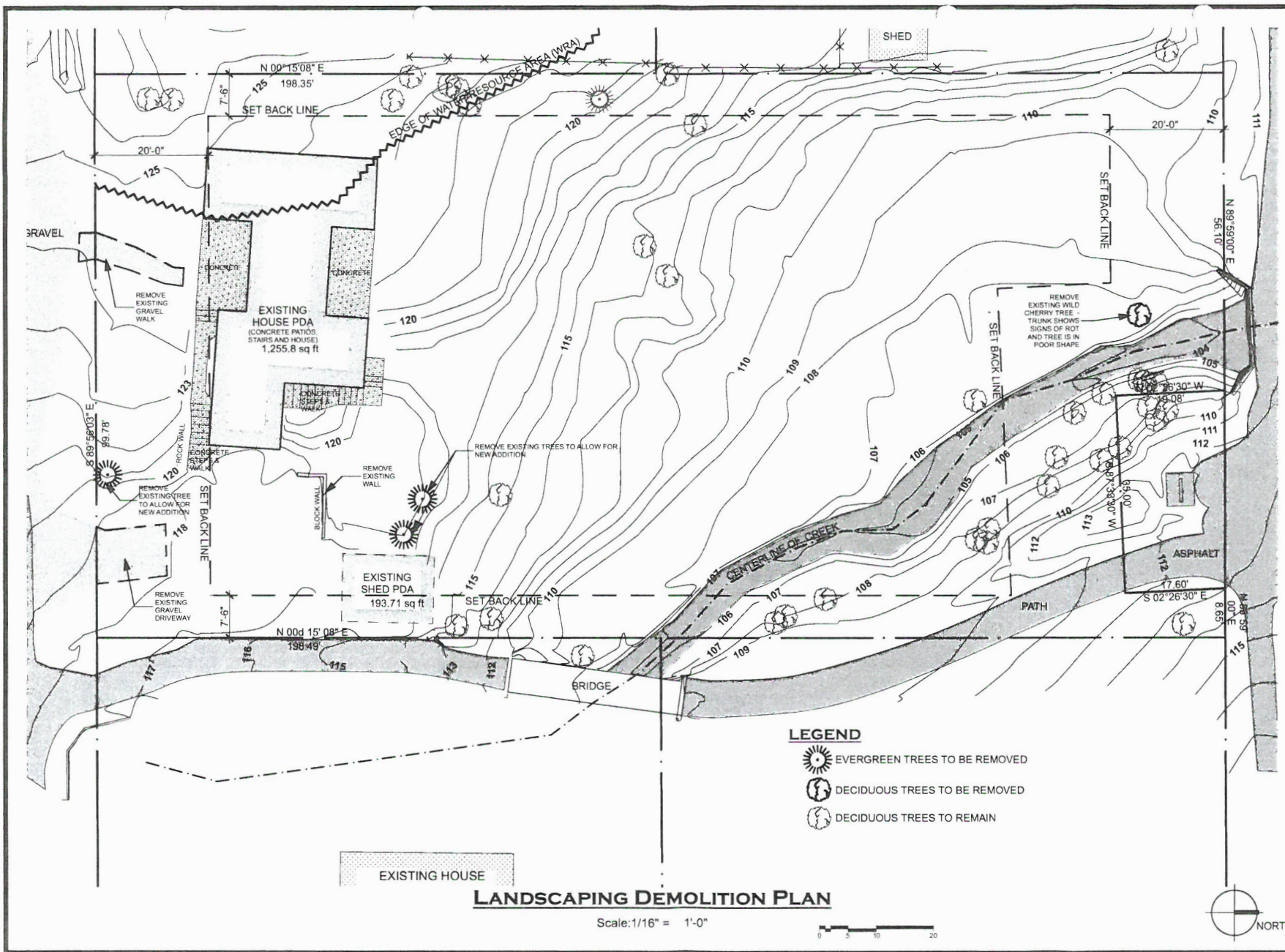
PROJECT INFO:
 Ryan O'Farrell
 3979 Kenthorpe Way
 West Linn, OR 97068

REV	DATE	DESCRIPTION
0	2016/03/23	ISSUED FOR WRA

PROJECT NO. 1601
 MODEL FILE: O'Farrell.rvt
 DRAWN BY: J. Wurscher
 CHKD BY: JRW
 COPYRIGHT
 WURSCHER ARCHITECT P.C.

SHEET TITLE
WRA SITE SLOPE MAP

A-0.3
 SHEET 3 OF 5



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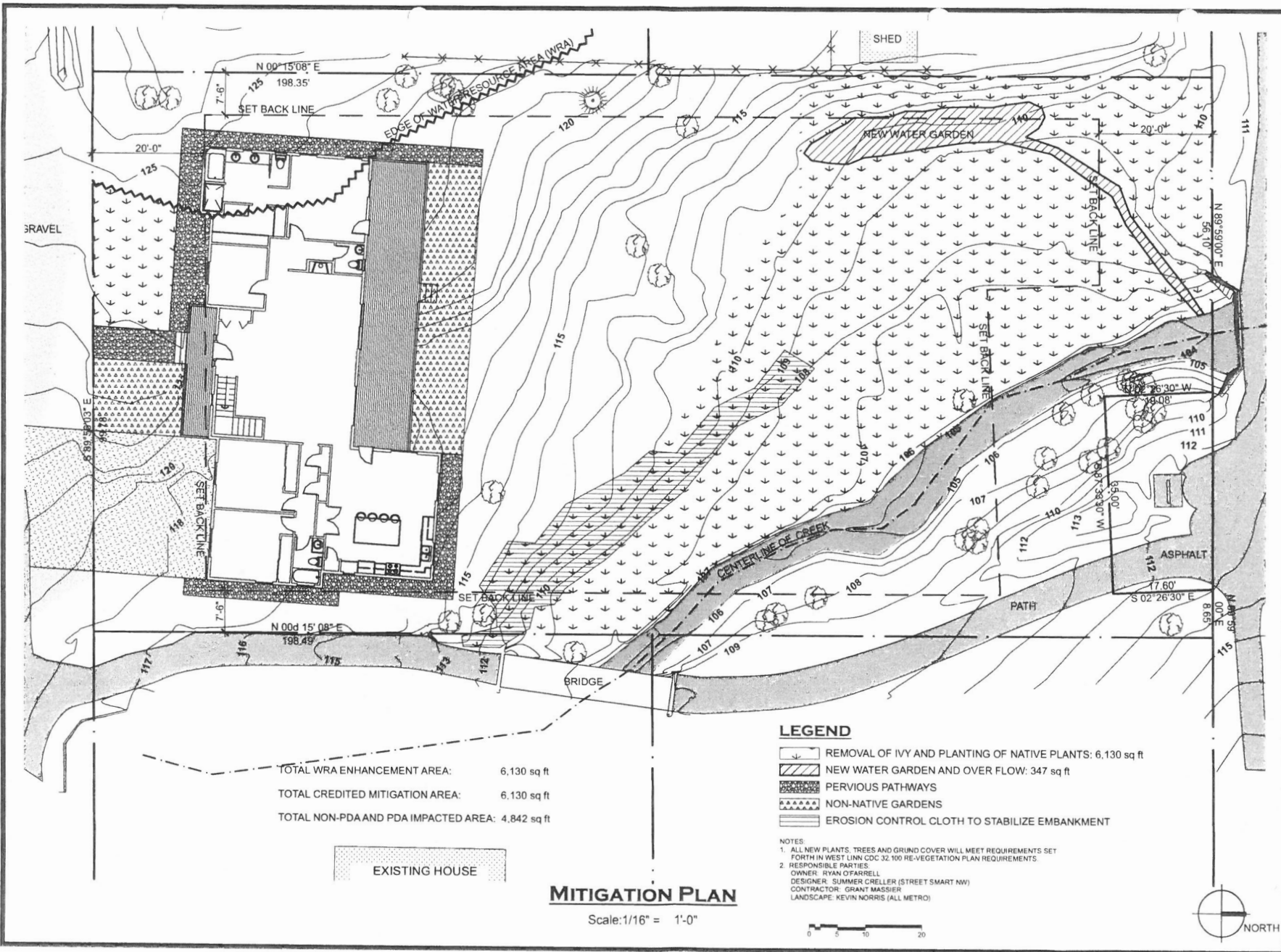
PROJECT INFO:
 Ryan O'Farrell
 3979 Kenthorpe Way
 West Linn, OR 97068

REV	DATE	DESCRIPTION

© 2016/03/22 ISSUED FOR WRA

PROJECT NO: 16-01
 MODEL FILE: O'Farrell.pln
 DRAWN BY: J. Wurscher
 CHKD BY: JW
 COPYRIGHT
 WURSCHER ARCHITECT P.C.

SHEET TITLE
 WRA
 SUBMISSION
 LANDSCAPING
 DEMOLITION
 PLAN
A-0.4
 SHEET 4 OF 5



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O'FARRELL

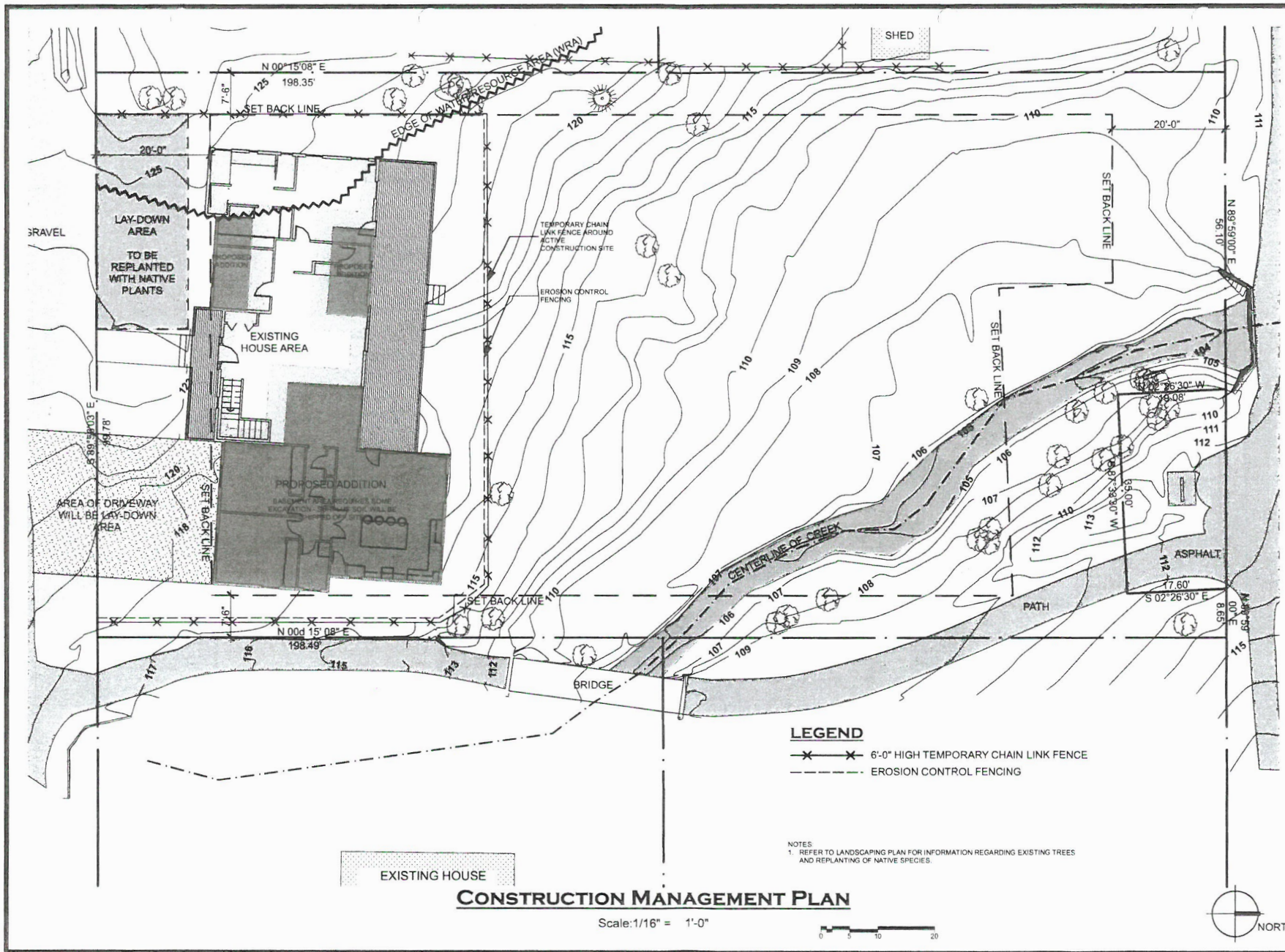
PROJECT INFO:
 Ryan O'Farrell
 3979 Kenthorpe Way
 West Linn, OR 97068

REV	DATE	DESCRIPTION

PROJECT NO: 16-01
 MODEL FILE: O'Farrell.ph
 DRAWN BY: J. Wurscher
 CHKD BY: JW
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 WURSCHER ARCHITECT P.C.

SHEET TITLE
WRA SUBMISSION MITIGATION PLAN

A-0.5
 SHEET 5 OF 5



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O'FARRELL

PROJECT INFO:
 Ryan O'Farrell
 3979 Kenthorpe Way
 West Linn, OR 97068

REV	DATE	DESCRIPTION

0 20180323 ISSUED FOR WRA
 PROJECT NO: 16-01
 MODEL FILE: OF Farrell.ppt
 DRAWN BY: J. Wurscher
 CHECKED BY: JRW
 COPYRIGHT: WURSCHER ARCHITECT P.C.

SHEET TITLE
 WRA
 SUBMISSION
 CONSTRUCTION
 MANAGEMENT
 PLAN

A-0.6
 SHEET 6 OF 5



FRONT ELEVATION

1/4" = 1'



RIGHT ELEVATION

1/4" = 1'



LEFT ELEVATION

1/4" = 1'



BACK ELEVATION

1/4" = 1'

PD-5 PUBLIC COMMENTS

Spir, Peter

From: Boyd, John
Sent: Tuesday, April 26, 2016 8:41 AM
To: Griffith, Lorie
Cc: Spir, Peter
Subject: RE: Planning manager decisions file no. WAP-16-04

Hi Lori;

Peter Spir completed the pre-app and is reviewing the application. I will ask him to reply to your question.

Thanks

John

John Boyd, Planning Manager
Planning, #1524



Please consider the impact on the environment before printing a paper copy of this email.
This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Lorie Griffith [REDACTED]
Sent: Tuesday, April 26, 2016 8:33 AM
To: Boyd, John <jboyd@westlinnoregon.gov>
Subject: Planning manager decisions file no. WAP-16-04

John,

Will this decision set any "precedence" of WRA permits on Trillium Creek for new home construction. See lot number 4020 or 4060 Kenthorpe Way. Same creek, but no existing structures.

Also, did the city arborist approve the removal of a significant Western Red Cedar tree on the SE corner of the property? I see it is slated for removal, just wondering.
Thanks for your time and consideration.

Spir, Peter

From: d.dianabullen [REDACTED]
Sent: Friday, May 06, 2016 10:11 PM
To: Spir, Peter
Subject: WRA project on Kenthorpe Way

This letter is in support of the proposal submitted for city planning approval.

As a neighbor who lives directly across the street from subject property, we feel strongly that a remodel of this house will vastly improve the neighborhood.

The property has been in disrepair for a number of years and we strongly encourage approval of the submission to build a quality structure in its place.

Kenthorpe Way has been subjected to hardships re: the LOT project for the past 4 years; an expeditious project approval is a small yet important start to restoring integrity back to our neighborhood.

Thank you for your consideration.

Regards,
Diana Bullen
3888 Kenthorpe Way

Sent from my Verizon 4G LTE Tablet