PLANNING MANAGER DECISION

DATE: January 17, 2023

FILE NO.: WAP-22-02

REQUEST: Request for approval of a Water Resource Area (WRA) Alternate Review to reduce the existing WRA buffer and increase the buildable area for future construction at 19679 Wildwood Drive.

PLANNER: Ben Gardner, Assistant Planner

Planning Manager DSW

TABLE OF CONTENTS

GENERAL INFORMATION

APPLICANT/OWNER: Alex Kalmanson
19679 Wildwood Drive
West Linn, OR 97068

SITE LOCATION: 19679 Wildwood Dr

SITE SIZE: ~29,200 Square Feet

LEGAL DESCRIPTION: Lot 25 of Plat 2521, Tax lot 21E23AC04600

COMP PLAN DESIGNATION: Low Density Residential

ZONING: R-10, Residential

APPROVAL CRITERIA: Community Development Code (CDC) Chapter 32: Water Resource Area Protection; Chapter 99: Procedures for Decision-Making: Quasi-Judicial.

120-DAY RULE: The application became complete on October 31, 2022. The 120-day period therefore ends on February 28, 2023.

PUBLIC NOTICE: Notice was mailed to property owners within 500 feet of the subject property and to the affected neighborhood association, as well as the Army Corps of Engineers and the Department of State Lands on December 13, 2022. A sign was placed on the property on December 13, 2022. The notice was also posted on the City's website on December 13, 2022. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The applicant owner of 19679 Wildwood Drive requests approval of a Water Resource Area (WRA) Alternate Review per Community Development Code Chapter 32.070 in order to reduce a WRA buffer that covers the majority of the given lot. The water resource that extends along its Eastern property line (Robinwood Creek) is an open ditch until it crosses the given property line heading Northwest, where it converges with another ditch, enters an inlet, and is piped under the road. While the water resource on this property was originally classified as a creek with a riparian corridor overlay and buffer of at least 100ft, a Natural Resource Assessment report by Schott & Associates dated September 2022 demonstrates it is an ephemeral stream, and instead warrants a 15ft buffer as required by Chapter 32. The applicant proposes this reduction along with mitigation measures along the course of the buffer in order to facilitate improved ecological function from its current condition and increase the buildable area on the lot for future development.

Public Comments:

Public comments were submitted by Russell Axelrod, Walter and Eileen Boerger, Joan Corella, Andy and Sabrina Fitterer, Susan Hennessy, Phil and Deborah Howell, Beryl Ikeda, Robert and Deborah Kross, Rachael Lenzini, Keith Lovett, Robert and Deanette Marvin, David Merl, Judith Roberts, and Tony Uzuegbunam. All comments express opposition to the application. Some provide reference to certain provisions within Chapter 32, but none of them identify any applicable criteria the application is failing to meet. See the complete comments within Exhibit PD-2. See the comments that referenced code provisions as well as the associated staff responses below:

1. Russell Axelrod: ***"...the WRA report (by Schott & Associates) ... does not adequately address / reconcile aspects of Chapter 32 regarding environmental impacts / complications of building on steep unstable slopes and meeting setback requirements and accounting for other uses and constraints, for example as outlined in Table 32-1 and associated WRA chapter figures."***

Axelrod is referencing Table 32-1 within CDC 32.030, which states a new house or principal structure may not occur in the WRA except by hardship, or if reduced by a geotechnical study. In this case, the applicant is not requesting approval under the standard process, and is instead requesting approval under the alternate review process outlined in CDC 32.070. The applicant demonstrates within their specialist report (see Applicant Submittal PD-1) that the portion of Robinwood Creek crossing this property is an ephemeral stream, and therefore requires a buffer of 15ft. With a buffer of 15ft, the applicant has adequate space for future development to occur outside of the resource area and in compliance with applicable provisions. Additionally, this decision is not providing approval for a partition or structure at this time, merely the reduction in the WRA buffer. Future submittal(s) will address the general provisions of the underlying zone at that time.

2. Joan Corella: ***"When reviewing the CDC 32-030 a new structure of this size appears to be a No on table 32-1. Further on Figure 32-1, again a 4000 sq ft structure does not appear to meet the requirement for an exemption."***

Corella is also referencing Table 32-1 within CDC 32.030. See staff response above to comment 1. Additionally, they reference a 4000 sq ft structure—For clarity, as stated previously, the applicant is not receiving approval for a structure as part of this land use application. Additionally, though their report does reference a 4000 sq ft footprint for the prospective future development (see Applicant Submittal PD-1), this estimated size is the square footage of footprint for both a residential dwelling as well as a driveway.

3. David Merl: ***"Looking at CDC 32.030 (Prohibited Uses) Table 32-1 I do not see the exact situation for this application but I find some parts interesting and related.***

1. New House principal structure is not permitted except by hardship CDC 32.100.Geotechnical study may reduce the WRA width. I do not believe this is a hardship situation.

2. New accessory structure under 120 sq. ft. and 10 ft. tall is permitted only if a minimum of 50' from the water resource. The application clearly shows the new structure (which would be much larger than this) would be 15' away from the water at its closest point. Why would it be less strict for this application?"

Merl is also referencing Table 32-1 within CDC 32.030 as well as the required buffer distance. See staff response to comment 1. They also reference a new accessory structure—as stated previously this land use application does not provide approval for a structure.

DECISION

The Planning Manager (designee) approves this application (WAP-22-02), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Mitigation Plan. The applicant shall submit a detailed planting plan that conforms to the provisions of CDC Chapter 32 and contains at least a dimensioned site plan with references to the mitigation and re-vegetation plan requirements for review by staff before mitigation is completed on-site. The applicant shall submit a final report documenting the mitigation measures proposed within PD-1 upon completion of the measures.**

2. **Site Plan and Narrative. Planting and mitigation shall conform to site plan shown in Figure 2 of Applicant Submittal PD-1, the approved planting plan required in Condition 1, and all applicable standards within CDC Chapter 32.**

3. **Stormwater Plan. The applicant shall submit a stormwater management plan at time of permit submittal for future development that demonstrates its compliance with the applicable provisions of Chapters 32 and 92.**

4. **Construction Management Plan. The applicant shall provide a construction management plan at time of permit submittal for future development that demonstrates its compliance with the applicable provisions of Chapter 32.**

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

_____ January 17th, 2023

Ben Gardner, Assistant Planner 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 17th day of January 2023.

Therefore, the 14-day appeal period ends at 5 p.m., on January 31, 2023.

ADDENDUM
APPROVAL CRITERIA AND FINDINGS
WAP-22-02

This decision adopts the findings for approval contained within the applicant's submittal, with the following exceptions and additions:

32.080 APPROVAL CRITERIA (ALTERNATE REVIEW PROCESS)
Applications reviewed under the alternate review process shall meet the following approval criteria:

A. The proposed WRA shall be, at minimum, qualitatively equal, in terms of maintaining the level of functions allowed by the WRA standards of CDC 32.060(D).

Staff Finding 1: Staff adopts applicant findings found in Exhibit PD-1, page 5. The West Linn Water Resource Area Map shows the stream located on the eastern edge of the subject property to require a 100-foot buffer, which qualifies as a Riparian Corridor (CDC Table 32-2). The Natural Resource Assessment report by Schott & Associates, dated September 2022, assessed the stream to be ephemeral, which requires a 15-foot buffer per CDC Table 32-2. A 15-foot buffer is proposed. The criteria are met.

Applicant Response*: "As described in this report, the existing WRA is moderately low functioning, serving more to route stormwater than to provide habitat or protect downstream functions. The applicant proposes to voluntarily enhance the 15-foot WRA along the west side of the stream (2,439 sq.ft.) with a diverse mix of native trees, shrubs, and groundcover species (Figure 2 and Table 2). Planting the WRA will improve hydrological, water quality, and habitat functions including stream flow moderation, sediment and pollution control, and providing organic material sources and wildlife habitat. Enhancing the WRA will also provide protection of the drainage from the proposed development. The proposed WRA shall be, at minimum, qualitatively equal in terms of maintaining the level of functions allowed by the WRA standards of CDC 32.060(D) and is anticipated to be superior."*

B. If a WRA is already significantly degraded (e.g., native forest and ground cover have been removed or the site dominated by invasive plants, debris, or development), the approval authority may allow a reduced WRA in exchange for mitigation, if:

1. The proposed reduction in WRA width, coupled with the proposed mitigation, would result in better performance of functions than the standard WRA without such mitigation. The approval authority shall make this determination based on the applicant's proposed mitigation plan and a comparative analysis of ecological functions under existing and enhanced conditions (see Table 32-4).

2. The mitigation project shall include all of the following components as applicable. It may also include other forms of enhancement (mitigation) deemed appropriate by the approval authority.

a. Removal of invasive vegetation.

b. Planting native, non-invasive plants (at minimum, consistent with CDC 32.100) that provide improved filtration of sediment, excess nutrients, and pollutants. The amount of enhancement (mitigation) shall meet or exceed the standards of CDC 32.090(C).

c. Providing permanent improvements to the site hydrology that would improve water resource functions.

d. Substantial improvements to the aquatic and/or terrestrial habitat of the WRA.

Staff Finding 2: Staff adopts applicant findings found in Exhibit PD-1, page 6. As the resource has been assessed to be an ephemeral stream, the required buffer is 15 feet. The applicant proposes mitigation that includes removal of invasive vegetation and planting of native species in order to improve the function of the stream as a water resource and habitat area. The criteria are met.

Applicant Response: *"As described in this report, the existing WRA is degraded, dominated by non-native and invasive species, including turfgrasses and Himalayan blackberry, with areas of bare ground. Stormwater runoff from steep slopes and development above is unmitigated. The onsite water resource was assumed intermittent or perennial according to the City WRA map, but onsite assessment by a natural resource professional has found that the stream is most likely ephemeral in flow-period. The proposed WRA will extend 15 feet from the stream centerline per Table 32-2. The applicant will provide a Construction Management Plan that meets 32.050(G)(1). The applicant proposes voluntary enhancement of the WRA along the western side of the stream (2,439 sq. ft.) between the stream and the proposed development. Enhancement will consist of removal of invasive species and replacement of native trees, shrubs, and groundcover. The proposed WRA will result in higher functions than the larger (assumed) WRA without enhancement. Table 1 below presents existing and enhanced WRA ecological functions per Table 32-4."*

Table 32-4 Ecological Functions of WRA

Ecological Function	***Landscape Features Potentially Providing the Function***
Stream flow moderation and/or water storage	*A wetland or other water body with a hydrologic connection to a stream or flood area, the presence of fallen trees and density of vegetation in the WRA that slows the flow of storm water and increases its ability to retain sediment and infiltrate storm water, and the porosity of the WRA's surface to enable it to infiltrate storm water.*
Sediment or pollution control	*Vegetation within 100 feet of a WRA on gentle slopes and up to 200 feet of a WRA if the slope is greater than 25%. The presence of fallen trees and other material that slows the flow of water and increase the ability to retain sediment, absorb pollutants and infiltrate storm water; the composition and density of vegetation; slope; and soils.*
Bank stabilization	*Root masses, existing large rocks or anchored large wood along the stream bank.*

Ecological Function	*Landscape Features Potentially Providing the Function*
Large wood recruitment for a fish bearing section of stream	*Forest canopy within 50 to 150 feet of a fish bearing stream.*
Organic material sources	*Forest canopy or woody vegetation within 100 feet of a water resource; or within a flood area.*
Shade (water temperature moderation) and microclimate	*Forest canopy or woody vegetation within 100 feet of the water resource. Roughly 300 feet of continuous canopy for microclimate.*
Stream flow that sustains in-stream and adjacent habitats	*Seasonal or perennial flow.*
Other terrestrial habitat	*Forest canopy natural vegetation contiguous to and within 100 to 300 feet of the water resource.*

Applicant Response*: "No impacts are proposed to the 15-foot WRA and no mitigation is required. However, the applicant proposes voluntary enhancement of the WRA along the west side of the stream. The enhancement plan shall consist of removal of invasive species and planting of a diverse assemblage of native trees, shrubs, and groundcover species to improve hydrological and water quality functions including slowing runoff and filtration of sediment, excess nutrients, and pollutants. Proposed enhancement will substantially improve adjacent terrestrial habitat of the WRA onsite by increasing cover, nesting or burrowing sites and food availability and type. Proposed enhancement area is 2,439 sq. ft. and no impact to WRA is proposed which exceeds the standards of CDC 32.090(C)."*

C. Identify and discuss site design and methods of development as they relate to WRA functions.

Staff Finding 3: Staff adopts the applicant findings for these criteria as contained in page 7 of PD-1. The criteria are met.

Applicant Response: *"Site design utilized the only developable area onsite that avoided steep, hazardous slopes and avoided impacts to the 15-foot WRA. Access to the proposed home would be from the existing driveway to avoid the WRA. The voluntary enhancement planting of the WRA on the west side of the stream will protect the WRA from the development as well as improve hydrological, water quality, and wildlife habitat functions. The existing WRA is in degraded with high cover of nonnative species, little woody cover, and areas of bare ground."*

32.080(D) Address the approval criteria of CDC 32.060, with the exception of CDC 32.060(D).
...
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.

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

Staff Finding 4: Staff adopts the applicant findings for these criteria as contained in page 8 of PD-1. Applicant shall provide a construction management plan at time of permit submittal for future development that demonstrates its compliance with the applicable provisions of Chapter 32. Mitigation proposed as part of this application will be reviewed upon submission of a detailed planting plan. See Condition #1. The criteria are met.

Applicant Response: *"Proposed development avoids impacts to the 15-foot WRA applicable to ephemeral streams. Applicant will provide a Construction Management Plan to City standards. The applicant requests approval of the 15-foot WRA pursuant to the Alternative Review Process provisions of Section 32.080 as the City WRA map shows a WRA that extends up to 200 feet in this location. While no impacts are proposed and mitigation should not be required, the applicant proposes voluntary enhancement of the WRA between the stream and proposed project. The enhancement plan meets the standards of CDC 32.090."*

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.
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.).
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.
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.
6. Storm detention and treatment and geologic hazards. Per the submittals required by CDC 32.050(F)(3) and 92.010(E), all proposed storm detention and treatment facilities must comply with the standards for the improvement of public and private drainage systems located in the West Linn Public Works Design Standards, there will be no adverse off-site impacts caused by the development (including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream), and the applicant must provide sufficient factual data to support the conclusions of the submitted plan.

Staff Finding 5: Staff adopts the applicant findings for these criteria as contained in page 9 of PD-1. The applicant shall submit a stormwater management plan at time of permit submittal for future development that demonstrates its compliance with the applicable provisions of Chapters 32 and 92 per Condition of Approval 3. Subject to the Conditions of Approval, the criteria are met.

Applicant Response: *"A stormwater management plan will be developed to meet City requirements."*

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

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
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

Staff Finding 6: Staff adopts the applicant findings for these criteria as contained in page 9 of PD-1. The water resource has been assessed as an ephemeral stream. The width of the water resource area is therefore 15 feet on each side with the mitigative measures proposed. The construction management plan shall be submitted at time of permit submittal for future development. The criteria are met.

Applicant Response: *"No impacts are proposed to the 15-foot WRA applicable to ephemeral streams. Applicant will provide a Construction Management Plan to City standards."*

E. Per the submittals required by CDC 32.050(F)(4), the applicant must demonstrate that the proposed methods of rendering known or potential hazard sites safe for development, including proposed geotechnical remediation, are feasible and adequate to prevent landslides or other damage to property and safety. The review authority may impose conditions, including limits on type or intensity of land use, which it determines are necessary to mitigate known risks of landslides or property damage.

Staff Finding 7: The given requirement will be addressed in the course of building plan review upon submittal of permit applications for development in the future if applicable. The criteria are met.

F. 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.*

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.

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.

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).

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.

Staff Finding 6: Staff adopts the applicant findings for these criteria as contained in page 10 of PD-1. No roads, driveways, utilities, crossings, fill, or excavation is proposed within the WRA. The criteria are met.

Applicant Response: *"No roads, driveways or utilities are proposed within the 15-foot WRA. Driveway access for the proposed home will be via the existing driveway. No roadway will extend through the proposed WRA and no crossing of fish bearing stream or riparian corridors is proposed."*

Applicant Response*: "No fish bearing streams are present onsite and no crossings are proposed. This criterion is not applicable."*

Applicant Response*: "No new utilities shall span the WRA."*

Applicant Response*: "No fill or excavation is proposed within the ordinary high water mark."*

Applicant Response*: "No fish bearing streams are present onsite and no crossings are proposed."*

G. 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. Foot bridge 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.

Staff Finding 7: Applicant is not proposing recreation features. The criteria are met.

H. 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 (H)(3) and (4) of this section.

3. A re-aligned stream must not create WRAs on adjacent properties not owned by the applicant unless the applicant provides a notarized letter signed by the adjacent property owner(s) stating that the encroachment of the WRA is permitted.

4. The evaluation of proposed alignment and design of the reopened stream shall consider the following factors:

a. The ability of the reopened stream to safely carry storm drainage through the area without causing significant erosion.

b. Continuity with natural contours on adjacent properties, slope on site and drainage patterns.

c. Continuity of adjacent vegetation and habitat values.

d. The ability of the existing and proposed vegetation to filter sediment and pollutants and enhance water quality.

e. Provision of water temperature conducive to fish habitat.

5. Any upstream or downstream WRAs or riparian corridors shall not apply to, or overlap, the daylighted stream channel.

6. When a stream is daylighted the applicant shall prepare and record a legal document describing the reduced WRA required by subsections (H)(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.

Staff Finding 8: Applicant is not proposing to daylight any streams The criteria are met.

I. 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.

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

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

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

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

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

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

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

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.

11. Use shared driveways.

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

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

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

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. (Ord. 1623 § 1, 2014; Ord. 1635 § 19, 2014; Ord. 1647 § 5, 2016; Ord. 1662 § 7, 2017)

Staff Finding 9: Applicant is not proposing development within the WRA. Their mitigation plan and detailed planting plan shall conform to these standards. The criteria are 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.

Staff Finding 10: Staff adopts the applicant findings for these criteria as contained in page 11 of PD-1. Applicant is not proposing development within the WRA. See Finding 15 as it relates to compliance with re-vegetation plan requirements. The criteria are met.

Applicant Response*: "The applicant is not proposing any impacts to the 15-foot WRA applied to ephemeral streams... the applicant is proposing voluntary enhancement of 2,439 sq. ft. of WRA along the western bank of the stream in order to protect the stream from proposed development and improve WRA functions. The enhancement plan will meet City mitigation standards."*

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.

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.

3. 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.

4. Purchasing mitigation credits though DSL or other acceptable mitigation bank.

Staff Finding 11: Staff adopts the applicant findings for these criteria as contained in page 11 of PD-1. Mitigation is proposed on-site. The criteria are met.

Applicant Response*: "Enhancement is proposed onsite."*

C. 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.

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.

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.

Staff Finding 12: Staff adopts the applicant findings for these criteria as contained in page 11 of PD-1. No impact is proposed to the WRA. The criteria are met.

Applicant Response*: "No impacts are proposed to the 15-foot WRA... The applicant proposes voluntary enhancement of 2,439 sq. ft. of WRA between the proposed development and stream to protect the WRA and downstream functions."*

D. 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.

Staff Finding 13: The conditions of this decision define the elements to be submitted in addition to the original applicant submittal to maintain compliance with this provision. The criteria are met.

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.

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)

Staff Finding 14: Staff adopts the applicant findings for these criteria as contained in pages 11-12 of PD-1. The owner / applicant Alex Kalmanson provided their information and noted the information for other parties responsible for work on-site will be provided as it becomes available through the process. Figure 2 within PD-1 shows the scope of mitigation activities. Applicant submittal outlines implementation schedule. No work is proposed in fish bearing streams. Assurances shall be established after submittal of a detailed planting plan and review by qualified staff members. See also findings related to the re-vegetation plan below in Finding 15. The criteria are met.

Applicant Response: ***"The applicant and owner are: Alex Kalmanson 19679 Wildwood Drive West Linn, OR 97068"***

Applicant Response: ***"The applicant will provide contractor/designer and other responsible party contact information as it becomes available."***

Applicant Response: ***"Figure 2 [in PD-1] illustrates the general concept of the development and the proposed enhancement planting area."***

Applicant Response*: "Enhancement shall occur after all approvals are met and in accordance with planting requirements outlined in 32.100. As per City of West Linn WRA protection requirements, 80% success is required for replanted areas. The enhancement planting site will be monitored and maintained for three years. If, after each year monitoring period, 80% survival has not been met, dead plants will be replaced up to the 80% success required. Monitoring reports shall be provided to document these activities. No work will be conducted in fish bearing streams and the in-stream work window is not applicable."*

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.

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.

Staff Finding 15: Staff adopts the applicant findings for these criteria as contained in pages 12-14 of PD-1. A detailed planting plan is required for review by qualified staff members before completion of mitigation per Condition 1. Criteria are met.

Applicant Response: ***"The enhancement planting plan will meet the mitigation requirements of CDC 32.090 and vegetative enhancement of CDC 32.080 including the following standards [32.100]."***

Applicant Response: ***"This WRA enhancement plan has been designed to meet the requirements of 32.100(A)1-8 as outlined above and described below. The applicant proposes enhancement of the 15-foot WRA along the western side of the stream, totaling 2,439 sq. ft. The plan is expected to improve functions of the WRA by removing invasive species and planting a diverse assemblage of native trees and shrubs along the entire length of onsite stream. The functions expected to be enhanced include hydrological functions (slowing velocity of stormwater runoff), water quality functions (retention of sediment and nutrients), organic material recruitment, and riparian wildlife habitat quality."***

Applicant Response: ***"The planting plan was developed according to 32.100 Revegetation requirements (Table 2). All plants were selected from the Portland Plant List and are adapted to upland/riparian conditions. Proposed quantities and sizing are according to the requirements. All bare ground within the enhancement planting area will be seeded with a native shade-adapted upland grass mix as shown below. Planting plan is subject to approval by the City.***

Table 2. Planting Palette for WRA Enhancement Area (2,439 sq.ft.)

Species	Type	Minimum Size	Spacing	Quantity
Bigleaf maple *Populus balsamifera*	Tree	0.5" diam or 1 gal.	12'OC	8
Red alder *Alnus rubra*	Tree	0.5" diam or 1 gal.	12'OC	9
Swamp rose *Rosa pisocarpa*	Shrub	1 gal.	4-5'OC	26
Red elderberry *Sambucus racemosa*	Shrub	1 gal.	4-5'OC	26
Red flowering currant *Ribes sanguineum*	Shrub	1 gal.	4-5'OC	26
Western swordfern *Polystichum munitum*	Ground cover	1 gal.	Clusters 10' OC	26
*Protime 460 or equivalent	Ground cover	1 lb/1,000 sq. ft.		2.4 lbs

Seed mix includes California brome (Bromus carinatus), blue wildrye (Elymus glaucus), California Oatgrass (Danthonia californica), Roemer's Fescue (Festuca roemeri), Prairie Junegrass (Koeleria macrantha)"

Applicant Response: ***"Bare root trees shall be planted between December 1st and February 28th, and potted plants shall be planted between October 15th and April 30th. Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die must be replaced in kind. In accordance with City requirements 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.

To enhance survival of tree replacement and plantings, in accordance with Section 32.100 the following practices are required:

- ***Mulch new plantings a minimum of three inches in depth and 18 inches in diameter to retain moisture and discourage weed growth.***
- ***Irrigation for new plantings shall be provided in the amount of one inch per week between June 15th to October 15th, for the three years following planting.***
- ***Non-native or noxious vegetation shall be removed or controlled throughout maintenance period.***
- ***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)

Staff Finding 16: Applicant shall adhere to the given provision in the course of planting. The criteria are met.

CDC 99.080 NOTICE

Notice shall be given in the following ways:

A. Class A Notice. Notice of proposed action or a development application pursuant to CDC 99.060 shall be given by the Director in the following manner:

1. *At least 20 days prior to the scheduled hearing date notice shall be sent by mail to:*
   - *a. The applicant or the applicant's agent, and the property owner of record on the most recent property tax assessment roll where such property is located.*
   - *b. All property owners of record on the most recent property tax assessment roll where such property is located within 500 feet of the site.*
   - *c. Any affected governmental agency which has entered into an intergovernmental agreement with the City which includes provision for such notice; plus, where applicable, the Oregon Department of Transportation, Tri-Met, neighboring local jurisdictions, Clackamas County Department of Transportation and Development, and Metro.*
   - *d. The affected recognized neighborhood association or citizens advisory committee.*
   - *e. For a hearing on appeal or review, all parties and persons with standing described in CDC 99.140 to an appeal or petition for review.*

2. At least 10 days prior to the hearing or meeting date, notice shall be given in a newspaper of general circulation in the City. An affidavit of publication shall be made part of the administrative record.

a. Decisions pursuant to CDC 99.060(A), Planning Director authority, are exempt from the requirements of this subsection.

3. At least 10 days prior to the hearing or meeting date, the Planning Director shall cause a sign to be placed on the property which is the subject of the decision or, if the property does not have frontage on a public street, adjacent to the nearest public street frontage in plain view and shall state, "This property is the subject of a land use decision," with the type of use or request indicated.

If the application is not located adjacent to a through street, then an additional sign shall be posted on the nearest through street.

4. At least 10 days but no more than 40 days prior to hearing of a proposed zone change for manufactured home

parks, notice shall be given to the respective manufactured home park residents.

5. The Director shall cause an affidavit of mailing of notice and posting of notice to be filed and made part of the administrative record.

6. At the conclusion of the land use action the signs shall be removed.

Staff Finding 17: A Class A Notice was prepared and sent via mail to the applicant, the affected neighborhood association, the Army Corps of Engineers, the Department of State Lands, and all property owners within 500 ft. of the site perimeter of 19679 Wildwood Dr on 12/13/22. A sign detailing the property as being the subject of a land use decision with case details was placed on the property on 12/13/22. An affidavit of mailing of notice and posting of notice was filed in the land use case record. The sign was removed after the conclusion of the action on 1/5/23. This decision is made under the authority of the Planning Director, and is exempt from the requirement of posting in a newspaper of general circulation. The criteria are met.

PD-1 APPLICANT SUBMITTAL

City of West Linn

Planning & Development • 22500 Salamo Rd #1000 • West Linn, Oregon 97068
Telephone 503.656-3535 • westlinnoregon.gov

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT Ben Gardner	PROJECT NO(S). WAP-22-02	PRE-APPLICATION NO. PA-22-24
NON-REFUNDABLE FEE(S) $2,850	REFUNDABLE DEPOSIT(S)	TOTAL $2,850

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Type of Review (Please check all that apply):

- ☐ Annexation (ANX)
- ☐ Appeal and Review (AP)
- ☐ Code Interpretation
- ☐ Conditional Use (CUP)
- ☐ Design Review (DR)
- ☐ Tree Easement Vacation
- ☐ Final Plat or Plan (FP)
- ☐ Flood Management Area
- ☐ Historic Review
- ☐ Legislative Plan or Change
- ☐ Lot Line Adjustment (LLA)
- ☐ Minor Partition (MIP) (Preliminary Plat or Plan)
- ☐ Modification of Approval
- ☐ Non-Conforming Lots, Uses & Structures
- ☐ Planned Unit Development (PUD)
- ☐ Street Vacation
- ☐ Subdivision (SUB)
- ☐ Temporary Uses
- ☐ Time Extension
- ☐ Variance (VAR)
- ☒ Water Resource Area Protection/Single Lot (WAP)
- ☐ Water Resource Area Protection/Wetland (WAP)
- ☐ Willamette & Tualatin River Greenway (WRG)
- ☐ Zone Change

Pre-Application, Home Occupation, Sidewalk Use, Addressing, and Sign applications require different forms, available on the City website.

Site Location/Address:
19679 Wildwood dr.
West Linn OR 97068

Assessor's Map No.:
Tax Lot(s):2S 1E 23AC tax lot 4600
Total Land Area: 0.67 acre

Brief Description of Proposal:
Water Resouce Area Permit request - attached Naturalist Report

Applicant Name: (please print) Alex Kalmanson
Address: 19679 Wildwood dr.
West Linn, OR 97068
City State Zip:
Phone: 510 912 8575
Email: akalmans12@gmail.com

Owner Name (required): (please print) Same as Applicant
Address:
City State Zip:
Phone:
Email:

Consultant Name: (please print) Kim Cartwright
Address: Wetland Ecologist & GIS Analyst
Schott & Associates Inc
City State Zip:
Phone: (503) 678-6028
Email: kim@schottandassociates.com

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A decision may be reversed on appeal. The permit approval will not be effective until the appeal period has expired.
4. Submit this form and supporting documents through the Submit a Land Use Application web page:
   https://westlinnoregon.gov/planning/submit-land-use-application

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

Applicant's signature — Date 10/6/22 — Owner's signature ***(required)*** — Date 10/6/22

SCHOTT & ASSOCIATES
Ecologists & Wetlands Specialists
21018 NE Hwy 99E • P.O. Box 589 • Aurora, OR 97002 • (503) 678-6007 • FAX: (503) 678-6011

NATURAL RESOURCE ASSESSMENT

19679 Wildwood Drive

T2S, R1E, Section 23AC, Tax Lot 4600
West Linn, Oregon

Prepared for

Alex Kalmanson
19679 Wildwood Drive
West Linn, OR 97068

Prepared by

Kim Cartwright
of
Schott & Associates, Inc.

Date:

September 2022

Project #: 3011

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF APPENDICES

Introduction

Schott & Associates (S&A) was contracted to conduct wetland delineation and natural resource assessment for the project site at 19679 Wildwood Drive, West Linn, Clackamas County, Oregon (T2S, R1E, Section 23AC, Tax Lot 4600; Figure 1). This property contains a Water Resource Area (WRA) that is subject to regulation under Chapter 32 of the West Linn Community Development Code (CDC). The purpose of this report is to document existing and proposed conditions with regards to regulated natural resources and meet City approval criteria for the proposed project. The applicant participated in a pre-application meeting with the City on August 18, 2022 (File PA-22-24)

All work on this project has been completed by a qualified natural resource specialist. Onsite assessment and reporting were conducted by Kim Cartwright, a wetland ecologist with over 10 years of experience in conducting natural resource assessments, including wetland and other water delineations, habitat and functional assessments, natural resource permitting, and mitigation planning.

Site Description and Land Use

The project site consisted of the 0.67-acre parcel. Residential development, including a garage and circular driveway, was present in the northwestern portion of the property, accessed from Wildwood Drive to the north. A drainageway was present along the eastern site boundary, draining north into a storm drain that was recently improved by the City (the applicant's property was used for construction access). The drainage was a small, headwater tributary to the Willamette River. It was moderate to high-gradient and featured a narrow, relatively level terrace. The remainder of the property was a steep (gradient +-25%) northeast-facing hillside. The hillside was vegetated by big-leaf maple (*Acer macrophyllum*) forest with an understory dominated by hazelnut (*Corylus cornuta*), western swordfern (*Polystichum munitum*), and trailing blackberry (*Rubus ursinus*). Many of the trees were damaged in the February 2021 ice storm, according to the landowner. The drainage terrace was vegetated primarily by Himalayan blackberry (*Rubus armeniacus*) along with a few trees; the blackberry had been recently cleared to facilitate access for this assessment. In addition, ground disturbance on the terrace was evident due to heavy machinery accessing the drainage during construction of the storm drain.

Surrounding land use was moderate-density, single-family residential within a wooded setting. The property was zoned for single-family residential (West Linn zoning designation R-10).

Methods

Assessment consisted of a site visit and review of the following existing data and information:

- Clackamas County tax map
- U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) and West Linn 2005 Local Wetland Inventory (LWI)
- West Linn Water Resource Area (WRA) Map (Appendix A)
- Oregon Department of Forestry (ODF) and Metro stream mapping

- U.S. Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) gridded Soil Survey Geographic (gSSURGO) database for Clackamas County
- Aerial photographs from the time period between 1994 and 2021, obtained from Google Earth
- Contours derived from the Oregon Department of Geology and Mineral Industries (DOGAMI, 2014)
- Pre-application meeting conducted with City of West Linn; August 18, 2022 (PA-22-24)

Schott & Associates visited the site on September 8, 2022. Delineation data were collected according to methods described in the *1987 Manual* and the *Regional Supplement to the Corps of Engineers Delineation Manual: Western Mountains, Valleys, and Coast (Version 2.0)*. One sample plot was established at the lowest-lying portion of the site, adjacent to the stream, to document absence or presence of wetland. Data on vegetation, hydrology, and soils was collected at the sample plot, recorded in the field, and later transferred to data forms (Appendix C). Plant indicator status was determined using the 2020 National Wetland Plant List (Corps 2020). Onsite streams, where present, were delineated via the ordinary high-water mark (OHWM) as indicated by top of bank, wrack or scour lines, or change in vegetation communities. Where defined bed and bank weren't present, direction of water flow was mapped by estimated centerline based on topography, drainage patterns, rill erosion, sediment deposition, or other indicator of occasional surface flow.

Any identified wetlands and waters are classified according to the USFWS *Classification of Wetlands and Deepwater Habitats of the United States* (Cowardin et al. 1979) and the *Guidebook for Hydrogeomorphic (HGM)-based Assessment of Oregon Wetland and Riparian Sites* (DSL 2001).

The Stream Duration Assessment Method (SDAM) was applied to document flow period of the stream. The SDAM was scientifically developed for the Pacific Northwest and provides a rapid assessment framework to distinguish between ephemeral, intermittent, and perennial stream flow at the reach scale. The SDAM is commonly accepted by regulatory agencies including DSL to establish flow period of streams.

Vegetation communities within the WRA were assessed in the field. Vegetation was identified by species and percent cover. The sample plot included in Appendix C represents vegetation cover in the WRA.

Ground level photographs were taken to document site conditions (Appendix B).

Results

Saum silt loam, 30-60% slopes, was mapped within the site according to the NRCS soil survey. This soil series is well-drained, non-hydric, and not subject to flooding or ponding. The NWI, LWI, the West Linn WRA Map, and ODF stream mapping depicted the drainage along the eastern property boundary. The NWI classified the feature as a seasonally flooded, intermittent riverine streambed (R4SBC) aquatic habitat, the LWI classified the feature as a “ditch”, and ODF classified the feature as small, seasonal, and of unknown fish-bearing status. The drainage

is identified by the West Linn WRA Map as Robin Creek with a significant riparian corridor extending up to 200 feet. It should be noted that these sources are largely remotely sensed and are not verified through ground-truthing in most cases.

No wetlands were identified within the project site. The property was generally steeply sloped, featured non-hydric soils, and typically would not support the formation of wetland. A sample plot established at the lowest-lying portion of the site in the stream terrace yielded brown (10 YR 3/3) silt loam soils with no redoximorphic features. Vegetation was dominated by facultative turf grasses with a few scattered big leaf maple (FACU) trees. No wetland hydrological indicators were observed.

The onsite water resource (Robin Creek as mapped by the City) is described below.

Water Resource Area (WRA)

Protected Water Features

Robin Creek: Robin Creek drained north along the eastern property boundary and into a grated storm drain at the northeastern property corner that was recently improved by the City. The drainage bed and bank were only intermittently defined, though evidence of surface flow (drainage patterns, rill erosion, sediment deposition) was observed between areas of defined channel as shown in Figure 2 (represented by a centerline). Where channel was present, it was approximately 3-5 feet wide and less than one foot deep, except the lowest segment of the stream in the area of the storm drain, which had been artificially deepened and widened during the construction of the storm drain. The drainage substrate was generally rocky (gravel, cobbles, and small boulders) with some areas of silt and no soil sample could be established within it. The channeled portion appeared to have formed from high-velocity stormwater runoff from steep slopes during heavy precipitation events which eroded softer substrates around trees and other vegetation. The drainage was partially vegetated with western swordfern (FACU), turfgrasses (FAC), trailing blackberry (FACU), Himalayan blackberry (FAC), and a few bigleaf maple trees. The drainage reach upslope of the property was densely vegetated by Himalayan blackberry and trailing blackberry and no defined channel or evidence of surface flow could be observed. Based on the SDAM (Appendix D), the drainage reach within the subject site met ephemeral criteria, that is, it only flows in direct response to precipitation events. Drainage gradient was greater than 10.5%, no aquatic macroinvertebrates were observed, no wetland plants were present in or near the drainage, and no distinctive riparian corridor vegetation community was present.

Riparian Corridor/Buffer

According to Table 32-2 of the CDC, the required width of the Water Resource Area for an ephemeral stream extends 15 feet from the stream centerline, provided a Construction Management Plan is prepared that meets 32.050(G)(1). The applicant will need to provide a Construction Management Plan to meet City requirements for a complete application.

The WRA consisted largely of mown turfgrasses, recently cleared Himalayan blackberry, and sparse cover of western swordfern and bigleaf maple trees. Some ground disturbance associated with the movement of heavy vehicles and equipment during storm drain construction was observed in the northern portion; these areas were not replanted following construction. Bare

ground areas were also present in the WRA which contribute to erosion and sedimentation into streams. WRA function was regarded as moderately low due to a lack of vegetation cover, prevalence of non-native or invasive species, lack of in-channel wood, and steep slopes just above the WRA, but with shade and forest canopy within 100 feet of the water resource. The drainage effectively serves more as a stormwater ditch, collecting and routing runoff quickly downstream, than a naturally functioning stream with in-stream and riparian habitat that can provide important ecosystem services.

Proposed Project

The applicant proposes a minor partition of the lot and construction of a new residential development and driveway in the northern portion of the tax lot. The proposed construction will be adjacent to the existing home with an approximate footprint of 4,000 sq. ft. The home has not been designed yet, but a conceptual sketch is shown on Figure 2. This sketch is provided for illustrative purposes only and has not been designed to meet City zoning or building ordinance.

The riparian corridor accorded to ephemeral streams is 15 feet from the stream centerline according to Table 32-2 of the CDC. The applicant requests approval of the 15-foot WRA under the Alternative Review Process per Section 32.080 based on the flow-period of the stream which has been established as ephemeral according to assessment by a natural resource professional. No impacts to the 15-foot WRA are proposed by this project. The applicant proposes voluntary enhancement of the WRA on the western side of the stream (2,439 sq. ft.) to improve functions and serve as a vegetated buffer between the proposed development and the stream. Enhancement would consist of removing invasive species and planting native trees, shrubs, and groundcover.

Approval Criteria

32.080 Approval Criteria (Alternate Review Process)
Applications reviewed under the alternate review process shall meet the following approval criteria:

A. The proposed WRA shall be, at minimum, qualitatively equal, in terms of maintaining the level of functions allowed by the WRA standards of CDC 32.060(D).

As described in this report, the existing WRA is moderately low functioning, serving more to route stormwater than to provide habitat or protect downstream functions. The applicant proposes to voluntarily enhance the 15-foot WRA along the west side of the stream (2,439 sq. ft.) with a diverse mix of native trees, shrubs, and groundcover species (Figure 2 and Table 2). Planting the WRA will improve hydrological, water quality, and habitat functions including stream flow moderation, sediment and pollution control, and providing organic material sources and wildlife habitat. Enhancing the WRA will also provide protection of the drainage from the proposed development. The proposed WRA shall be, at minimum, qualitatively equal in terms of maintaining the level of functions allowed by the WRA standards of CDC 32.060(D) and is anticipated to be superior.

B. If a WRA is already significantly degraded (e.g., native forest and ground cover have been removed or the site dominated by invasive plants, debris, or development), the approval authority may allow a reduced WRA in exchange for mitigation, if:

1. The proposed reduction in WRA width, coupled with the proposed mitigation, would result in better performance of functions than the standard WRA without such mitigation. The approval authority shall make this determination based on the applicant's proposed mitigation plan and a comparative analysis of ecological functions under existing and enhanced conditions (see Table 32-4).

As described in this report, the existing WRA is degraded, dominated by non-native and invasive species, including turfgrasses and Himalayan blackberry, with areas of bare ground. Stormwater runoff from steep slopes and development above is unmitigated. The onsite water resource was assumed intermittent or perennial according to the City WRA map, but onsite assessment by a natural resource professional has found that the stream is most likely ephemeral in flow-period. The proposed WRA will extend 15 feet from the stream centerline per Table 32-2. The applicant will provide a Construction Management Plan that meets 32.050(G)(1). The applicant proposes voluntary enhancement of the WRA along the western side of the stream (2,439 sq. ft.) between the stream and the proposed development. Enhancement will consist of removal of invasive species and replacement of native trees, shrubs, and groundcover. The proposed WRA will result in higher functions than the larger (assumed) WRA without enhancement. Table 1 below presents existing and enhanced WRA ecological functions per Table 32-4.

Table 1. Ecological Functions Comparison per Table 32-4

Ecological Functions	**WRA existing conditions**	**WRA enhanced conditions**
Stream flow moderation and/or water storage	Little riparian vegetation is present to slow velocity of stormwater. Together with steep slopes above, stormwater is quickly routed into stream.	Planting of native woody vegetation and groundcover will slow stormwater runoff, moderating stream flow and subsequent erosion.
Sediment or pollution control	Little riparian vegetation is present to retain sediment or pollution. Bare ground areas are present.	Increased vegetation will increase the WRA's capacity and opportunity to filter nutrients and retain sediments.
Bank stabilization	Banks deepened for storm drain construction are very steep and may erode further over time.	Increased vegetation cover may help bank stabilization in this area.
Large wood recruitment for a fish bearing section of stream	Not a fish bearing stream. LWD from onsite could not carry downstream due to presence of a grated storm drain	No change.
Organic material sources	Little riparian vegetation cover with bare ground areas.	Planting diverse native vegetation will increase organic material sources throughout the WRA.

Shade (water temperature moderation) and microclimate	Water resource is shaded by trees within 100 feet.	Additional tree and shrub planting will provide additional shade sources adjacent to the stream.
Stream flow that sustains in-stream and adjacent habitats	Ephemeral flow	Ephemeral flow will be maintained. No hydrological impacts anticipated.
Other terrestrial habitat	Forested areas within 100-300 feet of the water resource are not contiguous. Areas immediately adjacent have little vegetation cover.	Enhancement of the WRA will augment existing forested natural area within 100-300 feet of the water resource.

2. The mitigation project shall include all of the following components as applicable. It may also include other forms of enhancement (mitigation) deemed appropriate by the approval authority.

a. Removal of invasive vegetation.

b. Planting native, non-invasive plants (at minimum, consistent with CDC 32.100) that provide improved filtration of sediment, excess nutrients, and pollutants. The amount of enhancement (mitigation) shall meet or exceed the standards of CDC 32.090(C).

c. Providing permanent improvements to the site hydrology that would improve water resource functions.

d. Substantial improvements to the aquatic and/or terrestrial habitat of the WRA.

No impacts are proposed to the 15-foot WRA and no mitigation is required. However, the applicant proposes voluntary enhancement of the WRA along the west side of the stream. The enhancement plan shall consist of removal of invasive species and planting of a diverse assemblage of native trees, shrubs, and groundcover species to improve hydrological and water quality functions including slowing runoff and filtration of sediment, excess nutrients, and pollutants. Proposed enhancement will substantially improve adjacent terrestrial habitat of the WRA onsite by increasing cover, nesting or burrowing sites and food availability and type. Proposed enhancement area is 2,439 sq. ft. and no impact to WRA is proposed which exceeds the standards of CDC 32.090(C).

C. Identify and discuss site design and methods of development as they relate to WRA functions.

Site design utilized the only developable area onsite that avoided steep, hazardous slopes and avoided impacts to the 15-foot WRA. Access to the proposed home would be from the existing driveway to avoid the WRA. The voluntary enhancement planting of the WRA on the west side of the stream will protect the WRA from the development as well as improve hydrological, water quality, and wildlife habitat functions. The existing WRA is in degraded with high cover of non-native species, little woody cover, and areas of bare ground.

D. Address the approval criteria of CDC 32.060, with the exception of CDC 32.060(D).

Applicable approval criteria addressed below.

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

Proposed development avoids impacts to the 15-foot WRA applicable to ephemeral streams. Applicant will provide a Construction Management Plan to City standards. The applicant requests approval of the 15-foot WRA pursuant to the Alternative Review Process provisions of Section 32.080 as the City WRA map shows a WRA that extends up to 200 feet in this location. While no impacts are proposed and mitigation should not be required, the applicant proposes voluntary enhancement of the WRA between the stream and proposed project. The enhancement plan meets the standards of CDC 32.090.

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.

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.).*
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.*
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.*

A stormwater management plan will be developed to meet City requirements.

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:

No impacts are proposed to the 15-foot WRA applicable to ephemeral streams. Applicant will provide a Construction Management Plan to City standards.

F. 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.*

No roads, driveways or utilities are proposed within the 15-foot WRA. Driveway access for the proposed home will be via the existing driveway. No roadway will extend through the proposed WRA and no crossing of fish bearing stream or riparian corridors is 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.*

No fish bearing streams are present onsite and no crossings are proposed. This criterion is not applicable.

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.*

No new utilities shall span the WRA.

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).*

No fill or excavation is proposed within the ordinary 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.*

No fish bearing streams are present onsite and no crossings are proposed.

Enhancement 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.

The applicant is not proposing any impacts to the 15-foot WRA applied to ephemeral streams and mitigation should not be required provided the City approves the request to reclassify the flow-period of the onsite water resource to ephemeral. However, the applicant is proposing voluntary enhancement of 2,439 sq. ft. of WRA along the western bank of the stream in order to protect the stream from proposed development and improve WRA functions. The enhancement plan will meet City mitigation standards.

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.

Enhancement is proposed onsite.

C. 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.

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.

No impacts are proposed to the 15-foot WRA and no mitigation is required. The applicant proposes voluntary enhancement of 2,439 sq. ft. of WRA between the proposed development and stream to protect the WRA and downstream functions.

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.

The applicant and owner are:

Alex Kalmanson
19679 Wildwood Drive
West Linn, OR 97068

The applicant will provide contractor/designer and other responsible party contact information as it becomes available.

2. A map showing where the specific adverse impacts will occur and where the mitigation activities will occur.

Figure 2 illustrates the general concept of the development and the proposed enhancement planting area.

3. A re-vegetation plan for the area(s) to be mitigated that meets the standards of CDC 32.100.

See the response to CDC 32.100 below.

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.

Enhancement shall occur after all approvals are met and in accordance with planting requirements outlined in 32.100. As per City of West Linn WRA protection requirements, 80% success is required for replanted areas. The enhancement planting site will be monitored and maintained for three years. If, after each year monitoring period, 80% survival has not been met, dead plants will be replaced up to the 80% success required. Monitoring reports shall be provided to document these activities. No work will be conducted in fish bearing streams and the in-stream work window is not applicable.

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)

The applicant can provide any necessary assurance based on coordination with City staff. We would propose that any bonding or surety be deferred based on the results of the ongoing monitoring, maintenance, and reporting requirements.

32.100 RE-VEGETATION PLAN REQUIREMENTS

The enhancement planting plan will meet the mitigation requirements of CDC 32.090 and vegetative enhancement of CDC 32.080 including 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. 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. 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.*

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 and18 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.*

WRA Enhancement Plan

This WRA enhancement plan has been designed to meet the requirements of 32.100(A)1-8 as outlined above and described below. The applicant proposes enhancement of the 15-foot WRA along the western side of the stream, totaling 2,439 sq. ft. The plan is expected to improve functions of the WRA by removing invasive species and planting a diverse assemblage of native trees and shrubs along the entire length of onsite stream. The functions expected to be enhanced include hydrological functions (slowing velocity of stormwater runoff), water quality functions (retention of sediment and nutrients), organic material recruitment, and riparian wildlife habitat quality.

Planting Plan

The planting plan was developed according to 32.100 Revegetation requirements (Table 2). All plants were selected from the Portland Plant List and are adapted to upland/riparian conditions. Proposed quantities and sizing are according to the requirements. All bare ground within the enhancement planting area will be seeded with a native shade-adapted upland grass mix as shown below. Planting plan is subject to approval by the City.

Table 2. Planting Palette for WRA Enhancement Area (2,439 sq.ft..)

Species	Type	Minimum Size	Spacing	Quantity
Bigleaf maple *Populus balsamifera*	Tree	0.5” diam or 1 gal.	12’OC	8
Red alder *Alnus rubra*	Tree	0.5” diam or 1 gal.	12’OC	9
Swamp rose *Rosa pisocarpa*	Shrub	1 gal.	4-5’OC	26
Red elderberry *Sambucus racemosa*	Shrub	1 gal.	4-5’OC	26

Red flowering currant *Ribes sanguineum*	Shrub	1 gal.	4-5'OC	26
Western swordfern *Polystichum munitum*	Ground cover	1 gal.	Clusters 10' OC	26
*Protime 460 or equivalent	Ground cover	1 lb/1,000 sq. ft.		2.4 lbs

*Seed mix includes California brome (*Bromus carinatus*), blue wildrye (*Elymus glaucus*), California Oatgrass (*Danthonia californica*), Roemer's Fescue (*Festuca roemeri*), Prairie Junegrass (*Koeleria macrantha*)

Schedule and Maintenance Requirements

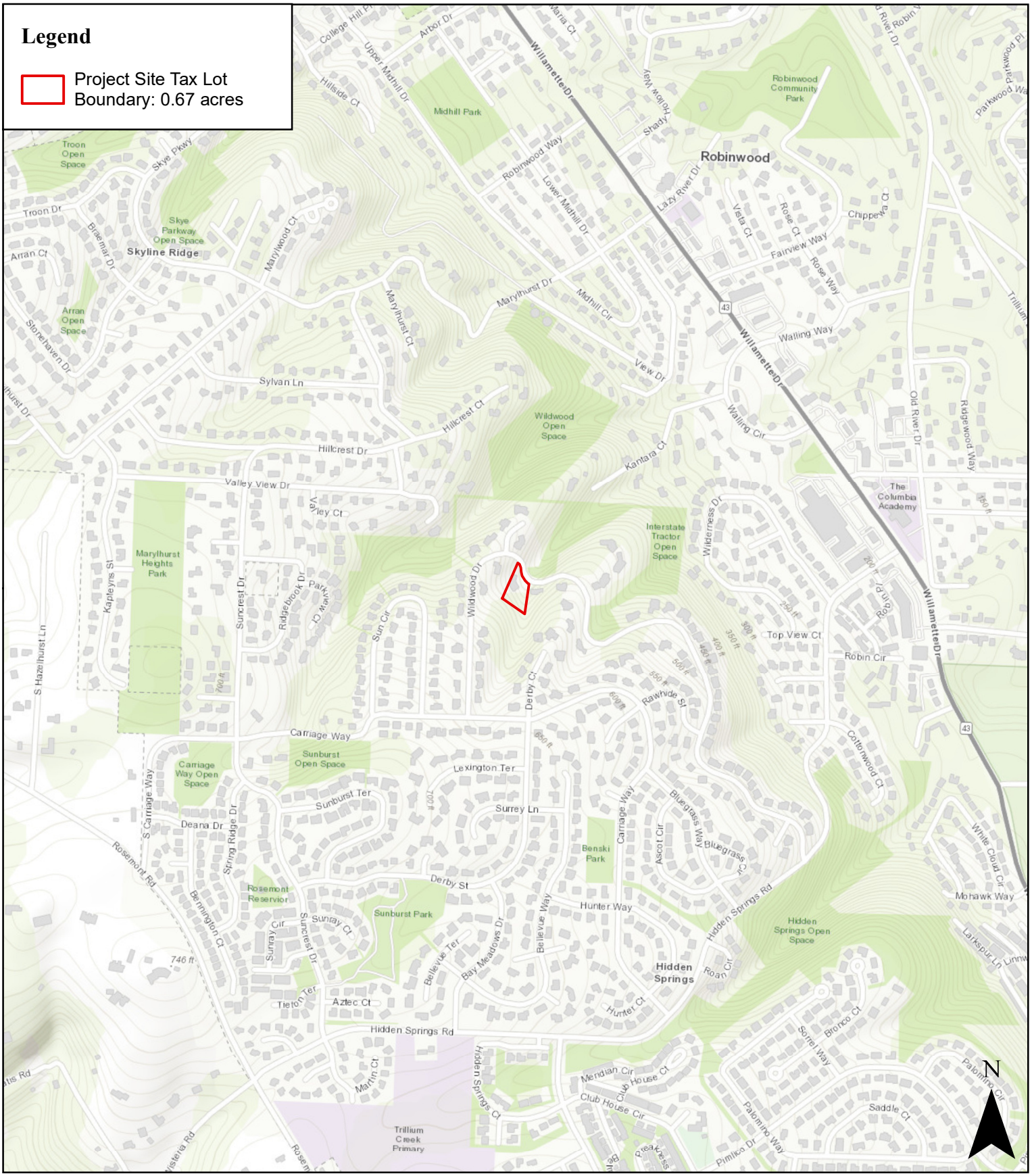
Bare root trees shall be planted between December 1st and February 28th, and potted plants shall be planted between October 15th and April 30th.

Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die must be replaced in kind. In accordance with City requirements 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.

To enhance survival of tree replacement and plantings, in accordance with Section 32.100 the following practices are required:

- Mulch new plantings a minimum of three inches in depth and 18 inches in diameter to retain moisture and discourage weed growth.
- Irrigation for new plantings shall be provided in the amount of one inch per week between June 15th to October 15th, for the three years following planting.
- Non-native or noxious vegetation shall be removed or controlled throughout maintenance period.
- Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and resulting damage to plants.

FIGURE 1: LOCATION MAP



Date: 9/19/2022

Data Source: ESRI, 2022; Clackamas County GIS Dept

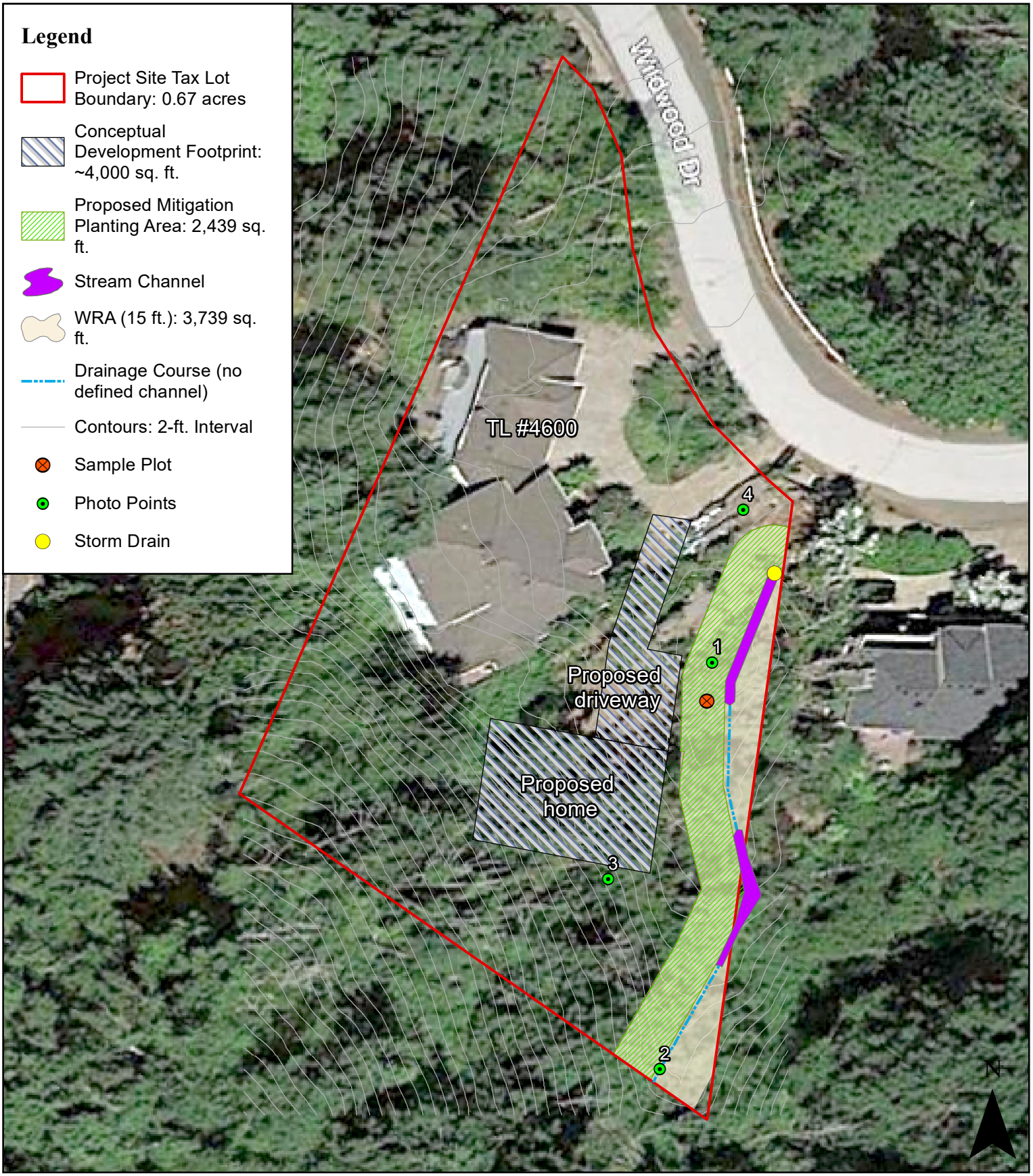
Figure 1. Location Map

SCHOTT & ASSOCIATES, Inc.

Wildwood Drive Project Site: S&A # 3011

0 250 500 1,000 Feet

FIGURE 2: EXISTING AND PROPOSED CONDITIONS



Date: 9/27/2022

Data Source: Google Earth, 2022; Clackamas County GIS Dept, 2022; DOGAMI, 2014

Figure 2. Existing and Proposed Conditions

SCHOTT & ASSOCIATES, Inc.

Wildwood Drive Project Site: S&A # 3011

0 25 50 100 Feet

APPENDIX A. CITY OF WEST LINN WRA MAP

MAY 2014

Water Resource Area (WRA) Map

WATER RESOURCE AREA MAP DISCLAIMER
The Water Resource Areas (WRA) map has interpretive value for general planning purposes only and is not satisfactory for making site-specific land use decisions. This map is to be used in conjunction with detailed written code, tables, and figures provided in Chapter 32 of the West Linn Community Development Code (CDC). The May 2014 WRA Map is intended to identify WRA water features (wetlands, streams, ephemeral streams, and riparian corridors). It is not intended to delineate the exact WRA boundaries or water feature alignment. That task will be carried out by staff in the course of site visits where the provisions of Table 32-2 in CDC Chapter 32 shall apply. Chapter 32 of the West Linn Community Development Code (CDC): http://www.codepublishing.com/OR/WestLinn/CDC.html. Any questions or clarifications regarding WRA's should be directed to the West Linn Planning Department. A copy of the WRA Map is available for public inspection in the Planning Director's office (Ord. 1623 § 1, 2014)

Project site location

Map Developed by West Linn Planning Department and GIS

MAP OVERLAYS:
*Streams, Pipe Segments, Other Open Ditches, and Significant Riparian Corridors
Map Source: "Significant Riparian Corridors West Linn Goal 5 Inventory, January 2007"
Map publication date: 1/2/2007.
Modified Streams and added Ephemeral Streams, April 2013, July 2013, September 2013

**Locally Significant Wetlands and Other Wetlands
Map Source: "Local Wetland Inventory, West Linn Goal 5 Inventory, January 2005"
Map publication date: 6/5/2006.

***Taxlot Base Map provided by Clackamas County GIS, 2013

WETLANDS/GOAL 5 DISCLAIMER (DSL STANDARD):
Information shown on this map is for planning purposes only and wetland information is subject to change. There may be unmapped wetlands subject to regulation and all wetland boundary mapping is approximate. In all cases, actual field conditions determine wetland boundaries. You are advised to contact the Oregon Division of State Lands and the U.S. Army Corps of Engineers with any regulatory questions.

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Goal 5 Significant Riparian Corridors*

- Significant Riparian Corridors
- Streams
- Ephemeral Stream
- Piped Segments
- Upper Stream Reach of Fish Inventory 2003/2004 Survey

Goal 5 Wetland Inventory**

- Locally Significant Wetlands, DSL 2005
- Other Wetlands, DSL 2005
- TA-05 Specific Wetland Identifier
- Rivers & Ponds
- West Linn City Limits
- Taxlot Base Map***

0 0.25 0.5 1 Miles

Map Created: 6/6/2014

LOC: G:\PROJECTS\GIS\GOAL5_2006\SIGRIPARIAN\SIGRIPARIAN_WETLANDS_201406V6_FINAL.MXD | KAHA
VERSION 5 TO VERSION 6: REMOVED "PROPOSED" FROM MAP TITLE

City of West Linn GIS GEOGRAPHIC INFORMATION SYSTEMS

APPENDIX B. SITE PHOTOGRAPHS

Photo Point 1. From the lower end of the drainage facing north toward the newly constructed storm drain.

Photo Point 1. From the lower end of the drainage facing south, upstream. No defined stream channel is present.

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007

Photo Point 1. From the lower end of the drainage facing southwest toward stream terrace and area of cleared Himalayan blackberry.

Photo Point 1. From the lower end of the drainage facing northwest toward stream terrace and area of cleared Himalayan blackberry.

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007

Photo Point 2.. From the upper end of the drainage at the southern property boundary facing north, downstream. No defined channel is present.

Photo Point 2.. From the upper end of the drainage at the southern property boundary facing south, upstream and offsite. No defined channel is present.

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007

Photo Point 3. From the steep, forest hillside in the southern portion of the site facing southwest.

Photo Point 3. From the steep, forest hillside in the southern portion of the site facing northwest.

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007

Photo Point 4. From the northern property boundary facing south toward the lower end of the drainage where it enters the storm drain.

Photo Point 4. From the northern property boundary facing north, offsite. It is assumed the drainage continues on the other side of the road in a very deep ravine..

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007

APPENDIX C. WETLAND DATA FORM

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys and Coast Region

Project/Site: Wildwood Dr City/County: West Linn/Clackamas Sampling Date: 9/8/2022
Applicant/Owner: Alex Kalmanson State: OR Sampling Point: 1
Investigator(s): K. Cartwright Section, Township, Range: T2S, R1E, Section 23AC
Landform (hillslope, terrace, etc.): terrace Local relief (concave, convex, none): none Slope (%): 0-2
Subregion (LRR): Northwest Forests and Coast (LRR A) Lat: Long: Datum:
Soil Map Unit Name: Saum silt loam NWI Classification: none
Are climatic / hydrologic conditions on the site typical for this time of year? Yes X No (If no, explain in Remarks)
Are Vegetation , Soil , or Hydrology significantly disturbed? Are "Normal Circumstances" Present? Yes X No
Are Vegetation , Soil , or Hydrology naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes X No	**Is the Sampled Area within a Wetland?**	**Yes No X**
Hydric Soil Present?	Yes No X		
Wetland Hydrology Present?	Yes No X		

Remarks:

VEGETATION

Tree Stratum (Use scientific names.)	Absolute % Cover	Dominant Species?	Indicator Status?
1. *Acer macrophyllum*	40	Y	FACU
2.			
3.			
4.			
Total Cover:	40		
Shrub Stratum			
1. *Rubus armeniacus*	15	Y	FAC
2.			
3.			
4.			
5.			
Total Cover:	15		
Herb Stratum			
1. *Holcus lanatus*	20	Y	FAC
2. *Lolium perenne*	60	Y	FAC
3. *Schedonorus arundinaceus*	20	Y	FAC
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
Total Cover:	100		
Woody Vine Stratum			
1.			
2.			
Total Cover:	0		

% Bare Ground in Herb Stratum 0 % Cover of Biotic Crust 0

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: **4** (A)
Total Number of Dominant Species Across All Strata: **5** (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: **80%** (A/B)

Prevalence Index Worksheet:

Total % Cover of:	Multiply by:
OBL species	x1 = **0**
FACW species	x2 = **0**
FAC species	x3 = **0**
FACU species	x4 = **0**
UPL species	x5 = **0**
Column Totals: **0** (A)	**0** (B)

Prevalence Index = B/A =

Hydrophytic Vegetation Indicators:
- 1 - Rapid Test for Hydrophytic Vegetation
- **X** 2 - Dominance Test is >50%
- 3 - Prevalence Index is ≤3.0[1]
- 4 - Morphological Adaptation1 (Provide supporting data in Remarks or on a separate sheet)
- 5 - Wetland Non-Vascular Plants[1]
- Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** X **No**

Remarks:

SOIL

Sampling Point: 1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-16	10 YR 3/3	100					SiL	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Muck Mineral (S1)
- ___ Sandy gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) (**except MLRA 1**)
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** _____ **No** X

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (any one indicator is sufficient)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) (**except MLRA 1, 2, 4A and 4B**)
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Plowed Soils (C6)
- ___ Stunted or Stressed Plants (D1) (**LRR A**)
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) (**MLRA 1, 2, 4A and 4B**)
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) (**LRR A**)
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes _____ No X Depth (inches): _____

Water table Present? Yes _____ No X Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes _____ No X Depth (inches): _____

Wetland Hydrology Present? **Yes** _____ **No** X

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

APPENDIX D. SDAM FORM

Streamflow Duration Field Assessment Form

Project # / Name: Wildwood Dr	Assessor: K. Cartwright
Address: 19679 Wildwood Dr, West Linn, OR	Date: 9/8/2022
Waterway Name: Robin Creek	Coordinates at downstream end (ddd.mm.ss) Lat. N
Reach Boundaries: project site	Long. W
Precipitation w/in 48 hours (cm)	Channel Width (m): 1m where defined
☐ Disturbed Site / Difficult Situation (Describe in "Notes")	

Observed Hydrology

% of reach w/observed surface flow: 0

% of reach w/any flow (surface or hyporheic): 0

# of pools observed: 0

Observations

Observed Wetland Plants (and indicator status):

none

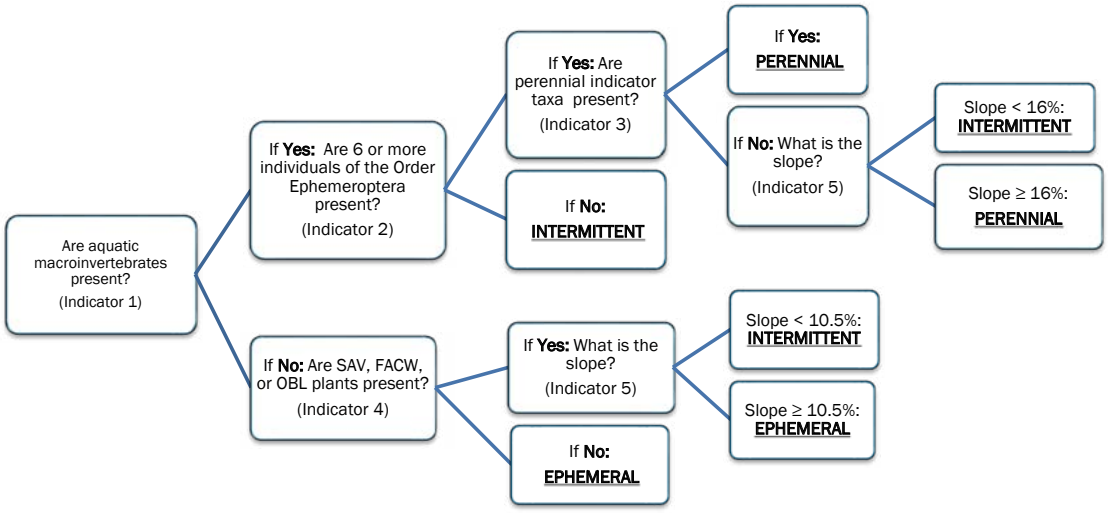
Observed Macroinvertebrates:

Taxon	Indicator Status	Ephemer-optera?	# of Individuals
none			

Indicators

1. Are aquatic macroinvertebrates present?	☐ Yes	☑ No
2. Are 6 or more individuals of the Order Ephemeroptera present?	☐ Yes	☑ No
3. Are perennial indicator taxa present? (refer to Table 1)	☐ Yes	☑ No
4. Are FACW, OBL, or SAV plants present? (Within ½ channel width)	☐ Yes	☐ No
5. What is the slope? (In percent, measured for the valley, not the stream)	20-30% %	

Conclusions



Single Indicators:

☐ Fish

☐ Amphibians

Finding:

☑ Ephemeral

☐ Intermittent

☐ Perennial

Notes: (explanation of any single indicator conclusions, description of disturbances or modifications that may interfere with indicators, etc.)

Difficult Situation:

Describe situation. For disturbed streams, note extent, type, and history of disturbance.

☐ Prolonged Abnormal Rainfall / Snowpack

- ☐ Below Average
- ☐ Above Average

☐ Natural or Anthropogenic Disturbance

☐ Other: _____

Additional Notes: (sketch of site, description of photos, comments on hydrological observations, etc.) Attach additional sheets as necessary.

Ancillary Information:

☐ Riparian Corridor

☐ Erosion and Deposition

☐ Floodplain Connectivity

Observed Amphibians, Snake, and Fish:

Taxa	Life History Stage	Location Observed	Number of Individuals Observed

PD-2 PUBLIC COMMENTS

December 30, 2022

Ben Gardner
Assistant Planner
City of West Linn
22500 Salamo Rd
West Linn, OR 97068

Subject: Request to deny land use application File No. WAP-22-02

Dear Ben Gardner,

This letter outlines my request to deny the Subject application based on both the intent and technical requirements specified in Community Development Code (CDC) Chapters 32, 34 and 99.

I live within 250 ft of the subject property and have lived at this location for 32 years. I am reasonably qualified to comment on this application based on several factors, including: 1) I have over 30 years experience as a registered professional geologist in Oregon (OR) and Washington (WA), and a professional hydrogeologist in WA (OR retired this year); 2) I was a technical member of the City's Water Resource Committee that wrote our new Water Resource Area (WRA) regulations codified in CDC Chapter 32; and, 3) I served nearly four years on the West Linn Planning Commission (2012-2015), and was Mayor of our City for six years (2015-2020).

The City and Applicant have muddled or misled our neighborhood about the specific purpose and planned use(s) underlying the proposed building application. When we first heard about our neighbors' plans we were informed they desired a small accessory dwelling unit (ADU) type structure to facilitate their retirement planning. However, the City's application summary states: "The applicant is requesting approval of the WRA Protection application in order to increase the buildable area for a future development." So, what is the actual development plan that the City is attempting to approve here?

It wasn't until I happened to look at the details of the application on file this week that myself and others realized the intent of the application is to build a second 4,000 sq ft home on the already challenged existing property. Given our neighborhood character, current zoning and WRA setbacks and other development standards, and the significant constraints of the steep ravined property, this is simply a non-conforming, outrageous and unacceptable building plan.

In terms of size alone, the City's new ADU code (CDC Chapter 34) specifies that ADU's shall be limited in size from 250-1,000 sq ft, so this clearly cannot be a plan to build an ADU which exceeds the limit by 3,000 sq ft! Does the City not realize that even the large home currently on this property, and many other homes in the vicinity within our drainages could not be built today under our WRA regulations based on setbacks and other requirements established since their construction? So, is the City trying to somehow support a partition/replating of this property in the future by some obtuse reasoning/approach to stuff an oversized house in an undevelopable/unstable and protected riparian ravine along our Robin Creek?

For the record, I am not opposed to building ADUs on existing properties in West Linn where it makes sense and where our CDC reasonably allows it. This is very plain and simply not an application for an

ADU, but a flawed approach to attempt to subdivide a property in our neighborhood to build a very large (4,000 sq ft) home on steep and unstable slopes entirely within the Robin Creek ravine in violation or direct conflict with our WRA regulations, and other zoning/planning requirements, and very much in violation of the intent of Chapter 32.

For the record, the WRA report (by Schott & Associates) supporting the application also contains some misleading statements about the quality/value of the riparian corridor and does not adequately address/reconcile aspects of Chapter 32 regarding environmental impacts/complications of building on steep unstable slopes and meeting setback requirements and accounting for other uses and constraints, for example as outlined in Table 32-1 and associated WRA chapter figures. Also, while the uppermost portion of Robin Creek can be characterized as ephemeral in nature, it contains water from baseflow discharge beyond actual rain events and, therefore, is somewhat mischaracterized and thus oversimplified in its valuations and interpretations relied on in the report. This is especially egregious when you consider the significant development proposed within the steep ravine – a 4,000 sq ft house and approximately 3,500 ft of driveway area within 15-20 ft of the creek and along a 150 ft reach of the creek - and the many environmental, geologic and geotechnical factors, hazards, and constraints associated with the proposed development.

With sufficient time and resources, a more rigorous detailing of the inadequacies of the proposal could be made/prepared. However, the application does not meet code and is sufficiently flawed in scope and clarity of purpose alone, and should be denied outright. Should the City proceed with this flawed plan, it will be appealed and brought to the attention of the Planning Commission and City Council, if necessary.

Respectfully,

Russell B. Axelrod
19648 Wildwood Drive
West Linn, OR 97068
(503) 312-8464

December 28, 2022

1810 Wildwood Place
West Linn, OR 97068

Ben Gardner
City Hall
22500 Salamo Rd.
West Linn, OR 97068

RE: WRA Application for 19679 Wildwood Drive

Hello Ben:

Thank you for reaching out for comments on this WRA application. We live across the street from 19679 Wildwood Drive. We have very serious concerns about this application because the main reason for its submittal is to split the lot at 19679 Wildwood Drive and build a second house on the lot.

We moved into our neighborhood in 1991 because of the beautiful forested hills and larger lots in the neighborhood. It was our understanding that each lot was designed for one house. Splitting the lot across the street from us into two small lots and destroying part of the forest is not what we expected would happen.

Our concerns are as follows:

1. The lot is very close to the main drainage area for the hill. For months, the city of West Linn worked on that drainage area to ensure its safety and reliability. Having another house right next to it, in our opinion, may affect the drainage adversely.
2. We watched the current house being built and remember the difficulty they had in finding the right placement for the house due to the hillside and the stream running under the house. They had to excavate much farther into the hill than expected in order to finally build the house. The proposed new house would most likely require significant excavation into the hill which may damage the hill and/or drainage area.
3. The precedent of allowing a lot like this to be split may open up possibilities for other property owners to do this. In our opinion, this would make our neighborhood more crowded and less attractive to prospective buyers in the future.

We ask that you positively consider our concerns when deciding on approving the WRA application and disapprove the WRA application. If this application is approved, we will take our concerns to the city planning commission for further discussion.

Sincerely,

W. E. Boerger
Eileen Boerger

Walter and Eileen Boerger

January 2, 2023

Ben Gardner Assistant Planner City of West Linn
22500 Salamo Rd
West Linn, OR 97068 Subject:

Request to deny land use application File No. WAP-22-02

Dear Ben,

I was notified of the WRA application for 19679 Wildwood Drive as we are within proximity of the property. My concern and reason for supporting the denial of this application is that included in the application is the plan for a 4000 sq ft single family residence. When reviewing the CDC 32-030 a new structure of this size appears to be a No on table 32-1. Further on Figure 32-1, again a 4000 sq ft structure does not appear to meet the requirement for an exemption.

This property is on a steep slope. There is limited space for an additional structure and the plan also shows a driveway abutting the WRA which would have its own run off concerns. This statement was in the 8/18/2022 staff summary notes:

Questions/Comments: 1. Will the access driveway be required to be constructed inside the flag lot "pole" if using the traditional Minor Partition process? No, sharing the existing driveway for access will still be allowed.

A portion of the driveway would be shared, and a new driveway is part of the proposal. Again, in my reading of the CDC 32 this appears to be prohibited.

I remember when CDC 32 was approved and at the time thought it was a smart and responsible move of the city to protect our streams and rivers. This application feels like the very reason this code was put in place – to protect our water resources.

Please consider these concerns as you review this application.

Thank you,

Joan Corella
19099 Kantara Ct

Gardner, Benjamin

From: Sabrina Fitterer <saffitt@gmail.com>
Sent: Tuesday, January 3, 2023 2:44 PM
To: Gardner, Benjamin
Subject: Request to deny land use application File No. WAP-22-02

Hello, we are neighbors on Wildwood Drive in West Linn who wish to add ourselves to the count of other neighbors who are opposed to the land use application stated above. Our feelings are the same as Russell Axelrod (a neighbor of ours) and the letter he has already submitted to the city.

Thank you for your time.

Kindly,
Andy & Sabrina Fitterer
19674 Wildwood Dr, West Linn

Gardner, Benjamin

From: Susan Hennessy <smh7450@comcast.net>
Sent: Tuesday, January 3, 2023 2:47 PM
To: Gardner, Benjamin
Subject: Objection to proposal to build 4K sq ft home at 19679 Wildwood

We are writing in response to your notice to those of us who reside within 500 ft of the above address. We have discussed this with neighbors. Notably, we are in full agreement with the lengthy letter and excellent analysis sent to you by Russ Axelrod. His qualifications are excellent to provide such an analysis. As he notes, we are not objecting to building a mother-in-law unit; however, building such a large structure is inconsistent with the neighborhood character.

We encourage you to deny the request to build the proposed structure at 19679 Wildwood Drive.

Sincerely,
Sue Hennessy
Marcus Wood
19656 Wildwood Drive, West Linn, OR. 97068

Sent from my iPad

Gardner, Benjamin

From: Phil Howell <phowell99@gmail.com>
Sent: Tuesday, January 3, 2023 3:01 PM
To: Gardner, Benjamin
Subject: Planning Decision WAP-22-02
Attachments: Denial letter for File WAP-22-02_Axelrod_Dec 2022.pdf

Gentlemen,

We are residents of 19666 Wildwood Drive, West Linn, OR. We have received the letter regarding planned development for 19679 Wildwood Drive sent by the city.

We wish to state that we oppose the planned development and fully agree with the comment letter submitted to the city by Russell Axelrod. Copy attached.

Thank you for your consideration,

Philip and Deborah Howell

Gardner, Benjamin

From: Beryl Ikeda <berylikeda@comcast.net>
Sent: Saturday, December 31, 2022 3:11 AM
To: Gardner, Benjamin
Subject: 19679 Wildwood Drive

Sir:

I am in complete agreement with my knowledgeable and eloquent neighbors regarding the adu proposal at 19679 Wildwood Drive. Further, I would like to add that this is a neighbor who does not maintain the grounds of his property, which becomes a perennial eyesore during the spring and summer months. He is a homeowner who has little regard for the character of our neighborhood of well-kept homes and this proposal, if allowed, would extend the aesthetic abomination that assaults us annually.

Thank you,
Beryl Ikeda
19710 Wildwood Drive

Robert and Deborah Kross
1805 Wildwood Place
West Linn OR 97068

Ben Gardner, Assistant Planner
City of West Linn
City Hall
22500 Salamo Road
West Linn OR 97068

December 30, 2022

Dear Sir,

This letter refers to the pending request to increase the buildable area at 19679 Wildwood Drive, file no WAP-22-02. We would like to express our concerns about this expansion stemming from three issues. This first is parking and driving in the area. Wildwood is an extremely hilly and curvy road that can be difficult to transverse. The area that this house occupies is even more difficult than the majority of Wildwood as it contains a tight radius turn and has a heavily wooded area on one side. Often cars are parked on the street making driving thru these curves tricky. Adding more people, cars, and parking to this area will only serve to make a more difficult area even more dangerous.

Our second concern is population density and home value. The lot in discussion is not overly large and contain a severe slope. Adding another home to this area will need to be 'squeezed' into a lot not intended for two homes and will inevitably impact property values as it will be required to be smaller and not of the same stature of its neighboring homes.

The final and most critical issue, as we see it, is the environmental concern. The property in question borders the protected watershed. Adding any structure to this area has the likelihood of damaging this delicate and valuable natural resource.

Thank you for the consideration,

Robert and Deborah Kross

Gardner, Benjamin

From: Ráchaél Lenzini <rachael.lenzini@gmail.com>
Sent: Tuesday, January 3, 2023 2:53 PM
To: Gardner, Benjamin
Subject: Wildwood land use opposition

To whom it may concern,

I live at 19663 Wildwood Dr, West Linn, OR 97068 and the lot in question is directly connected to the bottom of the property line. Once this was put into perspective for me, I agree that it is not a good idea and I agree with the comments and letter sent from Russ Axelrod to oppose the development.

Thank you,

Rachael Lenzini
503-753-9479

Gardner, Benjamin

From: Keith & Linda Lovett <keith.linda.lovett@gmail.com>
Sent: Monday, December 19, 2022 8:46 PM
To: Gardner, Benjamin
Subject: Re: WAP-22-02 - 19679 Wildwood Dr Project

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your prompt response and assistance with this matter. I appreciate the job you and our City people manage.

The property in question has been an eye sore since the current owner took possession. The landscape has never been managed. The shrubs have never been trimmed. The entire property is a mess with blackberry vines growing along the sidewalk. I cannot believe it will improve with the completion of the proposed building. Rather, the owner will rent the current house with no interest in its maintenance and the current unsightly mess will grow. The neighbors who have invested significant sums in their property and who work hard to maintain them deserve more from the city than approval of this application. The city should require the current homeowner to maintain his property so that it doesn't reflect a cancer on the neighborhood.

I am unalterably opposed to the requested partition and addition of more dwellngs on this property.

\Keith W Lovett
19750 Wildwood Drive
West Linn Or
97068

On Mon, Dec 19, 2022 at 1:56 PM Gardner, Benjamin <BGardner@westlinnoregon.gov> wrote:

> Good afternoon,
>
> Per our recent phone conversation, see the following link to the land use page for this project:
>
> https://westlinnoregon.gov/planning/19679-wildwood-drive-water-resource-area-protection-permit
>
> If the link doesn't work, let me know and I can try something else.

December 28, 2022

1815 Wildwood Place
West Linn, Oregon 97068

B. Gardner
City Hall
22500 Salamo Road
West Linn, OR 97068

RE: WRA Application for 19679 Wildwood Drive

Dear Sir:

Thank you for requesting comments regarding this WRA application by our neighbor. We live almost directly across the street from 19679 Wildwood Drive. We are very concerned about this request as it seems to violate many of the rules that were discussed with us when we bought our home back in 1998.

The request is to subdivide a lot into two parcels. We were told subdividing lots was forbidden for obvious reasons. If everyone were allowed to do this it would put far too much pressure on the infrastructure of our small, heavily sloped neighborhood: water pressure issues, the traffic, cars parked on the street, sewer, internet, water supply, drainage, garbage, school population, etc.

Further, in or around 2008, hearings were held at West Linn City Hall (by Clackamas County) regarding rules for building near a creek or stream. The rule which was proposed and passed was that no structure can be built within fifty feet of the outer edge of a creek bed. Fern Creek, for instance, runs through our property at the bottom of a small valley. The slope from the creek to the top of the small valley makes up about half of our nearly one-acre property. The ruling says that we cannot build any structure closer than fifty feet from the top of that slope. All of the existing structures (and approved plans for structures) were grandfathered.

We believe that the proposed structure on 19679 Wildwood Place will be much too close to the creek itself. We were told during those hearings at City Hall that building closer than fifty feet from a creek bed would subject the fragile creeks and waterways to too much environmental damage.

The environmental damage created by putting two (or three or four) homes on individual lots in the Wildwood neighborhood would be catastrophic. Tree removal alone would destroy the look and feel of the neighborhood as well as destroying the habitat of deer, squirrels, coyote, birds, and many others.

We greatly appreciate you taking into account our thoughts and concerns as well as the history of our neighborhood when considering this application. Please keep us abreast of the status of this application and any other opportunities to voice our concerns.

We strongly oppose this application.

Sincerely,

Robert and Deanette Marvin

To: the Planning Manager deciding the WRA application for 19679 Wildwood Drive in West Linn.

From: David Merl owner and residing at 19711 Wildwood Drive West Linn

I am writing to express my concerns about the application submitted.

This application was a surprise to me because I had not realized that with the R-10 zoning we could just subdivide our lots and build a second home doubling the density of the neighborhood. Let alone by a stream.

This situation cannot be looked at in isolation of just this lot because it sets a precedent for our neighborhood. Which lots would be able to do this? What would be the impact to the environment, infrastructure and the quality of the community and wildlife if more properties did this?

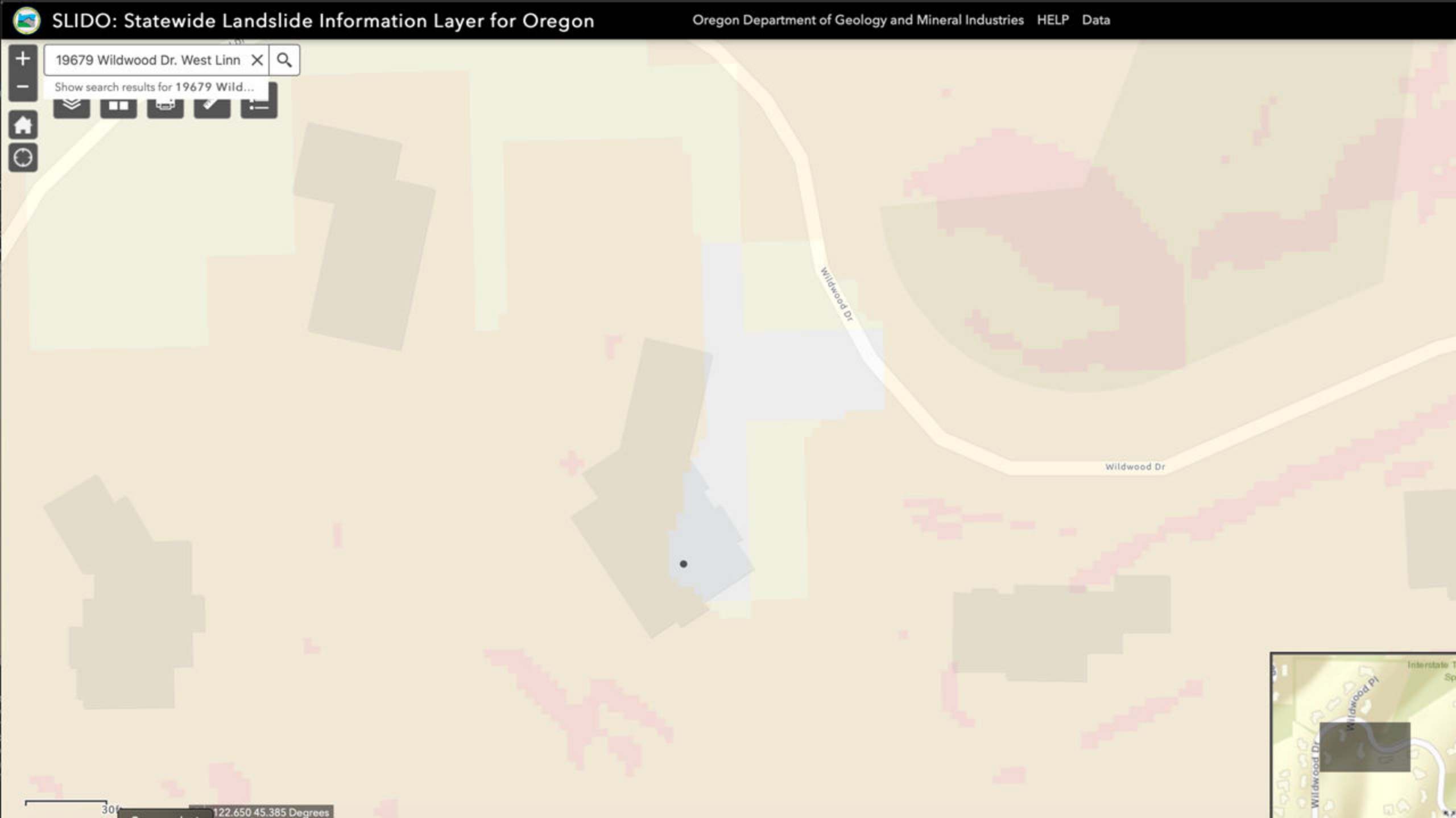
Looking at CDC 32.030 (Prohibited Uses) Table 32-1 I do not see the exact situation for this application but I find some parts interesting and related.

1. New House principal structure is not permitted except by hardship CDC 32.100. Geotechnical study may reduce the WRA width. I do not believe this is a hardship situation.
2. New accessory structure under 120 sq. ft. and 10 ft. tall is permitted only if a minimum of 50' from the water resource. The application clearly shows the new structure (which would be much larger than this) would be 15' away from the water at its closest point. Why would it be less strict for this application?

Redefinition of the part of the stream on the applicant property as ephemeral would set a precedent for the same consideration of other parts of the stream. My concern is the downgrading of water resources bit by bit would be bad for the community in the longer term. It also seems wrong to consider doing this with the changing climate causing more extreme conditions.

Driving by the subject property it is hard to imagine a second house being built there because the steep hill side behind the existing home and the uneven ground. It would seem to require some significant excavation and grading to add a second house. This is not apparent from the submitted documents. I think it is worth noting this with respect to the disturbed area for construction. I frequently see deer on our property that come from and retreat to that natural area. It's apparent they're using that area for cover.

The applicant property is also located in a moderate landslide risk area with some high risk areas on that steep hill per SLIDO data:


SLIDO: Statewide Landslide Information Layer for Oregon
Oregon Department of Geology and Mineral Industries
HELP
Data
19679 Wildwood Dr. West Linn
Show search results for 19679 Wild...
Wildwood Dr
Wildwood Dr
Wildwood Pl
Wildwood Dr
122.650 45.385 Degrees

Again, this must be considered not just in terms of the one property now but the the fact it would be precedent for the potential of all eligible properties to subsequently add to the impact. Once the long standing wet land designation is changed you cannot go back. It was a designation to protect and balance this hillside environment for people and nature. The people who have chosen to live here bought their property, many long ago, with assurance that that commitment would be honored and respected. This is not some uninteresting flatland but a beautiful natural hill area with trees and natural flora that is the habitat of deer and other animals. The consequences of destroying that environment must fully be addressed which the examination of one lot does not. The destruction of trees and animal habitats is counter to what is needed in our time. The effective paving over of much of our hill with future track homes, permanently ending any balance between community and nature, is what is on the table.

I also would like to point out to the planning team that notifying people of this and giving two weeks to respond when those two weeks include Christmas and New Years has the appearance of purposely suppressing a public response.

Thank you for considering my comments on this matter.

David Merl
19711 Wildwood Dr.

Gardner, Benjamin

From: Judith Roberts <jdyroberts@aol.com>
Sent: Tuesday, January 3, 2023 3:53 PM
To: Gardner, Benjamin
Subject: Request to deny land use application File NO0. WAP-22-02

Dear Ben Garner:

I must add my concern regarding the property on Wildwood Drive and the application for use. I too live very close to the property. I have no problem with adding an ADU to the property, but an ADU does not require 4000 sq. feet.
Please reconsider this request.

Thank you,
Judith E. Roberts
19636 Wildwood Drive.
West Linn, OR 97068

Gardner, Benjamin

From: Tony Uzuegbunam <fred.don1@gmail.com>
Sent: Tuesday, January 3, 2023 2:57 PM
To: Gardner, Benjamin
Subject: Wildwood Land Use Opposition

To whom it may concern,

I am the owner of the property located at 19663 Wildwood Dr, West Linn, OR 97068 and reside in the home as well. The lot in question is directly connected to the bottom of my property line and will negatively impact not only my view but also my children's hiking trails, amongst the other environmental issues Russ Axelrod has brought up.

I agree that it is not a good idea and I agree with the comments and letter sent from Russ Axelrod to oppose the development.

Thank you and please let me know if you have any questions.

Tony Uzuegbunam
503-753-9479

PD-3 COMPLETENESS LETTER

October 31, 2022

Alex Kalmanson
19679 Wildwood Dr.
West Linn, OR 97068

SUBJECT: Water Resource Area Protection Application for 19679 Wildwood Dr (WAP-22-02)

Alex Kalmanson:

Your application submitted on October 6th, 2022 has been deemed **complete**. The city has 120 days to exhaust all local review; that period ends February 28th, 2023.

Please be aware that 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 Director to render a decision on your proposal.

A 20-day public notice will be prepared and mailed. This notice will identify the earliest potential decision date by the Planning Director.

Please contact me at 503-742-6057, or by email at bgardner@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Ben Gardner
Assistant Planner

PD-4 AFFADAVIT AND NOTICE PACKET

CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. WAP-22-02

The West Linn Planning Manager is considering a Water Resource Area (WRA) Protection application for 19679 Wildwood Dr in West Linn. The applicant is requesting approval of the WRA Protection application in order to increase the buildable area for a future development.

The Planning Manager will decide the application based on criteria in Chapters 32 and 99 of the Community Development Code (CDC). The CDC approval criteria are available for review on the City website http://www.westlinnoregon.gov/cdc or at City Hall and the City Library.

The application is posted on the City's website, https://westlinnoregon.gov/planning/19679-wildwood-drive-water-resource-area-protection-permit. The application, all documents or evidence relied upon by the applicant and applicable criteria are available for inspection at City Hall at no cost. Copies may be obtained at reasonable cost.

A public hearing will not be held for this decision. **Anyone wishing to submit comments for consideration must submit all material before 4:00 p.m. on Tuesday, January 3, 2023 to bgardner@westlinnoregon.gov or mail them to City Hall. All comments must be received by the deadline.**

It is important to submit all testimony in response to this notice. All comments submitted for consideration of this appeal should relate specifically to the applicable criteria. Failure to raise an issue in a hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Oregon Land Use Board of Appeals based on that issue (CDC Section 99.090).

The final decision will be posted on the website and available at City Hall. Persons with party status may appeal the decision by submitting an appeal application to the Planning Department within 14 days of mailing the notice of the final decision pursuant to CDC 99.240.

For additional information, please contact Ben Gardner, Assistant Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, 503-6058 for additional information.

AFFIDAVIT OF NOTICE
PLANNING MANAGER DECISION

We, the undersigned, certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

PROJECT
File No.: **WAP-22-02** Applicant's Name: Alex Kalmanson
Development Name: **19679 Wildwood Dr Water Resource Area Application**
Scheduled Decision Date: **Planning Manager Decision no earlier than 1/3/22**

APPLICATION
The application was posted on the website at least 20 days before the decision. All documents or evidence relied upon by the applicant, and applicable criteria are available for review at least 20 days before the decision at City Hall, per Section 99.040 of the Community Development Code.

12/13/22	*Lynn Schroder*

MAILED NOTICE
Notice of Upcoming Planning Manager Decision was mailed at least 20 days before the decision, per Section 99.080 of the CDC to:

Alex Kalmanson, applicant	**12/13/22**	*Lynn Schroder*
Property owners within 500ft of the site perimeter	**12/13/22**	*Lynn Schroder*
Hidden Springs Neighborhood Association	**12/13/22**	*Lynn Schroder*
Army Corps of Engineers	**12/13/22**	*Lynn Schroder*
Department of State Lands	**12/13/22**	*Lynn Schroder*

WEBSITE
Notice was posted on the City's website at least 20 days before the decision.

12/13/22	*Lynn Schroder*

TIDINGS – N/A PER CDC 99.080(A)(2)(a)
Notice was posted in the West Linn Tidings at least 10 days before the decision, per Section 99.080 of the CDC.

N/A	**N/A**

SIGN
A sign was posted on the property at least 10 days before the decision, per Section 99.080 of the CDC.

12/13/22	*Ben Gardner*

FINAL DECISION
Notice of Final Decision was mailed to the applicant, all parties with standing, and posted on the City's website, per Section 99.040 of the CDC.

1/17/23	*Lynn Schroder*

WAP-22-02 Properties within 500 feet of 19679 Wildwood Drive

CITY OF West Linn

COMMUNITY DEVELOPMENT

NOTICE OF UPCOMING
PLANNING MANAGER DECISION

PROJECT # WAP-22-02
MAIL: 12/13/22 TIDINGS: N/A

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets and land use application notice, and to address the concerns of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.