

PAVEL RESIDENCE - 5685 SUMMIT ST- PA-16-09

NARRATIVE:

We are proposing to build a single family residential on lot 2 "SERANGO I SUBDIVISION". Because, the lot is entirely on WRA and HCA, so we are applying for "Hardship Provision"

32.110 HARDSHIP PROVISIONS

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.

FINDINGS: the lot is part of "Serango no. 1 subdivision" recorded on 1-23-1979, so before 2006.

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

FINDINGS: the total constructed area will be 2,730 sq. ft

2. Thirty percent of the total area of the WRA.

FINDINGS: the area of the lot is approx 10,300 sq. ft, the disturbance area will represent only 23%

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.

FINDINGS: n/a because entire lot is on 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.

FINDINGS: the house will be located on the far west of the lot, maximim away from the water resource.

3. The minimum distance from a water resource shall be 15 feet.

FINDINGS: the distance from east wall to the creek is about 45 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.

FINDINGS: the driveway will be only 10 feet wide. No possible share driveway, the neighborhood houses are already built.

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.

FINDINGS: on our plans we include the house and driveway. No permeable surfaces are proposed.

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.

FINDINGS: all the disturb area (around excavation for foundation) will be restored to the original grade and replace with native ground cover .

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;

FINDINGS: will be restored.

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;

FINDINGS: the porch will be only 5 feet wide and no vertical supports (will be like a balcony)

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.);

FINDINGS: N/A because the lot is empty.

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.

FINDINGS: N/A because no public street or utilities are proposed.

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.

FINDINGS: N/A because entire lot is on WRA

2. Landscaping and parking requirements may be reduced for hardship properties but only if all or part of the WRA is dedicated pursuant to CDC 32.060(C) or if a restrictive deed covenant is established. These reductions shall be permitted outright and, to the extent that the practices are inconsistent with other provisions or standards of the West Linn CDC, this section is given precedence so that no variance is required. The allowable reductions include:

- a. Elimination of landscaping for the parking lot interior.

FINDINGS: N/A because no parking lot is proposed

- b. Elimination of the overall landscape requirement (e.g., 20 percent for commercial uses).

FINDINGS: N/A because is residential zone

- c. Elimination of landscaping between parking lots and perimeter non-residential properties.

FINDINGS: N/A because is residential zone

- d. Landscaping between parking lots and the adjacent right-of-way may be reduced to eight feet. This eight-foot-wide landscaped strip may be used for vegetated storm water detention or treatment.

FINDINGS: N/A because no parking lots are proposed

- e. A 25 percent reduction in total required parking is permitted to minimize or avoid intrusion into the WRA.

FINDINGS: N/A because no parking lots are proposed

- f. Adjacent improved street frontage with curb and sidewalk may be counted towards the parking requirement at a rate of one parking space per 20 lineal feet of street frontage adjacent to the property, subject to City Engineer approval based on the street width and classification.

FINDINGS: N/A because no parking lots are proposed

- g. The current compact and full sized parking mix may be modified to allow up to 100 percent compact spaces and no full sized spaces. However, any required ADA compliant spaces shall be provided.

FINDINGS: N/A because no parking lots are proposed

G. Where a property owner owns multiple platted lots of record where each lot could be built upon under the hardship provisions, the property owner may either use the MDA for each lot on an individual lot by lot basis or may transfer 100 percent of the cumulative MDA of all the lots to those lots that are further away from, or less impactful upon, the WRA. Lot line adjustments may also be used to facilitate the density transfer. See Figure 32-8.

FINDINGS: N/A because no multiple platted lots.

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

FINDINGS: On-site mitigation by restoring, WRAs

I. Any further modification of the standards of this chapter or the underlying zone shall require approval of a variance pursuant to Chapter 75 CDC. (Ord. 1623 § 1, 2014)

FINDINGS: no variance is proposed.

28.110 APPROVAL CRITERIA

A. Development: All sites.

1. Sites shall first be reviewed using the HCA Map to determine if the site is buildable or what portion of the site is buildable. HCAs shall be verified by the Planning Director per CDC 28.070 and site visit. Also, "tree canopy only" HCAs shall not constitute a development limitation and may be exempted per CDC 28.070(A). The municipal code protection for trees and Chapters 55 and 85 CDC tree protection shall still apply.

FINDINGS: The site contain high HSA on the back and moderate HCA on the remaining lot. We are building only on moderate HSA and no tree will be cut (see arborist report)

2. HCAs shall be avoided to the greatest degree possible and development activity shall instead be directed to the areas designated "Habitat and Impact Areas Not Designated as HCAs," consistent with subsection (A)(3) of this section.

FINDINGS: All the site is under HSA.

3. If the subject property contains no lands designated "Habitat and Impact Areas Not Designated as HCAs" and development within HCA land is the only option it shall be directed towards the low HCA areas first, then medium HCA areas and then to high HCA as the last choice. The goal is to, at best, avoid or, at least, minimize disturbance of the HCAs. (Water-dependent uses are exempt from this provision.)

FINDINGS: The site contain high HSA on the back and moderate HCA on the remaining lot. We are building only on moderate HSA

4. All development, including exempted activities of CDC 28.040, shall have approved erosion control measures per Clackamas County Erosion Prevention and Sediment Control Planning and Design Manual, rev. 2008, in place prior to site disturbance and be subject to the requirements of CDC 32.070 and 32.080 as deemed applicable by the Planning Director.

FINDINGS: The erosion control measure will be approved and in place, prior to start building. WRA is not significantly degraded.

B. Single-family or attached residential. Development of single-family homes or attached housing shall be permitted on the following HCA designations and in the following order of preference with "a" being the most appropriate and "d" being the least appropriate:

a "Habitat and Impact Areas Not Designated as HCAs"

- b Low HCA
- c Moderate HCA **built the house and driveway**
- d High HCA **no disturbance**

1. Development of land classifications in "b," "c" and "d" shall not be permitted if at least a 5,000-square-foot area of buildable land ("a") exists for home construction, and associated impermeable surfaces (driveways, patios, etc.).

FINDINGS: No buildable land ("a") exist on the site.

2. If 5,000 square feet of buildable land ("a") are not available for home construction, and associated impermeable surfaces (driveways, patios, etc.) then combinations of land classifications ("a," "b" and "c") totaling a maximum of 5,000 square feet shall be used to avoid intrusion into high HCA lands. Development shall emphasize area "a" prior to extending construction into area "b," then "c" lands.

FINDINGS: the total constructed area will be 2,730 sq. ft under "c" land, less than 5000 sq. ft.

3. The underlying zone FAR shall also apply as well as allowable lot coverage.

4. Development may occur on legal lots and non-conforming lots of record located completely within the HCA areas or that have the majority of the lot in the HCA to the extent that the applicant has less than 5,000 square feet of non-HCA land.

FINDINGS: No buildable land ("a") exist on the site. Entire lot is under "C" and "d"

Development shall disturb the minimum necessary area to allow the proposed use or activity, shall direct development to any available non-HCA lands and in any situation shall create no more than 5,000 square feet of impervious surface. (Driveways, paths, patios, etc., that are constructed of approved water-permeable materials will not count in calculating the 5,000-square-foot lot coverage.) The underlying zone FAR and allowable lot coverage shall also apply and may result in less than 5,000 square feet of lot coverage.

When only HCA land is available then the structure shall be placed as far away from the water resource area or river as possible. To facilitate this, the front setback of the structure or that side which is furthest away from the water resource or river may be reduced to a five-foot setback from the front property line without a variance. Any attached garage must provide a 20-foot by 20-foot parking pad or driveway so as to provide off-street parking exclusive of the garage. The setbacks of subsection C of this section shall still apply.

FINDINGS: The lot contains no creek. Anyway, the house will be built on west side of property, farthest possible from the water resource.

5. Driveways, paths, patios, etc., that are constructed of approved water-permeable materials will be exempt from the lot coverage calculations of subsections (B)(1) through (4) of this section and the underlying zone.

FINDINGS: The driveway will be concrete.

6. Table showing development allowed by land classification:

Development Allowed

Non-HCA ("a")

Yes

Low-Medium HCA ("b" and "c")

Yes, if less than 5,000 sq. ft. of non-HCA land available. Avoid "d."

FINDINGS: the total constructed area will be 2,730 sq. ft under "c"

High HCA ("d")

Yes, but only if less than 5,000 sq. ft. of "a," "b" and "c" land available.

Non-conforming Structures (structures on HCA land)

Yes: vertically, laterally and/or away from river.

Avoid "d" where possible.

(The underlying zone FAR and allowable lot coverage shall also apply.)

C. Setbacks from top of bank.

1. Development of single-family homes or attached housing on lands designated as "Habitat and Impact Areas Not Designated as HCAs" shall require a structural setback of 15 feet from any top of bank that represents the edge of the land designated as "Habitat and Impact Areas Not Designated as HCAs."

FINDINGS: No buildable land ("a") exist on the site. Entire lot is under "C" and "d"

2. At-grade water-permeable patios or decks within 30 inches of grade may encroach into that setback but must keep five feet from top of bank and cannot cantilever over the top of bank or into the five-foot setback area.

FINDINGS: The porch will be water-permeable but is under "C" HCA

3. For properties that lack a distinct top of bank the applicant shall identify the boundary of the area designated as "Habitat and Impact Areas Not Designated as HCAs" which is closest to the river. A structural setback of 15 feet is required from that boundary line. That 15-foot measurement extends from the boundary line away from the river. At-grade water-permeable patios or decks within 30 inches of grade may encroach into that setback 10 feet but must keep five feet from the boundary and cannot cantilever into the five-foot setback area. For vacant lots of record that comprise no lands with "Habitat and Impact Areas Not Designated as HCAs" designation or insufficient lands with those designations so that the above setbacks cannot be met, the house shall be set back as far from river as possible to accommodate house as part of the allowed 5,000 square feet of impermeable surfaces.

FINDINGS: No buildable land ("a") exist on the site. Entire lot is under "C" and "d"

4. Development may occur on legal lots and non-conforming lots of record located completely within the HCA areas or that have the majority of the lot in the HCA to the extent that the applicant has less than 5,000 square feet of non-HCA land.

FINDINGS: No buildable land ("a") exist on the site. Entire lot is under "C" and "d"

FINDINGS: the total Constructed area will be 2,349 sq. ft

D. TO T. N/A

U. Protect riparian and adjacent vegetation. Vegetative ground cover and trees upon the site shall be preserved, conserved, and maintained according to the following provisions:

1. Riparian vegetation below OHW removed during development shall be replaced with indigenous vegetation, which shall be compatible with and enhance the riparian environment and approved by the approval authority as part of the application.

FINDINGS: Other than existing grass, no vegetation will be disturbed.

2. Vegetative improvements to areas within the protection area may be required if the site is found to be in an unhealthy or disturbed state by the City Arborist or his or her designated expert. "Unhealthy or disturbed" includes those sites that have a combination of native trees, shrubs, and groundcover on less than 80 percent of the water resource area and less than 50 percent tree canopy coverage in the primary and secondary habitat conservation area to be preserved. "Vegetative improvements" will be documented by submitting a revegetation plan meeting CDC 28.160 criteria that will result in the primary and secondary habitat conservation area to be preserved having a combination of native trees, shrubs, and groundcover on more than 80 percent of its area, and more than 50 percent tree canopy coverage in its area. The vegetative improvements shall be guaranteed for survival for a minimum of two years. Once approved, the applicant is responsible for implementing the plan prior to final inspection.

FINDINGS: No unhealthy or disturbed vegetation on the lot.

3. Tree cutting shall be prohibited in the protection area except that:
 - a. Diseased trees or trees in danger of falling may be removed with the City Arborist's approval; and

FINDINGS: no diseased trees

- b. Tree cutting may be permitted in conjunction with those uses listed in CDC 28.030 with City Arborist approval; to the extent necessary to accommodate the listed uses;

FINDINGS: no tree cutting.

- c. Selective cutting in accordance with the Oregon Forest Practices Act, if applicable, shall be permitted with City Arborist approval within the area between the OHW and the greenway boundary provided the natural scenic qualities of the greenway are maintained. (Ord. 1576, 2008; Ord. 1590 § 1, 2009; Ord. 1604 §§ 29 – 36, 2011; amended during July 2014 supplement; Ord. 1635 § 17, 2014; Ord. 1636 § 27, 2014)

FINDINGS: no tree cutting.

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.

FINDINGS: N/A because entire lot is on WRA. Anyway the house is only 1050 sq. ft.

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

FINDINGS: please, see arborist report

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

FINDINGS: we are proposing to pipe all the stormwater coming from proposed impervious area, to the existing culvert.

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.

FINDINGS: N/A because no re-aligned water resource is proposed

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.

FINDINGS: N/A because the culvert is existing and was accepted by City.

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.).

FINDINGS: N/A because no proposed roadside stormwater

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.

FINDINGS: N/A because no stormwater detention is proposed

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.

FINDINGS: N/A because no stormwater detention is proposed

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.

FINDINGS: N/A because no dedication or easement is proposed

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:

FINDINGS: the single family house is permitted

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.

FINDINGS: N/A because no new roads or utilities are proposed

- 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.

FINDINGS: the driveway will be only 10 feet wide, minimum is possible

- c. Road and utility crossings shall avoid, where possible:

FINDINGS: N/A because no new roads or utilities are proposed

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

FINDINGS: N/A because no crossing is proposed

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.

FINDINGS: N/A because no such existings

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).

FINDINGS: the house is away from water course. No excavation or fill is proposed on high water mark.

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.

FINDINGS: N/A because no crossing is proposed proposed

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:

FINDINGS: N/A because no passive recreation is proposed

G. Daylighting Piped Streams.

FINDINGS: N/A because no daylighting piped is proposed

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.

FINDINGS: the disturbed soil will be restored per environmentalist plan.

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.

FINDINGS: all the stormwater from roof and driveway will be piped on the existing culvert.

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

FINDINGS: N/A because no ROW improvements is proposed.

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

FINDINGS: all the stormwater from roof and driveway will be piped on the existing culvert. Not possible, because the slope is about 50% and no rain garden can be designed.

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

FINDINGS: N/A because no ROW improvements is proposed.

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

FINDINGS: the house is small enough for not having impact to the existing storm system.

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

FINDINGS: the house is small enough for not having impact to the existing storm system.

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

FINDINGS: not possible, because the slope is about 50% and no rain garden can be designed.

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

FINDINGS: not possible, because the driveway will sit on the retaining wall 14' high on some locations. The pervious paving is designed to on undisturbed soil, with 1 foot gravel base.

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.

FINDINGS: N/A no sidewalk is proposed.

11. Use shared driveways.

FINDINGS: not possible, all the adjacent houses are build.

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

FINDINGS: the driveway will be only 10 feet wide, minimum is possible

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

FINDINGS: N/A no street are proposed.

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

FINDINGS: N/A no street are proposed.

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

FINDINGS: N/A no street are proposed.

16. Minimize the building, hardscape and disturbance footprint.

FINDINGS: the building is only 1050 sq. ft.

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

FINDINGS: the building is only 1050 sq. ft. roof with 3 story.

Date: August 25, 2016

C/o: Pavel Legkum
Spectra Homes
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360-852-5551
spectrahomes1@gmail.com

To: Peter Spir
City Of West Linn
Associate Planner
22500 Salamo Road
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503-656-4211
503-656-4106 (f)
pspir@westlinnoregon.gov

From: Chris Nash
Drendel's Tree Service

Re: Mitigation Plan
5685 Summit Drive
WRG-16-04/WRA-16-08 Application

Dear Pavel,

Foremost, thank you for allowing Drendel's Tree Service the opportunity to assist you. As per your request, the following Mitigation Plan is prepared in accordance with the requirements as outlined in CDC 32.090 and CDC 32.100 and requested in subsections 2 and 3 of your July 14, 2016 letter from West Linn's Peter Spir. Additionally, I have identified concerns in subsection 4, a,b,and c, and subsection 5 of Mr. Spir's letter.

In accordance with 32.090 B,1, Mitigation shall take place on-site by restoring, creating or enhancing the WRA. 32.090 C,1, requires 1-1 Mitigation for Non- Previously Disturbed Area. 32.090 C,2,requires ½ -1 Mitigation for Previously Disturbed Area. The amount of Mitigation specifically outlined in Spir's letter is 1-1 Mitigation for "Disturbed Area". In an attempt to clarify the variance, I went into the City of West Linn Planning Department and was eventually advised by Jennifer Arnold that with consideration that the previous development of the neighborhood and more specifically the excavation for installation of the existing sewer and drainage in the existing easements was "so long ago" the City was considering any impact you have in those Previously Disturbed Areas, as "Non- Previously Disturbed", and considering your property is within a Water Resource Area, the scope of mitigation has been defined as 1-1.

On 8-24-16 you provided me with a most recent Proposed Grading Plan for the site. Your plan identifies an approximate 10,125 sq ft lot with 2,449 sq ft of permanently disturbed area within the foundation and driveway. You mentioned that you are installing a 50 sq ft deck off the east side of the home. That

deck is to be supported by post on the outside corners. Due to the post support, versus cantilevered structure, that 50 sq ft must be included as disturbed area. Additionally as Temporarily Disturbed Areas, you identified a 3' perimeter (approx. 840 sq ft) and under 100 linear feet (approx. 50 sq ft) of trenching for water and sewer. Per 32.090 A, Temporarily Disturbed Areas "do not require mitigation, just grade and soil restoration and re-vegetation." Lastly, you related that you want to install a turf zone of approximately 450 sq ft relatively east-central on the lot between the easements. A turf zone is considered a permanently disturbed area and will require mitigation as outlined in CDC 32.090 and CDC 32.100 and requested in your July 14, 2016 letter from West Linn's Peter Spir. Based on these numbers, your total mitigation is 2949 sq ft.

The lot is barren, other than a clump of *Salix scouleriana* engulfed in *Hedera helix* and *Rubus armeniacus* with a drip line of approximately 600 sq ft in the northeast most corner. In that the impact area does not affect these trees, a tree inventory is not required per 32.050, though the canopy cover is outlined in the attachment.

You related that you intend to maintain the safety and health of the *Salix scouleriana* while removing the invasive species. In that you are required to start your planting at the dripline of existing trees, this 600 sq ft area will not be considered as able to be mitigated, leaving you with approximately 7026 sq ft within which to on-site mitigate by restoring, creating or enhancing your Water Resource Area's as defined in 32.090 B,1.

In accordance with 32.090 E;

- 32.090 E,1. Pavel Legkum and Spectra Homes are the responsible parties for site mitigation. Drendel's Tree Service will be consulted regarding installation, any alterations, and finalization of the mitigation plan.
- 32.090 E,2. See attachment.
- 32.090 E,3. See attachment.
- 32.090 E,4. To be provided by Pavel Legkum and Spectra Homes.
- 32.090 E,5. To be provided by Pavel Legkum and Spectra Homes.

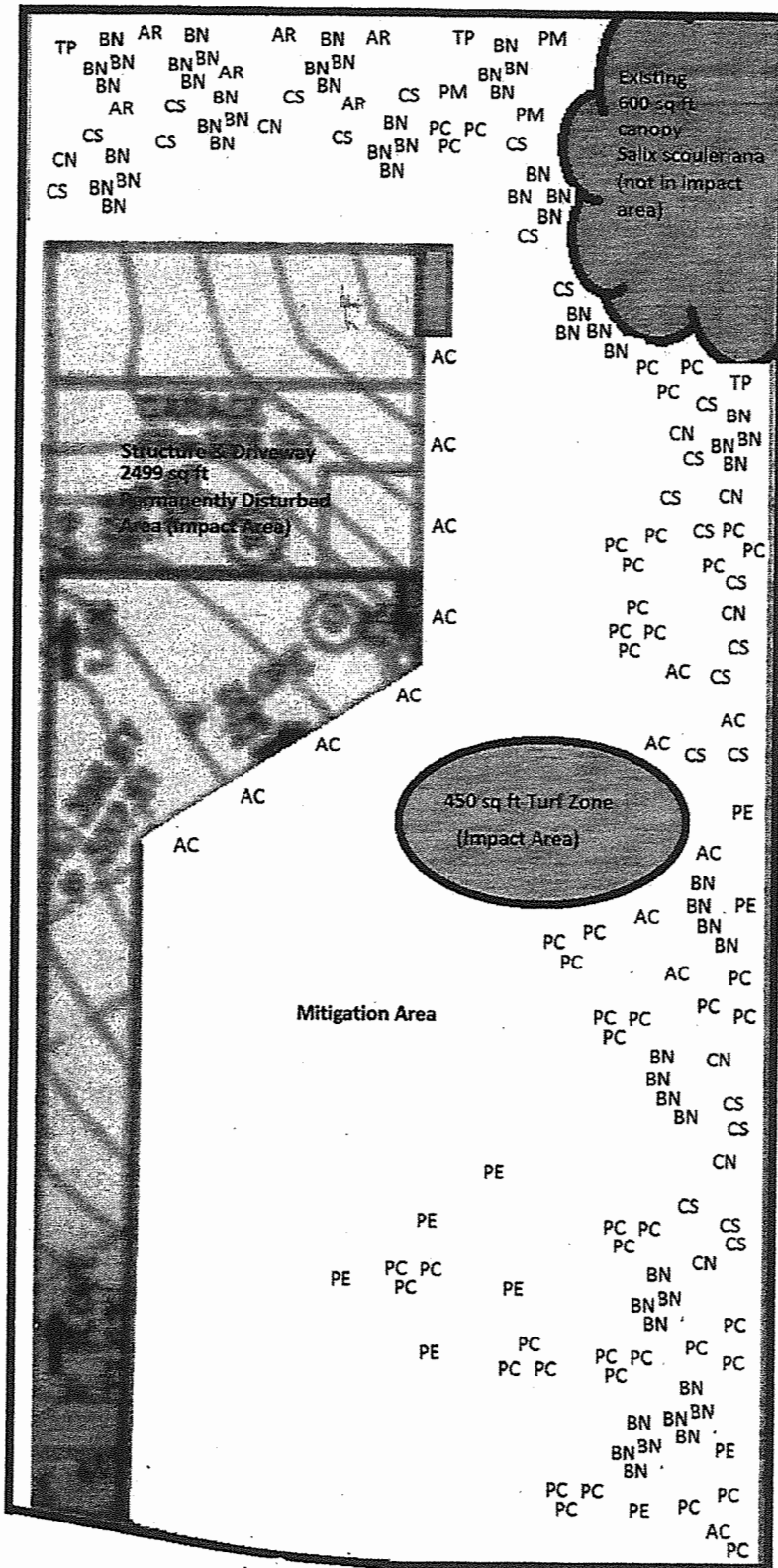
In accordance with 32.100, all selections, sizes and quantities (based on availability), planting methods, monitoring, maintenance and reporting will be followed. Specifics include;

- 32.100 A,3,a. 29 trees and 147 shrubs will be planted in accordance with 32.100 A,3,b.
- 32.100 A,4. Tree species and quantities include 3 *Pseudotsuga menziesii*, 6 *Alnus rubra*, 3 *Thuja plicata*, 8 *Cornus nuttallii*, 9 *Prunus emarginata*. Shrubs species and quantities include 15 *Acer circinatum*, 60 *Berberis nervosa*, 43 *Physocarpus capitatus*, 29 *Cornus sericea* ssp. *sericea* (f. *stolonifera*)

If you have questions, please contact me at 503-654-3065 or Chris@nwtree.com.

Sincerely
Chris Nash

Drendel's Tree Service
31635 Wilsonville Road N.E., Newberg, Oregon 97132
Phone: 503-654-3065, Fax: 503-554-1639



Plant Ledger	Id.	Ct.
Tree:		
<i>Pseudotsuga menziesii</i> ,	PM	3
<i>Alnus rubra</i> ,	AR	6
<i>Thuja plicata</i> ,	TP	3
<i>Cornus nuttallii</i> ,	CN	8
<i>Prunus emarginata</i> ,	PE	9
Shrubs:		
<i>Acer circinatum</i> ,	AC	15
<i>Berberis nervosa</i> ,	BN	60
<i>Physocarpus capitatus</i> ,	PC	43
<i>Cornus sericea</i>	CS	29

— 10' —

PAVEL RESIDENCE - 5685 SUMMIT ST, WEST LYNN OR

EXISTING SITE TOPOGRAPHY AND PROPOSED SITE PLAN

WRG-16-04 / WRA-16-08

RSG ENGINEERING, co.

CIVIL ENGINEERING / CONSTRUCTION MANAGEMENT
 16802 NE 152ND AVE, BRUSH PRAIRIE, WA 98606
 PH (503) 380-6179, FAX (360) 891-7945
 E-MAIL: RSGENG@COMCAST.NET



EXTG STM MH
 RIM=407.88
 IE=389.88

EXTG. 2 PVC 2.5"
 PIPES FOR DRAINAGE
 FROM OTHER PROP.
 TO BE CAPPED

PROP. RETAINING
 WALL

EXTG. 4" SAN LAT
 10' STM EASM

EXTG. 36" CMP CULVERT

PHONE
 RISER

EXTG SAN MH S

EXTG. SIDEWALK

EXTG. CURB

EXTG. SDW

5685 SUMMIT ST.

IMPERVIOUS AREA:
 HOUSE 1,447 SQ. FT
 DRIVEWAY 1,299 SQ. FT
 TOTAL 2,746 SQ. FT

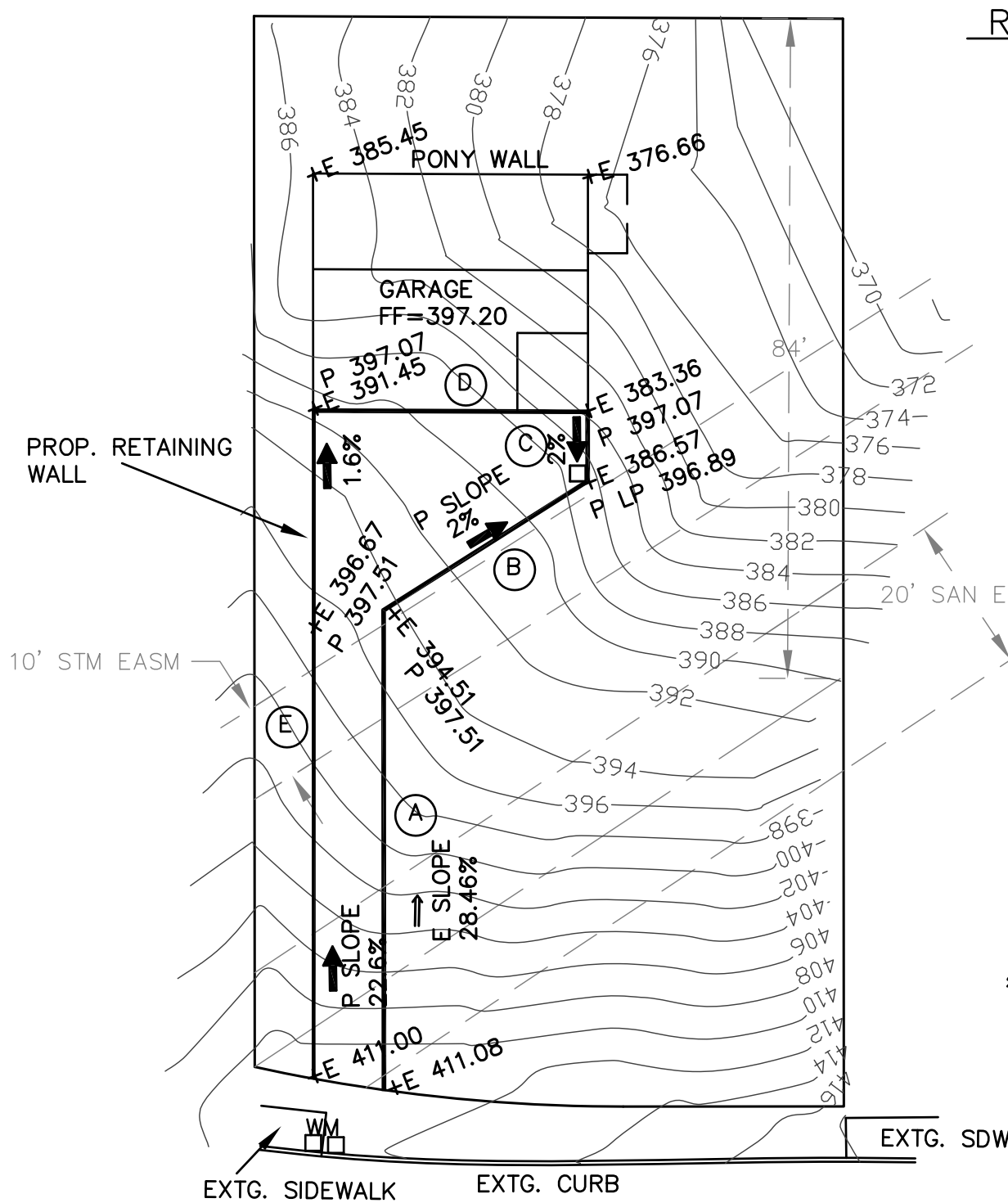
GRAPHIC SCALE



(IN FEET)
 1 inch = 20 ft.

PROPOSED GRADING PLAN

NOTE:
 THE DISTURBING AREA WILL BE 3 FEET AROUND EXCAVATION.
 AND WILL BE RESTORED AFTER BACK FILLING.



RETAINING WALL SCHEDULE

- (A) 0' - 4'
- (B) 4' - 9.5' OUT SIDE OF EASEMENT
- (C) 9.5' - 14' OUT SIDE OF EASEMENT
- (D) 14' - 5.5' OUT SIDE OF EASEMENT
- (E) 4' - 0'

LEGEND

- $\times E 376.50$ EXTG. ELEVATION
- $P 402.46$ PROP. TOP RETAINING WALL
- \square PROP. AREA DRAIN TO DRAIN DRIVEWAY AND ROOF AND BE CONNECTED TO THE EXISTING CULVERT

GRAPHIC SCALE



(IN FEET)
 1 inch = 20 ft.

5685 SUMMIT ST.