



**STAFF REPORT  
PLANNING DIRECTOR DECISION**

DATE: October 18, 2013  
FILE NO.: WAP-13-06  
REQUEST: Water Resource Area (WRA) permit for single-family detached house on a lot of record at 2343 Taylor Drive.  
PLANNER: Tom Soppe, Associate Planner

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## GENERAL INFORMATION

<b>APPLICANT:</b>	Shannon McDonald Pahlisch Homes 12725 SW 66 <sup>th</sup> Ave., Ste. 101 Tigard, OR 97223
<b>SITE LOCATION:</b>	2343 Taylor Dr.
<b>LEGAL DESCRIPTION:</b>	Clackamas County Assessor's Map 2-1E-35BD, Tax Lot 4600
<b>SITE SIZE:</b>	9,951 square feet.
<b>ZONING:</b>	R-7, Single-Family Residential Detached and Attached
<b>COMP PLAN DESIGNATION:</b>	Low Density Residential
<b>APPROVAL CRITERIA:</b>	Community Development Code (CDC) Chapter 12, R-7, Single-Family Residential Detached and Attached; and Chapter 32 Water Resource Area (WRA) Protection.
<b>120-DAY PERIOD:</b>	This application was deemed complete on September 19, 2013. The 120-day maximum application-processing period ends on January 18, 2014.
<b>PUBLIC NOTICE:</b>	Public notice was mailed to the Willamette Neighborhood Association, the Army Corps of Engineers, the Department of State Lands, and affected property owners on September 24, 2013. The property and the nearest through street were posted with signs on October 3, 2013. In addition, the application has been posted on the City's website and was published in the West Linn Tidings on October 3, 2013. The notice requirements have been met.

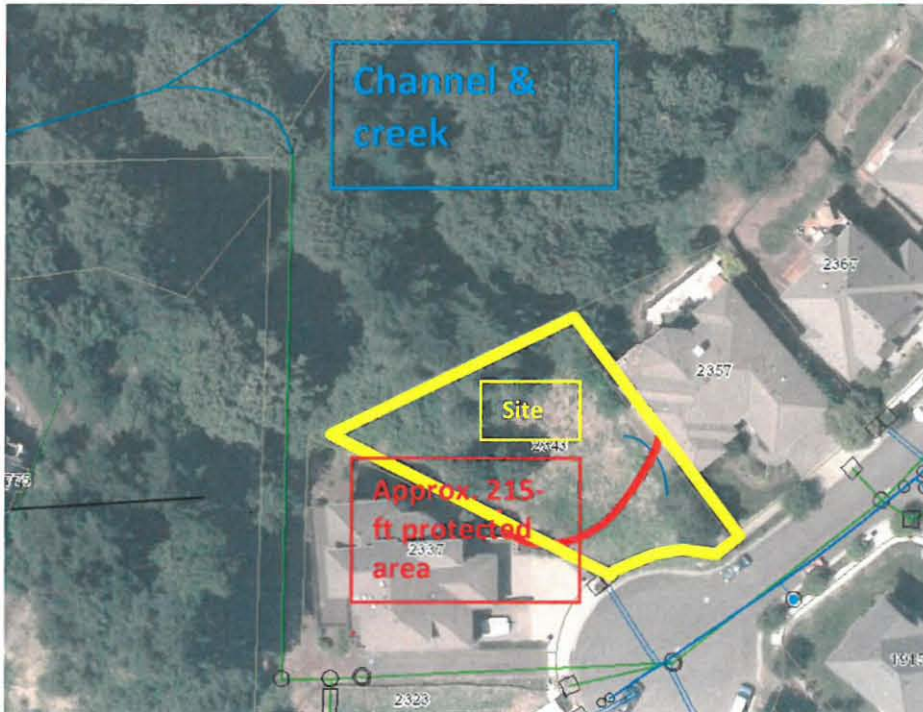
## BACKGROUND

The subject site is an existing vacant lot in the Tanner Crest subdivision. This subdivision was platted in 1995, before current WRA setbacks were established in 2007. It is one of the last lots in the subdivision to develop, and now the majority of the lot happens to overlap with what is now designated as a significant riparian corridor setback for the drainageway downhill to the north. This resulted in the need to request WRA approval to build a house on this lot of record.



**Site Conditions:** The lot fronts to the north side of the cul-de-sac at the end of Taylor Drive. It is trapezoidal in shape as it is approximately 57 feet wide along the cul-de-sac and 121.55 feet wide at the rear. It is approximately 120 feet deep. The lot slopes steeply down from Taylor Drive towards the open space, which then slopes all the way to the creek. As also can be seen on the site plan, the very front of the lot is not as steep, and most of the lot consists of 25% or higher slopes. The creek northwest of the lot in the Tanner Open Space is designated a significant riparian corridor. An open channel also spills into it just north of the site.

### Site Aerial View



Source: West Linn GIS, 2013

(See Analysis section below for why 215 feet is the designated range of the protected area.)

**Project Description:** The applicant requests approval under the hardship provision of Chapter 32 for a detached, single-family house and associated yard, raingarden, attached garage, driveway, and front sidewalk on this lot of record. The proposed development is partially within the protected WRA associated with the creek and storm channel to the northwest off site. The proposed footprint for the two-story house and attached garage is approximately 65 by 45 feet, and it is proposed up against the 20-foot front setback and the 7.5-foot side setbacks. The small yard area in the rear would contain the raingarden and much of the on-site areas proposed to accommodate underground pipe connecting the raingarden to the City storm main. Approximately 7,600 square feet of the site is in the protected area for the water resources. Approximately 4,400 square feet of protected area on site are proposed for disturbance. This counts the applicant's figure of 4,118 square feet for of disturbance area plus the up-to-10-foot wide area for installation of the proposed stormwater pipe behind the edge of the yard area, the rear yard area, and the area surrounding the



stormwater pipe proposed to exit the site to the northwest. Mitigation is proposed in a City park, and revegetation is proposed for areas to be disturbed but not developed with hardscape, yard, or raingarden.

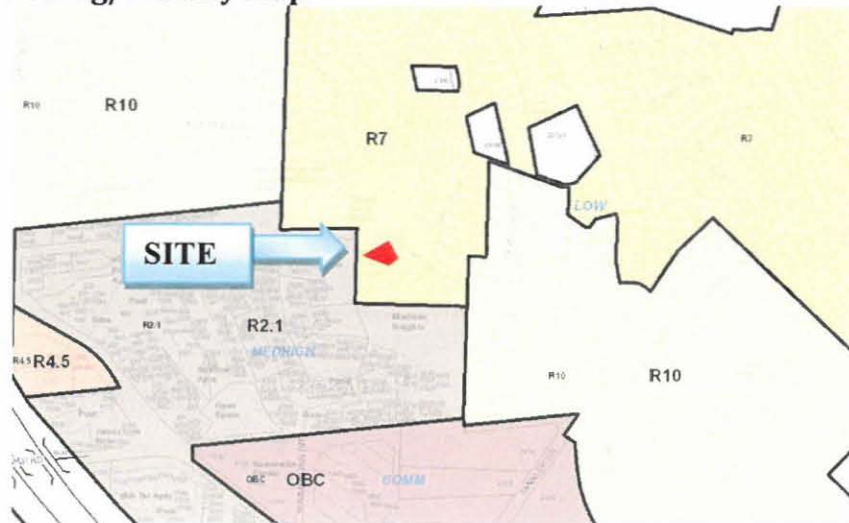
**Surrounding Land Use and Zoning:** The site is situated in the northern uphill section of the Willamette neighborhood. Close to the site are mostly single-family residential areas, but with a variety of open space, multi-family, and commercial areas just downhill.

**Table 1** Surrounding Land Use and Zoning

DIRECTION FROM SITE	LAND USE	ZONING
North	Tanner Open Space, North Willamette Park, Single-family residential detached and attached	R-7, R-10, unincorporated
East	Single-family residential detached and Bland Reservoir	R-7, R-10, unincorporated
South	Single-family residential detached, condominiums, townhouses, multi-family, retail, office buildings, vacant commercial land, and Oak Savanna Park	R-7, R-2.1, GC, MU, OBC
West	Single-family residential detached, condominiums, multi-family, assisted living facility, and North Willamette Park	R-4.5, R-7, R-2.1, R-10

Source: West Linn GIS, 2013

**Zoning/Vicinity Map**



Source: West Linn GIS, 2013

**Approval Criteria**

As previously noted, the applicant requests a WRA permit to build a single-family house on a lot of record in the R-7 zone. The applicant requests approval of a hardship under Section 32.090 since a significant portion of the lot lies within the water resource transition area.

Therefore the applicable approval criteria include:



- Chapter 32, Water Resource Area Protection: approval criteria, mitigation, revegetation, and hardship provisions are found in sections 32.050, 32.070, 32.080, and 32.090 respectively; and
- Chapter 12, R-7 zoning district.

## Analysis

The creek northwest of the lot in the Tanner Open Space is designated a significant riparian corridor. An open channel also spills into it just north of the site. See the applicant's Site Plan, Sheet 1, on Page 58 of Exhibit PC-3. Per Table 32-1 under Section 32.050(E) in the CDC, when a significant riparian corridor or other channel is bordered by 25% or higher grades with no top of a ravine within 150 feet, the protected area is 200 feet from the water plus a 15-foot structural setback. Measuring from the channel that enters the creek between the creek and the house within the corridor, the 215-foot-wide area encompasses a sizable majority of the site as can be seen on the Site Plan. The approximate location of the 215-foot line.

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

The application proposes that the raingarden drain via a proposed underground pipe to the City stormwater main just west of the site. This is a utility facility connection in a protected area connecting to an existing utility facility, so Subsection 32.050(F)(1) requires the disturbed area for this be no more than 10 feet wide. Therefore Condition of Approval 4(A) is recommended as this requires the disturbance area for installation (outside the disturbance area already proposed for the rear yard) to be a maximum of 10 feet wide both on-site and in the publicly-owned tract where this will connect to the main. Section 32.070(F) requires that areas disturbed for installation of underground utilities (on-site and off) be included in the revegetation plan and that their square footage is to be included in the one-for-one mitigation plan. Recommended Conditions of Approval 4(B) and 4(C) require this respectively.

The applicant proposes several new understory trees, any two of which can count as "replacement trees" per Section 32.080(D) for the two understory trees in the proposed building footprint. To meet the criteria regarding the proper spacing of trees in a revegetation plan per Section 32.080(D), Condition of Approval 5 is recommended as it requires two of these trees to be placed 8-12 feet from each other.

Subsection 32.070(B)(4) requires a map of where mitigation activities will occur. As required by Section 32.070(C)(2) these are proposed off-site as the subject lot has no on-site mitigation opportunities. The applicant's map proposes the require mitigation in Fields Bridge Park, which is where the Parks and Recreation Department originally thought would be best for the mitigation for this development. Now, however, Parks has determined that North Willamette Park is best instead, and environmentally this is appropriate since it is nearby and along the same creek system as the proposed development. Therefore Condition of Approval 3A is recommended to require the mitigation be in a protected area of North Willamette Park instead. Subsection 32.070(B)(6) requires assurances that mitigation be successfully completed. Condition of Approval 3(B) is recommended as it achieves this,



allowing the granting of final occupancy for the house to only occur after mitigation is completed.

Subsection 32.080(F) requires the applicant to document plant survival for three consecutive years after it is completed and submit this documentation to the City. Therefore staff recommends Condition of Approval 6 as well, which requires the applicant to do this and to correct for any problems that could keep the plantings below the 80% required survival rate.

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

**Public comments:**

No public comments have been received to date.

## **RECOMMENDATION**

Staff recommends approval of application WAP-13-06 subject to the following conditions:

1. Site Plan. With the exception of modifications required by these conditions, the project shall conform to Sheet 1 Site Plan dated June 25, 2013, located on Page 58 of Exhibit PC-3.
2. Conservation Easement and Signage. A conservation easement shall be recorded that applies to all areas north of where the applicant has proposed the easement boundary on Sheet 1 Site Plan. The easement shall include the City's standard conservation easement language for water resource area conservation easements (available from the Planning Department) which prohibits further development and protects native vegetation. The edge of the conservation easement on all sides shall be marked with the City's standard permanent markers at 30-foot to 50-foot intervals and at all boundary direction changes.
3. Mitigation Location and Completion.
  - A) Mitigation equal to the square footage of disturbance on site and nearby on the public tract (for the stormwater pipe installation) shall take place at North Willamette Park within a water resource area specified by the Parks and Recreation Department.
  - B) All mitigation shall be complete by the approval of final occupancy for the house.
4. Stormwater Pipe.
  - A) The disturbance area for the proposed installation of the proposed stormwater pipe connecting the proposed raingarden with the City stormwater line off site shall be a maximum of 10 feet wide outside the proposed rear yard area.



- B) The revegetation plan shall be resubmitted to include the stormwater pipe installation disturbance area outside the proposed rear yard area, both on site and in the affected publicly owned tract.
- C) The square footage of the stormwater pipe installation disturbance area (outside the proposed rear yard area, both on site and in the affected publicly owned tract) shall be added to the proposed amount of square footage to be mitigated for in North Willamette Park. Therefore to calculate the mitigation area size, the on- and off-site disturbance areas for installing the stormwater pipe outside the proposed rear yard area shall be added to the applicant's 4,118 square foot calculation from Page 34 of Exhibit PC-3.

5. Replacement Tree Location. Two of the proposed new understory trees shall be planted 8-12 feet from each other on center.
6. Documentation of Revegetation Survival. The applicant shall provide assurance documenting that 80 percent survival of the plants has been achieved after three years, and shall provide a report to the City Arborist on the status of the revegetation plan at the end of the three-year period. Any problems revealed in the documentation shall be restored to achieve the 80% survival rate on site by the applicant.

I declare to have no interest in the outcome of this decision due to some past or present involvement with the applicant, the subject property, or surrounding properties, and therefore, can render an impartial decision. The provisions of the CDC Chapter 99 have been met.

  
 JOHN SONNEN, Planning Director

October 18, 2013  
 DATE

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of mailing date. Cost is \$400. The appeal must be filed by an individual who has established standing by submitting comments prior to or on October 18, 2013.

Mailed this 18<sup>th</sup> day of October, 2013.

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

Nov. 1, 2013.

**Notes to Applicant.**

- Expiration of Approval. This approval shall expire three years from the effective date of this decision.

- Additional Permits Required. Your project may require the following additional permits:
  - Public improvement permit: contact Engineering at (503) 723-5501 or [prich@westlinnoregon.gov](mailto:prich@westlinnoregon.gov)
  - Public works permit: contact Engineering at (503) 723-5501 or [prich@westlinnoregon.gov](mailto:prich@westlinnoregon.gov)
  - Building permit, the final permit after others are completed and conditions of approval are fulfilled. Contact the Building Division at (503) 656-4211, [jnomie@westlinnoregon.gov](mailto:jnomie@westlinnoregon.gov).
- Final inspection: Call the Building Division's Inspection Line at (503) 722-5509.





# ADDENDUM

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

### I. Chapter 32 Water Resource Area Protection

#### Water Resource Area Hardship Provisions

##### 32.090 REDUCTION IN STANDARDS FOR HARDSHIP

(...)

- B. Lots located partially inside the water resource area. A reduction to avoid the loss of all economically viable use of a vacant lot recorded with the County Assessor's Office on or before the effective date of the ordinance codified in this chapter that is partially inside the water resource area is permitted. Development on such lots shall not disturb more than 5,000 square feet of the water resource area, including access roads and driveways, subject to the erosion and sediment control standards of Chapter 31 CDC. Applicants must demonstrate the following:

**Staff Response 1:** Staff finds that approximately 2,350 square feet of the 9,951-square-foot lot is outside the WRA transition area and the associated setback (this counts areas that are unbuildable due to front and side zoning setbacks). Staff also finds that the lot was recorded in 1995 as Lot 9 of the Tanner Crest plat. It was therefore a lot of record before the 2007 recording date of the ordinance that established the language of the above criteria. Therefore, staff determines that the lot meets the definition of a "lot located partially inside the water resource area."

1. Without the proposed reduction, the applicant would be denied economically viable use of the subject property. To meet this criterion, the applicant must show that no other application could result in permission for an economically viable use of the subject property. Evidence to meet this criterion shall include a list of uses allowed on the subject property.
2. The proposed intrusion is the minimum necessary to allow economically viable use of the subject property.

**Staff Response 2:** As there are over 7,000 square feet of the lot in the transition area rear structural setback, approximately 2,350 square feet are outside the protected area at the south end of the lot. The required minimum front setback is 20 feet. The minimum side yard setback is 7.5 feet. Once this required front yard area and the required side yard areas outside the protected area are excluded, this 2,350 square feet of potential development area is reduced to 838 square feet for house and garage. A reduction in required distance from the



water resource via these hardship provisions is therefore necessary for minimum economic viability of the lot, with mitigation and vegetation balancing the effects of the reduced setback standards. The following is excerpted from CDC Chapter 12 regarding allowed uses in the R-7 zone:

### **12.030 PERMITTED USES**

The following uses are permitted outright in this zone.

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

### **12.040 ACCESSORY USES**

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

### **12.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS**

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

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Signs, subject to the provisions of Chapter 52 CDC.
3. Temporary uses, subject to the provisions of Chapter 35 CDC.
4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
5. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock, other than normal household pets, shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock.
6. Manufactured home subject to the provisions of CDC 36.020, Manufactured Homes Standards.
7. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

### **12.060 CONDITIONAL USES**

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

1. Children's day care center.
2. Cultural exhibits and library services.
3. Lodge, fraternal, community center and civic assembly.
4. Public safety facilities.
5. Public support facilities.
6. Recycle collection center.
7. Religious institution.
8. Schools.
9. Senior center.



10. Utilities, major.
11. Transportation facilities (Type II). See CDC 60.090 for additional approval criteria.

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

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

**Staff Response 3:** The applicant states on Page 47 of Exhibit PD-3 (in response to 32.050[J]): “All disturbed soil that remains exposed for more than the maximum allowed by CDC 31.070B-C during construction shall be treated with an erosion control cover (i.e., plastic, seeding or mulching), following grading or construction, until soils are revegetated or otherwise stabilized. During construction, runoff from the development site shall be controlled, and runoff and sediment resulting therefrom shall be retained on site. A stabilized pad of gravel shall be laid and maintained at all entrances and exits to any development site from which vehicular traffic may track soil or debris onto the public right-of-way. Topsoil removed for development shall be stockpiled and reused to the degree necessary to restore disturbed areas to their original or enhanced condition, or to assure a minimum of six inches of stable topsoil for revegetation. Additional soil shall be provided if necessary, to support revegetation. Soil shall be stockpiled outside of tree dripline, so as not to affect existing tree health. The owner shall be responsible for the prompt cleanup of all sediments that are carried onto any public or private streets, or onto adjacent property. See erosion control plan.” Staff adopts the applicant’s finding. Staff determines that all provisions of Chapter 31 will be met.

- C. If a reduction in standards is granted pursuant to criteria of subsection B of this section, the reduction shall be subject to the following conditions:

1. The minimum width of the water resource area’s transition and setback area shall be 15 feet on each side of a wetland or drainage course.

(...)

**Staff Response 4:** The applicant proposes a reduction in standards pursuant to criteria of Subsection (B). The proposed development is over 100 feet from either channel. Staff determines that the criterion is met.

## 32.050 Approval Criteria

A. Proposed development submittals shall identify all water resource areas on the project site. The most currently adopted Surface Water Management Plan shall be used as the basis for



determining existence of drainageways. The exact location of drainageways identified in the Surface Water Management Plan, and drainageway classification (e.g., open channel vs. enclosed storm drains), may have to be verified in the field by the City Engineer. The Local Wetlands Inventory shall be used as the basis for determining existence of wetlands. The exact location of wetlands identified in the Local Wetlands Inventory on the subject property shall be verified in a wetlands delineation analysis prepared for the applicant by a certified wetlands specialist. The Riparian Corridor Inventory shall be used as the basis for determining existence of riparian corridors.

**Staff Response 5:** Staff finds that the only water resources on or near the site, the channel and the creek northwest of the site, are identified on the Site Plan, Sheet 1, Page 58 of Exhibit PD-3. Staff determines the criterion is met.

B. Proposed developments shall be so designed as to maintain the existing natural drainageways and utilize them as the primary method of stormwater conveyance through the project site unless the most recently adopted West Linn Surface Water Management Plan calls for alternate configurations (culverts, piping, etc.). Proposed development shall, particularly in the case of subdivisions, facilitate reasonable access to the drainageway for maintenance purposes.

**Staff Response 6:** There will be no changes to the channels. Drainage from the proposed development would go to a proposed raingarden. The raingarden is proposed to connect via underground pipe to an existing City stormwater main that empties into the channel downhill. There will be no interbasin transfer. Staff determines that the criterion is met.

C. Development shall be conducted in a manner that will minimize adverse impact on water resource areas. Alternatives which avoid all adverse environmental impacts associated with the proposed action shall be considered first. For unavoidable adverse environmental impacts, alternatives that reduce or minimize these impacts shall be selected. If any portion of the water quality resource area is proposed to be permanently disturbed, the applicant shall prepare a mitigation plan as specified in CDC 32.070 designed to restore disturbed areas, either existing prior to development or disturbed as a result of the development project, to a healthy natural state.

**Staff Response 7:** The applicant is proposing a house hugging the south end of the lot, furthest from the water resources. The applicant has submitted a mitigation plan that restores disturbed areas. This is required to be of the right amount to achieve one-per-one mitigation as of the recalculation required to including the stormwater facilities in Condition of Approval 4(C).; see Staff Response 10. Staff determines the criterion is met upon the inclusion of Condition of Approval 4(C).

D. Water resource areas shall be protected from development or encroachment by dedicating the land title deed to the City for public open space purposes if either: (1) a finding can be made that the dedication is roughly proportional to the impact of the development; or (2) the applicant chooses to dedicate these areas. Otherwise, these areas shall be preserved through a protective easement. Protective or conservation easements are not preferred because water resource areas protected by easements have been shown to be harder to manage and, thus,



more susceptible to disturbance and damage. Required 15-foot-wide structural setback areas do not require preservation by easement or dedication.

**Staff Response 8:** As this is a single residential lot of approximately 9,951 square feet, dedication of land to the City in a separate tract would not be proportional to the scope of development proposed or the lot size. Therefore a conservation easement is required as discussed in this criterion. The applicant proposes a conservation easement. Recommended Condition of Approval 2 requires the City’s standard conservation easement language for water resource conservation areas. Staff finds that the criterion is met upon the inclusion of Condition of Approval 2.

E. The protected water resource area shall include the drainage channel, creek, wetlands, and the required setback and transition area. The setback and transition area shall be determined using the following table:

(...)

**Table 32-1. Required Widths of Setback and Transition Area**

Protected Water Feature Type (See Chapter 02 CDC, Definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Setback and Transition Area on Each Side of the Water Feature
Wetland, Major Drainageway, Minor Drainageway	≥ 25% for more than 30 feet, and no distinct top of ravine for at least 150 feet	<ul style="list-style-type: none"> <li>• Edge of bankful flow or 2-year storm level</li> <li>• Delineated edge of wetland</li> </ul>	200 feet, plus structural setback
Riparian Corridor	any	<ul style="list-style-type: none"> <li>• Edge of bankful flow or 2-year storm level</li> </ul>	100 feet or the setback required under major and minor drainageway provisions, whichever is greater, plus structural setback

(...)

**Staff Response 9:** The creek and the daylighted storm channel that confluences with it are north of the. All areas along the creek and the channel areas where there are 25% or greater slopes and no distinct top of ravine for at least 150 feet. Therefore per Table 32.1 the standard transition area is 200 feet, plus a 15-foot structural setback provided in Section 32.050(L) since the channel is opposite the rear of the proposed structure (see Staff Response 15 below regarding the structural setback). The total water resource protection/setback area is therefore 215 feet from the edge of the channel. The applicant proposes development within this area, so the applicant has applied for the WRA approval under the hardship provisions of Section 32.090 as discussed above.

F. Roads, driveways, utilities, or passive use recreation facilities may be built in and across water resource areas when no other practical alternative exists. Construction shall minimize impacts. Construction to the minimum dimensional standards for roads is required. Full mitigation and revegetation is required, with the applicant to submit a mitigation plan

pursuant to CDC 32.070 and a revegetation plan pursuant to CDC 32.080. The maximum disturbance width for utility corridors is as follows:

1. For utility facility connections to utility facilities, no greater than 10 feet wide.

(...)

3. For new underground utility facilities, no greater than 25 feet wide, and disturbance of no more than 200 linear feet of water quality resource area, or 20 percent of the total linear feet of water quality resource area, whichever is greater.

**Staff Response 10:** The applicant does propose a 12-inch underground pipe from the proposed raingarden in the northeast area of the lot to the nearby City storm drainage line west of the lot. This arguably could be categorized under either (1) or (3) above. As (1) is stricter, this should be applied. As installation of the pipe counts as both temporary disturbance to be revegetated and permanent disturbance to be mitigated for, the area disturbed to install the pipe should be included in the revegetation plan and the equivalent amount of square footage should be added to the mitigation plan. Condition of Approval 4 requires these two modifications to the application, and requires that the disturbance area be a maximum of 10 feet wide. Staff determines the criteria are met upon the inclusion of Condition of Approval 4.

G. Prior to construction, the water resource area shall be protected with an anchored chain link fence (or approved equivalent) at its perimeter and shall remain undisturbed except as specifically allowed by an approved water resource area permit. Such fencing shall be maintained until construction is complete. The water resource area shall be identified with City-approved permanent markers at all boundary direction changes and at 30- to 50-foot intervals that clearly delineate the extent of the protected area.

(...)

**Staff Response 11:** The applicant proposes to abide by the standards of this section, as indicated in the applicant's finding on Page 47 of Exhibit PD-3. Condition of Approval 2 establishes where the conservation easement will be applied and requires that the markers provided for in this section are placed along the boundary. Staff finds that the criterion is met upon the inclusion of Condition of Approval 2.

I. Sound engineering principles regarding downstream impacts, soil stabilization, erosion control, and adequacy of improvements to accommodate the intended drainage through the drainage basin shall be used. Storm drainage shall not be diverted from its natural watercourse. Inter-basin transfers of storm drainage shall not be permitted.

**Staff Response 12:** As seen in their response to Section 32.050(J) on Page 47 of Exhibit PD-3, the applicant plans to comply with Chapter 31 Erosion Control. There will be no construction in the channel, no inter-basin transfer, and no diversion from the natural watercourse for storm drainage on site. Water from all proposed impervious surfaces will be treated in the raingarden which will eventually drain to the creek behind the lot. Staff determines the criterion is met.



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

**Staff Response 13:** As seen in their response to Section 32.050(J) on Page 47 of Exhibit PD-3, the applicant plans to comply with Chapter 31. Staff determines the criterion is met.

K. Vegetative improvements to areas within the water resource area may be required if the site is found to be in an unhealthy or disturbed state, or if portions of the site within the water resource area are disturbed during the development process. "Unhealthy or disturbed" includes those sites that have a combination of native trees, shrubs, and groundcover on less than 80 percent of the water resource area and less than 50 percent tree canopy coverage in the water resource area. Vegetative improvements will be documented by submitting a revegetation plan meeting CDC 32.080 criteria that will result in the water resource area having a combination of native trees, shrubs, and groundcover on more than 80 percent of its area, and more than 50 percent tree canopy coverage in its area. Where any existing vegetation is proposed to be permanently removed, or the original land contours disturbed, a mitigation plan meeting CDC 32.070 criteria shall also be submitted. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Upon approval of the mitigation plan, the applicant is responsible for implementing the plan during the next available planting season.

**Staff Response 14:** Blackberries cover the ground of the whole site, and over 50% of the protected area to be preserved consists of tree canopy. The applicant proposes 63 groundcover plants to replace blackberries to be removed. This will result in the existing protected area achieving over 80% native plant coverage. The applicant proposes two replacement trees to replace the two trees in the proposed building footprint. Disturbed areas also include those to be permanently developed with hardscape, yard, and raingarden; these are to be mitigated for in the right amount per Condition of Approval 4(C). All areas to be disturbed but not developed with above-ground improvements are proposed for revegetation and/or conditioned to be revegetated per Condition of Approval 4(B). See staff responses 21 and 26 for a discussion of these conditions. The applicant proposes to comply with Chapter 31 Erosion Control. Staff determines the criterion is met upon the inclusion of Condition of Approval 4.

L. Structural setback area. Where a structural setback area is specifically required, development projects shall keep all foundation walls and footings at least 15 feet from the edge of the water resource area transition and setback area if this area is located in the front or rear yard of the lot, and seven and one-half feet from the edge of the water resource area transition and setback area if this area is located in the side yard of the lot. Structural elements may not be built on or cantilever over the setback area. Roof overhangs of up to three feet are permitted in the setback. Decks are permitted within the structural setback area.

**Staff Response 15:** The applicant proposes development within both of these setbacks due to the amount of the lot within this combined area. Therefore the applicant has applied for Water Resource Area approval under the hardship provisions of 32.090, as discussed above in this staff report.



M. Stormwater treatment facilities may only encroach a maximum of 25 feet into the outside boundary of the water resource area; and the area of encroachment must be replaced by adding an equal area to the water quality resource area on the subject property. Facilities that infiltrate stormwater on site, including the associated piping, may be placed at any point within the water resource area outside of the actual drainage course so long as the forest canopy and the areas within 10 feet of the driplines of significant trees are not disturbed. Only native vegetation may be planted in these facilities. (...)

**Staff Response 16:** The only stormwater facility proposed on site is a raingarden to treat all proposed impervious development. The stormwater treatment facility, along with the associated piping connecting it to the nearby storm drainage line, has to be placed in the protected water resource area as this is the only area of the site downhill from the proposed development area. Therefore this criterion cannot be met and is covered under the criteria modifications allowed under the hardship provisions of 32.090. The hardship provisions are covered under staff responses 1-4 above. The facility is not proposed in the drainage course.

(...)

#### A. 32.070 MITIGATION PLAN

A mitigation plan shall be required if any portion of the water resource area is proposed to be permanently disturbed by development.

A. All mitigation plans must contain an alternatives analysis demonstrating that:

1. No practicable alternatives to the requested development exist that will not disturb the water resource area; and

**Staff Response 17:** This is a residentially-zoned 9,951 square foot lot of record. Upon excluding protected area per this chapter and Chapter 12 zoning setbacks, 838 square feet of developable area are allowed. The applicant has submitted a plan for a single-family detached house with limited yard area, hugging the front of the lot as best as possible on this somewhat "pie-shaped" lot. Staff finds that the criterion is met.

2. Development in the water resource area has been limited to the area necessary to allow for the proposed use; and

**Staff Response 18:** The applicant has designed the house to fill the south area of the pie-shaped lot, furthest from the water resources. Little extra usable yard area is proposed on this steep lot. Staff determines the applicant has limited development to the area necessary for a new house and minimal yard.

3. An explanation of the rationale behind choosing the alternative selected, including how adverse impacts to the water resource area will be avoided and/or minimized.

**Staff Response 19:** This is a residentially-zoned 9,951 square foot lot of record. Upon excluding protected area per this chapter and zoning setbacks, 838 square feet of developable





area are allowed. The applicant has submitted a plan for a single-family detached house with limited yard area, hugging the front of the lot as best as possible on this lot that is more narrow in the front. Staff finds that the criterion is met.

B. A mitigation plan shall contain the following information:

1. A description of adverse impacts that will be caused as a result of development.

**Staff Response 20:** The proposed single-family house, yard area, garage, sidewalk, raingarden, and underground stormwater pipe comprise the adverse impacts to the protected area.

2. An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, the revegetation provisions of CDC 32.050(K).

**Staff Response 21:** The applicant proposes a revegetation plan, and recommended Condition of Approval 4(B) ensures that this plan includes all disturbed areas that are not to be permanently developed with yard, hardscape, and raingarden (including the area where the stormwater pipe is proposed underground). Staff responses 28-32 cover each criteria of Section 32.080 Revegetation Plan, and Staff Response 14 addresses Section 32.050(K). Staff determines the criterion is met upon the inclusion of Condition of Approval 4B, Condition of Approval 5 which is discussed under Staff Response 30, and Condition of Approval 6 which is discussed under Staff Response 32.

3. A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site.

**Staff Response 22:** The applicant provides this information on Page 50 of Exhibit PD-3. The criterion is met.

4. A map showing where the specific mitigation activities will occur.

**Staff Response 23:** The applicant has included a map of Fields Bridge Park where the Parks Department has been doing mitigation in a water resource area. However, the Parks and Recreation Department prefers mitigation for this site occur in North Willamette Park. Environmentally this is actually more appropriate since this is part of the same creek corridor as the site, and is just 2-3 blocks away from the site. Condition of Approval 3(A) requires mitigation to occur at North Willamette Park in a location specified by the Parks and Recreation Department. Staff finds the criterion is met upon the inclusion of Condition of Approval 3(A).

5. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting, and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife water work periods.



**Staff Response 24:** There will be no work in fish-bearing streams. As the mitigation work is being done on City property the Parks and Recreation Department will complete it, and a contingency plan is not needed. That being said, the mitigation area required for this project is tied to the completion of this project as no language in Chapter 32 specifically allows for the City to “bank” the eventual mitigation into the future. Therefore staff recommends Condition of Approval 3B which requires that the proposed mitigation be completed before the Building Division can grant final occupancy for the house. Staff finds and determines that the criterion is met upon the inclusion of Condition of Approval 3B.

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

(...)

**Staff Response 25:** As the work is being done by the City and is tied to the final occupancy per proposed Condition of Approval 3B, the City will ensure it is successful. Staff finds and determines that the criterion is met upon the inclusion of Condition of Approval 3(B).

C. Mitigation of any water resource areas that are not wetlands that are permanently disturbed shall be accomplished by creation of a mitigation area equal in size to the area being disturbed. Mitigation areas may be land that is either:

1. On site, not within the water resource area, and is characterized by existing vegetation that does not meet the standard set forth in CDC 32.050(K); or
2. Off site, and is characterized by existing vegetation that does not meet the standard set forth in CDC 32.050(K).

The applicant shall prepare and implement a revegetation plan for the mitigation area pursuant to CDC 32.080, and which shall result in the area meeting the standards set forth in CDC 32.050(K). Adequacy of off-site mitigation areas on City property must be consistent with and meet approval of the City Department of Parks and Recreation. Any off-site mitigation occurring on privately owned land shall be protected with a conservation easement.

(...)

**Staff Response 26:** There is not mitigation room on this small lot outside the transition area, as the area of this lot outside the transition and setback will be used for the rest of the proposed house, the driveway, and the front yard. The applicant is therefore compliant by proposing all mitigation off-site. The Parks and Recreation Department has concluded that North Willamette Park will be the best location for the off-site mitigation. Environmentally this is most appropriate since it is nearby the site and part of the same creek’s protected area. Condition of Approval 3(A) requires the mitigation occur in North Willamette Park. Condition of Approval 4(C) requires that the applicant include the area to be developed for the raingarden and associated stormwater pipe, as these are disturbed areas not included in the applicant’s proposed mitigation square footage. Staff finds the criteria are met upon the inclusion of these two conditions.



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

**Staff Response 27:** Staff finds and determines that a mitigation area easement is not required, as the mitigation will occur in a City park.

## **B. 32.080 REVEGETATION PLAN REQUIREMENTS**

Metro's Native Plant List is incorporated by reference as a part of this chapter, and all plants used in revegetation plans shall be plants found on the Metro Native Plant List. Performance standards for planting upland, riparian and wetland plants include the following:

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

**Staff Response 28:** The applicant proposes to fulfill this criterion in conjunction with a future owner as stated in their response to this criterion on Page 52 of Exhibit PC-3. Staff determines that the criterion is met.

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

**Staff Response 29:** The applicant proposes to remove the non-native blackberries that dominate the site and to replace them with native groundcover as shown on the Revegetation Plan on Page 36 of Exhibit PC-3. Staff finds and determines that the criterion is met.

C. Replacement trees must be at least one-half inch in caliper, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round) unless they are oak or madrone, which may be one-gallon size. Shrubs must be in at least a one-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.

D. Trees shall be planted between eight and 12 feet on center and shrubs shall be planted between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted between eight and 10 feet on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing requirements.

**Staff Response 30:** For both of these criteria the applicant states, "The development will abide by this standard. See revegetation plan." The Revegetation Plan on Page 36 of Exhibit PC-3 is compatible with these standards except that none of the six trees to be planted are within 8-12 feet of each other or other trees. Two of them have to be so they can count as "replacement trees" for the two understory trees proposed to be removed on the Site Plan for the house footprint. Condition of Approval 5 requires two of these to be placed 8-12 feet from



each other, fulfilling this requirement. Staff finds that the criteria are met upon the inclusion of Condition of Approval 5.

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

**Staff Response 31:** Fewer than 10 trees are proposed or required, so they do not need to be more than one species. As seen on the Revegetation Plan on Page 36 of Exhibit PD-3, four types of shrubs are proposed. Staff finds and determines that the criterion is met.

F. The responsible party shall provide an appropriate level of assurance documenting that 80 percent survival of the plants has been achieved after three years, and shall provide annual reports to the Planning Director on the status of the revegetation plan during the three-year period.

**Staff Response 32:** This is a new house which may be sold to a buyer long before a three-year period has passed. The applicant would still be required, as the party responsible for the revegetation, to document and report on this information annually for three years. Recommended Condition of Approval 6 requires the applicant to find a way to achieve this and provide this documentation to the City Arborist, and to correct the problems if the 80% survival rate is not achieved. Staff finds the criterion is met upon the inclusion of Condition of Approval 6.

### III. ZONING CRITERIA

#### A. *Chapter 12, SINGLE-FAMILY RESIDENTIAL DETACHED AND ATTACHED, R-7*

##### 12.030 PERMITTED USES

The following are uses permitted outright in this zoning district:

1. Single-family detached residential unit.

**Staff Response 33:** Staff finds and determines that the proposed use is a single-family detached residential unit and is therefore permitted in this zone.

##### 12.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

A. The minimum lot size shall be:

1. For a single-family detached unit, 7,000 square feet.
2. For each attached single-family unit, 5,500 square feet. No yard shall be required between the units.



B. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.

C. The average minimum lot width shall be 50 feet.

D. The lot depth comprising non-Type I and II lands shall be less than two and one-half times the width and more than an average depth of 90 feet. (See diagram below.)

**Staff Response 34:** The lot has 9,951 square feet. It has a front lot line length of approximately 62 feet and an average lot width of approximately 89 feet. It has an average depth of approximately 117 feet. Staff determines these criteria are met.

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

1. For the front yard, 20 feet, except for steeply sloped lots where the provisions of CDC 41.010 shall apply.

2. For an interior side yard, seven and one-half feet.

(...)

4. For a rear yard, 20 feet.

(...)

G. The maximum lot coverage shall be 35 percent.

(...)

**Staff Response 35:** The proposed house footprint meets all of the above setback dimensions. The proposed house has a footprint of 2,479 square feet which on this 9,951 square foot lot results in lot coverage of 24.9%. Staff determines that the criteria are met.

## **12.090 OTHER APPLICABLE DEVELOPMENT STANDARDS**

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

(...)

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

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

(...)

**Staff Response 36:** As a single-family detached house, the proposed project is required by these chapters to have one at least one off-street parking space and a driveway that is a

minimum of 20 feet long (to the street pavement) and 10 feet wide. Staff determines from the site plan that the criteria are met.



# AFFIDAVIT OF NOTICE

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

## GENERAL

File No. WAP-13-06 Applicant's Name Pahlisch Homes / Shaaron McDonald  
Development Name \_\_\_\_\_  
Scheduled Meeting/Decision Date 10-18-13

**NOTICE:** Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

## TYPE A

- A. The applicant (date) 9-24-13 (signed) S. Skoyev
- B. Affected property owners (date) 9-24-13 (signed) S. Skoyev
- C. School District/ Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- D. Other affected gov't. agencies (date) 9-24-13 (signed) S. Skoyev
- E. Affected neighborhood assns. (date) 9-24-13 W.U. AU (signed) S. Skoyev
- F. All parties to an appeal or review (date) \_\_\_\_\_ (signed) \_\_\_\_\_

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

Tidings (published date) 10-3-13 (signed) S. Skoyev  
City's website (posted date) 9-24-13 (signed) S. Skoyev

## SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) 10-3-13 (signed) 

**NOTICE:** Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

## TYPE B

- A. The applicant (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- B. Affected property owners (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- C. School District/ Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- D. Other affected gov't. agencies (date) \_\_\_\_\_ (signed) \_\_\_\_\_
- E. Affected neighborhood assns. (date) \_\_\_\_\_ (signed) \_\_\_\_\_

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.

Date: \_\_\_\_\_ (signed) \_\_\_\_\_

**STAFF REPORT** mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) \_\_\_\_\_ (signed) \_\_\_\_\_

**FINAL DECISION** notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) 10-18-13 (signed) S. Skoyev

**CITY OF WEST LINN  
PLANNING DIRECTOR DECISION  
FILE NO. WAP-13-06**

The West Linn Planning Director is considering a request for a Water Resource Area approval to build a single-family house on an existing lot of record at 2343 Taylor Drive.

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

You have received this notice because County records indicate that you own property within 500 feet of this property (Tax Lot 4600 of Clackamas County Assessor's Map 2-1E-35BD) or as otherwise required by the CDC.

All relevant materials in the above noted file are available for inspection at no cost at City Hall, and on the city web site at <http://westlinnoregon.gov/planning/2343-taylor-drive-new-home-construction-water-resource-area> or copies may be obtained for a minimal charge per page. Although there is no public hearing, your comments and ideas are invited and can definitely influence the final decision of the Planning Director. Planning staff looks forward to discussing the application with you. **The final decision is expected to be made on, and no earlier than, October 18, 2013**, so please contact us prior to that date. For further information, please contact Tom Soppe, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 742-8660, [tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov).

Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. Failure to raise an issue in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes the raising of the issue at a subsequent time on appeal or before the Land Use Board of Appeals.

SHAUNA SHROYER  
Planning Administrative Assistant



Legend

Parks

City Property Inventory

Buildings and Structures



Scale 1:2,400 - 1 in = 200 ft  
Scale is based on 8-1/2 x 11 paper size



Map created by: sshroyer  
Date Created: 19-Aug-13 02:06 PM

**WEST LINN GIS**

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Source: West Linn GIS (Geographic Information System) MapOptix.

ALHARITHI RIAD & BADIA JABBOUR  
2314 FALCON DR  
WEST LINN, OR 97068

AYACH FADI H  
6650 SUMMERLINN WAY  
WEST LINN, OR 97068

BANK OF CASCADES  
1070 NW BOND ST STE 202  
BEND, OR 97701

BARGER WILLIAM R & TANA M  
6060 SUMMERLINN WAY  
WEST LINN, OR 97068

BECK JOAN T  
6595 SUMMERLINN WAY  
WEST LINN, OR 97068

BECKER DAVID M & KATHRYN J  
PO BOX 924  
MANZANITA, OR 97130

BOWEN ROY E & KRISTIE J  
PO BOX 3280  
SUNRIVER, OR 97707

BROWN DAVE E & MEHRNOOSH  
2373 TAYLOR DR  
WEST LINN, OR 97068

BUCKINGHAM SHELLEY M  
6400 SUMMERLINN WAY UNIT 68  
WEST LINN, OR 97068

CAIRNS MARY C  
6800 SUMMERLINN WAY  
WEST LINN, OR 97068

CARLISLE SHELLY N  
3260 SUMMERLINN DR  
WEST LINN, OR 97068

CHAN ALLAN S & ELLEN Y P  
2185 ALPINE DR  
WEST LINN, OR 97068

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

COLMONE WENDI  
3460 SUMMERLINN DR  
WEST LINN, OR 97068

CRAINE DENIS  
3440 SUMMERLINN DR  
WEST LINN, OR 97068

CROMWELL CLARIN M  
6850 SUMMERLINN WAY  
WEST LINN, OR 97068

DAUBE RONALD E & MARIE A  
6090 SUMMERLINN WAY  
WEST LINN, OR 97068

DAVIDSON MARC R & ELIZABETH S  
ALLEN  
2088 ALPINE DR  
WEST LINN, OR 97068

DAVIS EARL R  
6460 SUMMERLINN WAY  
WEST LINN, OR 97068

DELBENE JEANNINE M & GLENN F  
2098 ALPINE DR  
WEST LINN, OR 97068

DOANE SAMUEL & SARAH  
3200 SUMMERLINN DR  
WEST LINN, OR 97068

DUNFORD DARIN WAYNE TRUSTEE  
2008 W SKINNER DR  
PHOENIX, AZ 85085

ELISCHER CAROL A  
3400 SUMMERLINN DR UNIT 12  
WEST LINN, OR 97068

ESTEY CAROL SUE  
6690 SUMMERLINN WAY  
WEST LINN, OR 97068

ETHEREDGE SCOTT ROBERT TRUSTEE  
1945 TAYLOR CT  
WEST LINN, OR 97068

EVANS LOLA M  
6600 SUMMERLINN WAY  
WEST LINN, OR 97068

FONTANA DANYELE P  
3430 SUMMERLINN DR  
WEST LINN, OR 97068

FORRESTER JACKIE L & KAREN J  
2208 CARSON DR  
WEST LINN, OR 97068

GARCIA GREGORY P & JULIE S YU  
2397 TAYLOR DR  
WEST LINN, OR 97068

GIVENS MICHELLE M  
6735 SUMMERLINN WAY  
WEST LINN, OR 97068

GLAUNERT PAUL  
2350 FALCON DR  
WEST LINN, OR 97068

GOULD NORMAN E TRUSTEE  
6630 SUMMERLINN WAY  
WEST LINN, OR 97068

GULDE DEBRA L  
10550 W ALEXANDER RD UNIT 1189  
LAS VEGAS, NV 89129

HANSON LINDA L  
6505 SUMMERLINN WAY  
WEST LINN, OR 97068

HARDY WILLIAM L & LINDA  
10808 N FAIRWAY CT E #230  
SUN CITY, AZ 85351

HARLOW MARILYN A  
3240 SUMMERLINN DR  
WEST LINN, OR 97068

HARTLAUB CHARLES E  
5985 SW GLENBROOK RD  
BEAVERTON, OR 97007

HAVERSON CICILY T  
3220 SUMMERLINN DR  
WEST LINN, OR 97068

HEDBERG ANDREW N  
2374 TAYLOR DR  
WEST LINN, OR 97068

HEINONEN MARK  
2367 TAYLOR DR  
WEST LINN, OR 97068

HOOKE THOMAS A & PAULINE  
ZONNEVELD  
2209 MATTERHORN CT  
WEST LINN, OR 97068

HUNTER RICHARD L & JUDY A  
2337 TAYLOR DR  
WEST LINN, OR 97068

ILLIG PAUL A & RONDA R  
6395 SUMMERLINN WAY  
WEST LINN, OR 97068

JETTON JEFFREY  
16697 MAPLE CIR  
LAKE OSWEGO, OR 97034

JORGENSEN TERI P  
2262 ST MORITZ LOOP  
WEST LINN, OR 97068

JUENGER JOSH C & MELISSA L  
2308 FALCON DR  
WEST LINN, OR 97068

JUHR NORMA JEAN TRUSTEE  
2207 CARSON DR  
WEST LINN, OR 97068

KAREN NAOMI  
6375 SUMMERLINN WAY UNIT 65  
WEST LINN, OR 97068

KEENAN SUSAN P  
6490 SUMMERLINN WAY  
WEST LINN, OR 97068

KING LEONELL J TRUSTEE  
1930 TAYLOR CT  
WEST LINN, OR 97068

KITZBERGER ROBERT L  
1950 TAYLOR CT  
WEST LINN, OR 97068

KIVELA BARBARA A  
3250 SUMMERLINN DR  
WEST LINN, OR 97068

KLOPFENSTEIN DANA  
3450 SUMMERLINN DR  
WEST LINN, OR 97068

KUNZA THOMAS G & REBECCA HSIA  
3480 SUMMERLINN DR  
WEST LINN, OR 97068

LARSON JEANETTE R  
7008 SW 8TH AVE  
PORTLAND, OR 97219

LEE BRIAN C  
2383 TAYLOR DR  
WEST LINN, OR 97068

LEE HONGCHAE & SEUNGEUN CHOI  
2377 TAYLOR DR  
WEST LINN, OR 97068

LEYRER JANINE M & GLENN M  
6890 SUMMERLINN WAY UNIT 96  
WEST LINN, OR 97068

LINDQUIST LAYNE  
1818 HALL CT  
WEST LINN, OR 97068

LONG KENNETH J & GAIL M  
2090 ALPINE DR  
WEST LINN, OR 97068

MACK TIMOTHY J  
10749 SE TURNBERRY LOOP  
HAPPY VALLEY, OR 97086

MADISON HEIGHTS LLC  
12755 SW 69TH AVE STE 100  
PORTLAND, OR 97223

MADISON HEIGHTS LLC  
1965 EGAN WAY  
LAKE OSWEGO, OR 97034

MAGIONOS TAI A  
3270 SUMMERLINN DR  
WEST LINN, OR 97068

MCCARTHY MICHEAL & LISA  
6705 SUMMERLINN WAY  
WEST LINN, OR 97068

MCFARLANE ANNE  
6335 SUMMERLINN WAY  
WEST LINN, OR 97068

MCGUIRE JUDITH V  
6355 SUMMERLINN WAY  
WEST LINN, OR 97068

MCGUIRE KIM A CO-TRUSTEE  
1935 TAYLOR CT  
WEST LINN, OR 97068

MCKINNON SPENCER E  
5840 SUMMERLINN WAY  
WEST LINN, OR 97068

MOCHNAL MARY M  
4546 W LAQUINTA LN  
YUMA, AZ 85364

MOFFENBEIER LINDA P  
6795 SUMMERLINN WAY  
WEST LINN, OR 97068

MOORE ELIZABETH B  
5850 SUMMERLINN WAY  
WEST LINN, OR 97068

NANDOR GEORGE  
6230 SUMMERLINN WAY  
WEST LINN, OR 97068

NASON JANICE A & STEPHEN G  
2328 FALCON DR  
WEST LINN, OR 97068

NATHAN RAJ K  
1955 TAYLOR CT  
WEST LINN, OR 97068

NOPSON STEPHEN D & ROBERTA  
2393 TAYLOR DR  
WEST LINN, OR 97068

ORTH MATTHEW D & ELIZABETH D  
150 SE GINSENG DR  
ESTACADA, OR 97023

OVEREN GERALD & JOANN  
5800 SUMMERLINN WAY  
WEST LINN, OR 97068

OZ EQUITY PARTNERS LLC  
21660 SW 65TH AVE  
TUALATIN, OR 97062

PAHLISCH HOMES INC  
63088 NE 18TH ST #100  
BEND, OR 97701

PAINTER ALLEN L & DEBORAH A  
BERGGREN  
2357 TAYLOR DR  
WEST LINN, OR 97068

PARLAY LEASING & MANAGEMENT LLC  
19153 LOT WHITCOMB DR  
OREGON CITY, OR 97045

POJAS BRIAN F  
6640 SUMMERLINN WAY  
WEST LINN, OR 97068

PYLE ALISON  
17550 SE ROYER RD  
DAMASCUS, OR 97089

RADOVAN MICHAEL S  
246 W 1010 S  
LOGAN, UT 84321

RASER LAURIE J  
3210 SUMMERLINN DR  
WEST LINN, OR 97068

RENAISSANCE DEVL P CORP  
16771 BOONES FERRY RD  
LAKE OSWEGO, OR 97035

ROBINSON DAVID L  
2417 NE 125TH AVE  
VANCOUVER, WA 98684

ROBY LOIS M TRUSTEE  
6501 SUMMERLINN WAY UNIT 80  
WEST LINN, OR 97068

RUSHTON MICHELLE D  
3280 SUMMERLINN DR UNIT 10  
WEST LINN, OR 97068

SAMPSON JAMES H & ERICA L  
3290 SUMMERLINN DR  
WEST LINN, OR 97068

SKELLENGER CAROL M  
2227 MATTERHORN CT  
WEST LINN, OR 97068

SPELLECY DEBORAH L  
6440 SUMMERLINN WAY  
WEST LINN, OR 97068

SUMMERLINN CONDOMINIUM P-3 LLC  
440 COLUMBIA BLVD  
ST HELENS, OR 97051

SUMMERS STEVEN P  
2387 TAYLOR DR  
WEST LINN, OR 97068

SUMRALL ABNER C TRUSTEE  
1059 MEEK WAY  
WEST LINN, OR 97068

SWANSON MICHELLE V  
6050 SUMMERLINN WAY  
WEST LINN, OR 97068

TORRES SAMUEL E  
2394 TAYLOR DR  
WEST LINN, OR 97068

ULRICH SUSAN K & CURTIS J  
3230 SUMMERLINN DR  
WEST LINN, OR 97068

VELEY CHRISTOPHER W & ILI  
2211 CARSON DR  
WEST LINN, OR 97068

VIECELI GREGORY R & KATHERINE M  
622 TIMBER CREEK DR NW  
ISSAQUAH, WA 98027

WALLACE SCHUYLER T  
2086 ALPINE DR  
WEST LINN, OR 97068

WALSH LAWRENCE P  
5890 SUMMERLINN WAY  
WEST LINN, OR 97068

WEAVER LISA M  
5195 SUMMERLINN WAY  
WEST LINN, OR 97068

WELLMAN TERESA A & RONALD R  
6575 SUMMERLINN WAY  
WEST LINN, OR 97068

WENZINGER MICHAEL S & ANNETTE S  
1910 TAYLOR CT  
WEST LINN, OR 97068

WILCH RICHARD  
6030 SUMMERLINN WAY  
WEST LINN, OR 97068

WILSON GEORGE E & MARGARET M  
2318 FALCON DR  
WEST LINN, OR 97068

WINTERMANTEL STEVEN J  
3420 SUMMERLINN DR  
WEST LINN, OR 97068

WONG WAYNE  
2324 FALCON DR  
WEST LINN, OR 97068

WRAHTZ WALTER R  
6840 SUMMERLINN WAY  
WEST LINN, OR 97068

YOUNG TODD M  
1176 TROON RD  
LAKE OSWEGO, OR 97034

ZIMMERMAN ANGELA M TRUSTEE  
6301 SUMMERLINN WAY  
WEST LINN, OR 97068

ZIMMERMAN ROBERT R CO-TRUSTEE  
678 RIDGEMONT CIR  
ESCONDIDO, CA 92027

ZINCK STEVEN E  
1611 LESLIE LN  
LAKE OSWEGO, OR 97034

SHANNON MCDONALD  
PAHLISCH HOMES  
12725 SW 66<sup>TH</sup> AVE, STE 101  
TIGARD, OR 97223

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

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

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

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

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

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

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

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

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

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

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

JULIA SIMPSON  
WILLAMETTE NA PRESIDENT  
1671 KILLARNEY DR  
WEST LINN OR 97068

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

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

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

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

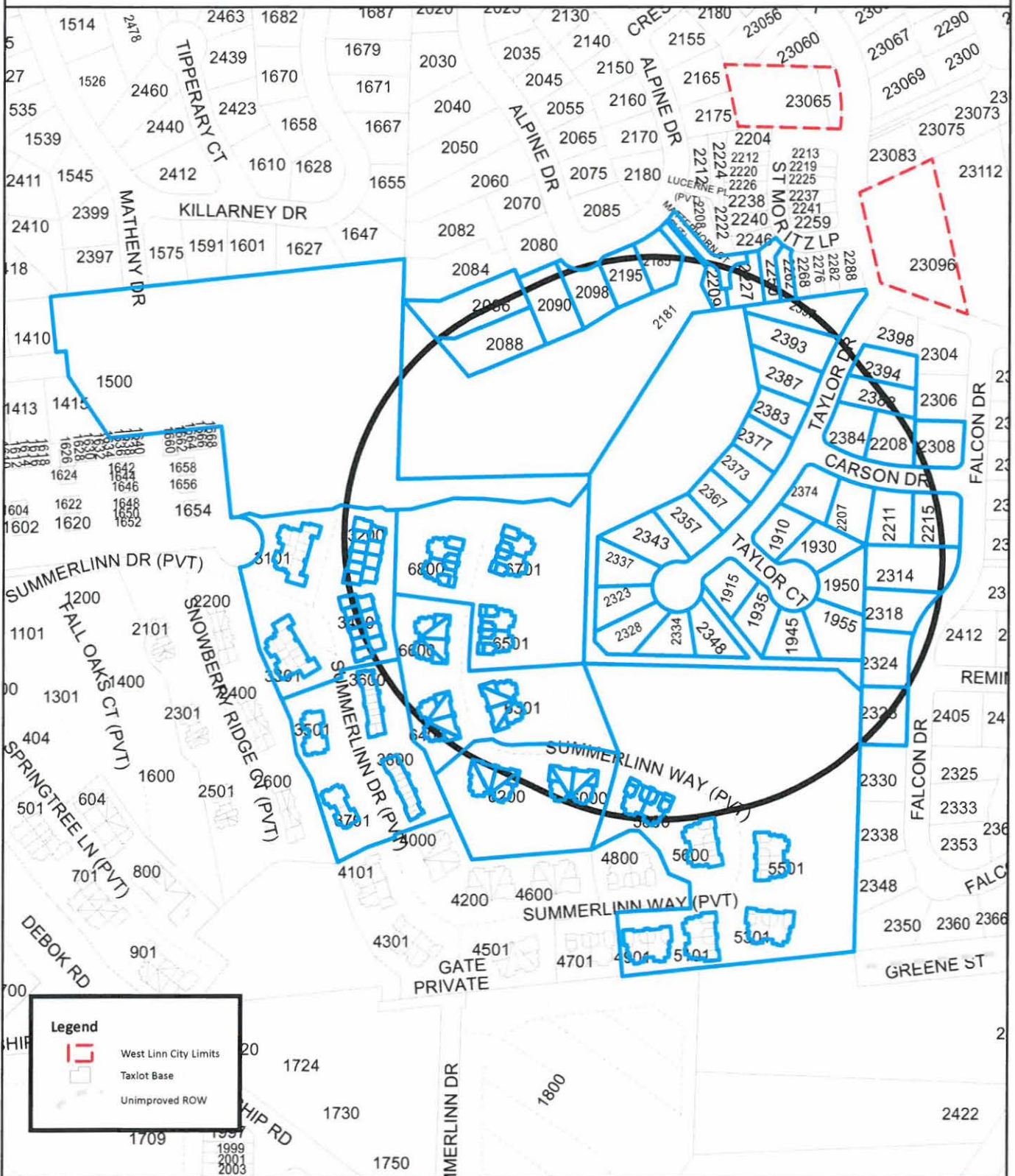
OREGON DIVISION OF STATE LANDS  
ATTN: TAMI HUBERT  
775 SUMMER ST NE  
SALEM, OR 97301

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

WAP-13-06

**MAILED**  
9-24-13 SS

# 2343 Taylor Drive 500' Buffer



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

NOT TO SCALE



SNAPNOTIFY.MXD / AHA APP 3-24-2011

User Name:  
 Map Creation Date: Aug 19, 2013

**CITY OF WEST LINN  
PLANNING DIRECTOR DECISION  
FILE NO. WAP-13-06**

The West Linn Planning Director is considering a request for a Water Resource Area approval to build a single-family house on an existing lot of record at 2343 Taylor Drive.

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

All relevant materials in the above noted file are available for inspection at no cost at City Hall, and on the city web site at <http://westlinnoregon.gov/planning/2343-taylor-drive-new-home-construction-water-resource-area> or copies may be obtained for a minimal charge per page. Although there is no public hearing, your comments and ideas are invited and can definitely influence the final decision of the Planning Director. Planning staff looks forward to discussing the application with you. **The final decision is expected to be made on, and no earlier than, October 18, 2013**, so please contact us prior to that date. For further information, please contact Tom Soppe, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 742-8660, [tsoppe@westlinnoregon.gov](mailto:tsoppe@westlinnoregon.gov).

Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. Failure to raise an issue in person or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes the raising of the issue at a subsequent time on appeal or before the Land Use Board of Appeals.

SHAUNA SHROYER  
Planning Administrative Assistant





CITY OF  
**West Linn**

September 23, 2013

Shannon McDonald  
12725 SW 66<sup>th</sup> Ave.  
Ste. 201  
Tigard, OR 97223

SUBJECT: WAP-13-06 application for Water Resource Area permit at 2343 Taylor Dr.

Dear Ms. McDonald:

You submitted this application on August 15, 2013. The Planning Department has declared this application to be **complete** based on your recent submittals of September 19, 2013. The City now has 120 days from said date, until January 18, 2014 to exhaust all local review. Having said, that you can expect a decision to be rendered in approximately 30 days.

Please contact me at 503-723-2539, or by email at [pspir@westlinnoregon.gov](mailto:pspir@westlinnoregon.gov) if you have any questions or comments, or if you wish to meet regarding these issues.

Sincerely,

*Peter Spir*

Peter Spir  
Associate Planner

c: Phillip Pahlisch, Pahlisch Homes, 63088 NE 18<sup>th</sup> St., Ste. 100, Bend, OR 97701

c: Julia Simpson, Willamette Neighborhood Association, 1671 Killarney Dr., West Linn, OR 97068

p:/devrvw/projects folder/projects 2013/WAP-13-06 2343 Taylor Dr /compl-WAP-13-06

**MAILED**  
9-23-13 SS

## Sonnen, John

---

**From:** Shannon McDonald [shannonm@pahlischhomes.com]  
**Sent:** Thursday, September 05, 2013 2:40 PM  
**To:** Shroyer, Shauna  
**Cc:** Soppe, Tom; Sonnen, John  
**Subject:** RE: Taylor Drive WRA permit update

Thank you, Shauna.

The vegetation descriptions and percentages are listed on the revegetation plan. If this is insufficient please let me know how you would like to see this information.

I recalculated the disturbed area as 4118 SF which includes the yard area between the house and the revegetation plan area, the proposed stormwater planter and its associated piping.

**Shannon McDonald**  
CAD Drafter • Portland Division  
**Pahlisch Homes**  
12725 SW 66<sup>th</sup> Avenue, Suite 101  
Tigard, OR 97223  
503.596.2208  
[www.PahlischHomes.com](http://www.PahlischHomes.com)  
[www.Facebook.com/pahlischhomes](http://www.Facebook.com/pahlischhomes)

*need trees, shrubs and  
GC covering 80% +  
of site in the WRA.  
Tree canopy must be  
50% also  
looks like well over  
50% tree canopy  
- Is only one tree to  
be cut down?*

---

**From:** Shroyer, Shauna [mailto:SShroyer@westlinnoregon.gov]  
**Sent:** Thursday, September 05, 2013 11:45 AM  
**To:** Shannon McDonald  
**Cc:** Soppe, Tom; Sonnen, John  
**Subject:** FW: Taylor Drive WRA permit update

Shannon,  
Here is the incompleteness letter for your project. Please let me know if you have any questions.  
Shauna Shroyer



*West Linn Sustainability* Please consider the impact on the environment before printing a paper copy of this email.  
*Public Records Law Disclosure* This e-mail is subject to the State Retention Schedule and may be made available to the public.

**From:** Sonnen, John  
**Sent:** Thursday, September 05, 2013 11:40 AM  
**To:** Shroyer, Shauna  
**Subject:** FW: Taylor Drive WRA permit update

John Sonnen, Planning Director  
Planning and Building, #1524

West Linn Sustainability Please consider the impact on the environment before printing a paper copy of this email.

Public Records Law Disclosure This e-mail is subject to the State Retention Schedule and may be made available to the public.

**From:** Shannon McDonald [mailto:shannonm@pahlischhomes.com]  
**Sent:** Thursday, September 05, 2013 11:26 AM  
**To:** Soppe, Tom  
**Cc:** Sonnen, John  
**Subject:** Taylor Drive WRA permit update

Tom,

I do not know if you are the person to ask, but I would like to know if a Planning Director's decision date has been set for my Water Resource Area permit. It is for the property at 2343 Taylor Drive and I turned in the application on August 15th.

Thank you,

**Shannon McDonald**  
CAD Drafter • Portland Division

**Pahlisch Homes**  
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[www.Facebook.com/pahlischhomes](http://www.Facebook.com/pahlischhomes)

---

## Spir, Peter

---

**From:** Shannon McDonald <shannonm@pahlischhomes.com>  
**Sent:** Thursday, September 19, 2013 3:48 PM  
**To:** Spir, Peter  
**Cc:** Phillip Pahlisch; Cory Bittner; Hana Adamko (hana@grooutdoorliving.com)  
**Subject:** FW: Taylor Drive WRA  
**Attachments:** revegetation plan.pdf; mitigation map.pdf; mitigation plan example.pdf; mitigation estimate.pdf

Peter,

The landscape architect verified that we are retaining enough of the existing trees meet the 50% tree coverage requirement (see the attached revised revegetation plan).

We would like to pay the West Linn Parks Department \$2,035.00 to mitigate off site at Fields Bridge Park. We arrived at that number by estimating the cost of labor and materials we would need to fill the required 2,407 SF of mitigation area. The attached mitigation map, plan, and estimate explain this further.

Please confirm that you have enough information to deem this WRA application complete.

**Shannon McDonald**  
CAD Drafter • Portland Division

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[www.Facebook.com/pahlischhomes](http://www.Facebook.com/pahlischhomes)

---

**From:** Spir, Peter [mailto:Pspir@westlinnoregon.gov]  
**Sent:** Wednesday, September 11, 2013 12:16 PM  
**To:** Shannon McDonald  
**Subject:** RE: Taylor Drive WRA

Great thanks



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**From:** Shannon McDonald [mailto:shannonm@pahlischhomes.com]  
**Sent:** Wednesday, September 11, 2013 11:48 AM

**To:** Spir, Peter  
**Cc:** Soppe, Tom; Cory Bittner; Phillip Pahlisch  
**Subject:** RE: Taylor Drive WRA

Peter,

Mitigation table		
Area permanently disturbed within WRA by construction of house	Area permanently disturbed within WRA by stormwater planter	Total area within WRA that must be mitigated off site
2213 SF	194 SF	2407 SF

I will get back to you on the Field's Bridge planting plan.

The Revegetation Plan drawing shows how we meet the standards of 32.050(K). The species, size, quantity, and spacing of proposed plantings is shown in the upper left corner. Using that information, the landscape architect calculated the sum of the existing native plant coverage and proposed native plant coverage to arrive at the total native plant coverage of 87%. The landscape architect is double checking whether we meet the 50% tree canopy requirement.

**Shannon McDonald**

CAD Drafter • Portland Division

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[www.PahlischHomes.com](http://www.PahlischHomes.com)

[www.Facebook.com/pahlischhomes](http://www.Facebook.com/pahlischhomes)

---

**From:** Spir, Peter [<mailto:Pspir@westlinnoregon.gov>]

**Sent:** Tuesday, September 10, 2013 1:03 PM

**To:** Shannon McDonald

**Cc:** Soppe, Tom

**Subject:** RE: Taylor Drive WRA

Shannon

We are all headed in the same direction here. I just need to know if you meet the mitigation and re-vegetation requirements. From the submittal I cannot tell if you meet those requirements. For example how does your project meet the 80 % vegetation standard per 32.050(K) etc.?

Peter

**CITY OF**  
**West Linn**  
100 Years  
1913 - 2013

Peter Spir  
[Pspir@westlinnoregon.gov](mailto:Pspir@westlinnoregon.gov)  
Associate Planner  
22500 Salamo Rd.  
West Linn, OR 97068  
P: (503) 723-2539  
F: (503) 656-4106  
Web: [westlinnoregon.gov](http://westlinnoregon.gov)

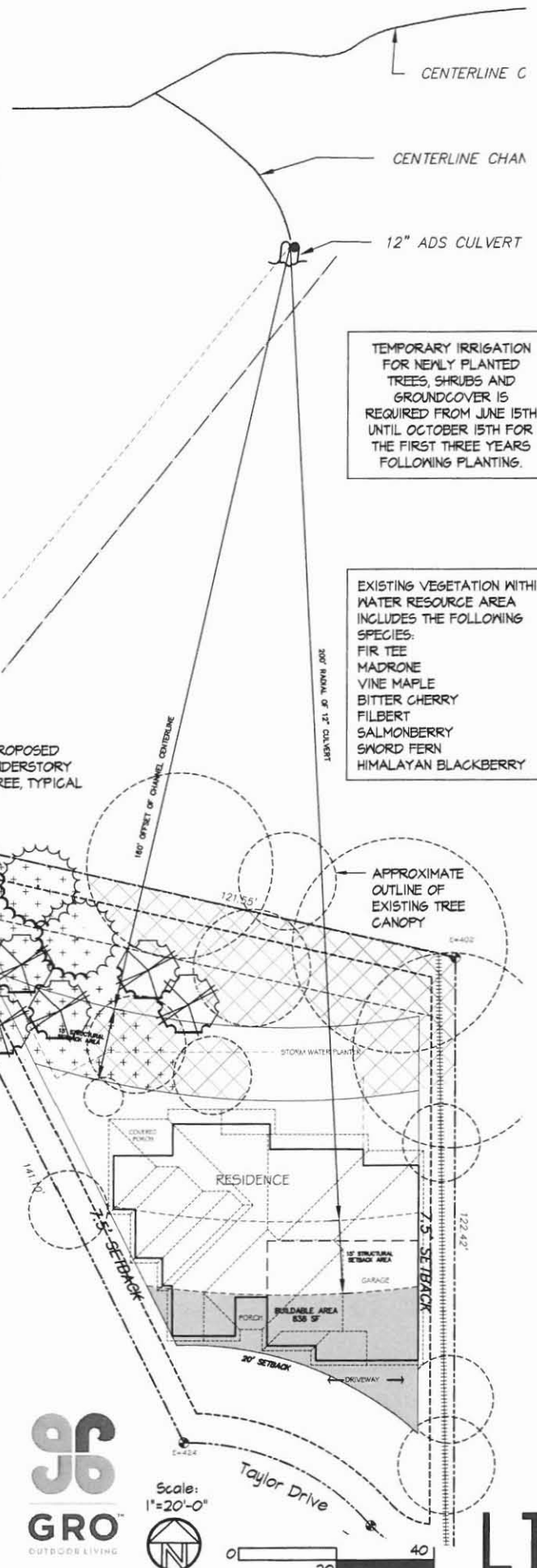


PROPOSED RE-VEGETATION ON SITE			
SYMBOL	BOTANICAL / COMMON NAME	QTY.	SIZE
<b>TREES (UNDERSTORY)</b>			
	PINUS CONTOTA / SHORE PINE	2	4'-5'
	ACER CIRCINATUM / OREGON VINE MAPLE	6	3'-4'
<b>SHRUBS</b>			
SYMBOL NOT SHOWN TOTAL AREA OF 750 S.F.	MAHONIA AQUIFOLIUM / TALL OREGON GRAPE	13	1 GAL.
	RUBUS PARVIFLORUS / THIMBLEBERRY	12	1 GAL.
	VACCINIUM OVATUM / EVERGREEN HUCKLEBERRY	10	1 GAL.
	RIBES SANGUINEUM / RED-FLOWERING CURRANT	10	1 GAL.
TOTAL OF 45 SHRUBS TO BE PLANTED IN AREA AFTER REMOVING HIMALAYAN BLACKBERRY BUSHES. PLANT EVERY SPECIES IN GROUPS - NATURALLY, IN TRIANGULAR SPACING 4-5 FEET ON CENTER.			
<b>GROUNDCOVER</b>			
SYMBOL NOT SHOWN TOTAL AREA OF 300 S.F.	ASARUM CAUDATUM / WILD GINGER	21	4" POTS
	BOYKINIA MAJOR / LARGE BOYKINIA	21	4" POTS
	POLYSTICHUM MUNITUM / SWORD FERN	21	4" POTS
TOTAL OF 63 GROUNDCOVER PLANTS TO BE PLANTED IN AREA AFTER REMOVING HIMALAYAN BLACKBERRY BUSHES. PLANT EVERY SPECIES IN GROUPS - NATURALLY, IN TRIANGULAR SPACING 30 INCHES ON CENTER MAXIMUM.			

WRA DISTURBANCE		
SYMBOL	DESCRIPTION	AREA S.F.
SYMBOL NOT SHOWN	AREA OF WRA DISTURBANCE INCLUDES THE REGION BOUNDED BY THE 200' RADIAL, THE 160' OFFSET, THE SIDE LOT LINES, AND STORMWATER FACILITY. AREA TO BE MITIGATED WITH PLANTINGS AT THE FIELD BRIDGE PARK PER CITY OF WEST LINN	2,407

SITE STATISTICS		
SYMBOL	DESCRIPTION	AREA (%)
SYMBOL NOT SHOWN	WATER RESOURCE AREA	4,044 S.F. (100%)
	EXISTING TREE COVERAGE	2,044 S.F. (50%)
SYMBOL NOT SHOWN	EXISTING NATURAL SHRUBS AND GROUNDCOVER COVERAGE	2,507 S.F. (62%)
	HIMALAYAN BLACKBERRY BUSHES TO BE REMOVED	1,531 S.F. (38%)
SYMBOL NOT SHOWN	NEWLY PLANTED SHRUBS AND GROUNDCOVER - SEE LEGEND ABOVE	1,050 S.F. (26%)
SYMBOL NOT SHOWN	EXISTING NATURAL SHRUBS/ GROUNDCOVER + NEW SHRUBS/ GROUNDCOVER	3,557 S.F. (88%)

THE TOTAL AMOUNT OF EXISTING NATIVE SPECIES (62%) AND NEWLY PLANTED SHRUBS AND GROUNDCOVER (26%) EXCEEDS THE MINIMUM 80% COVERAGE REQUIRED.



TEMPORARY IRRIGATION FOR NEWLY PLANTED TREES, SHRUBS AND GROUNDCOVER IS REQUIRED FROM JUNE 15TH UNTIL OCTOBER 15TH FOR THE FIRST THREE YEARS FOLLOWING PLANTING.

EXISTING VEGETATION WITHIN WATER RESOURCE AREA INCLUDES THE FOLLOWING SPECIES:  
 FIR TEE  
 MADRONE  
 VINE MAPLE  
 BITTER CHERRY  
 FILBERT  
 SALMONBERRY  
 SWORD FERN  
 HIMALAYAN BLACKBERRY



Scale: 1"=20'-0"



# Revegetation Plan

Pahlisch Homes - Tanner Crest Lot 9  
 2343 Taylor Drive, West Linn, OR

9-17-2013

L1



# Fields Bridge Park, West Linn, Oregon

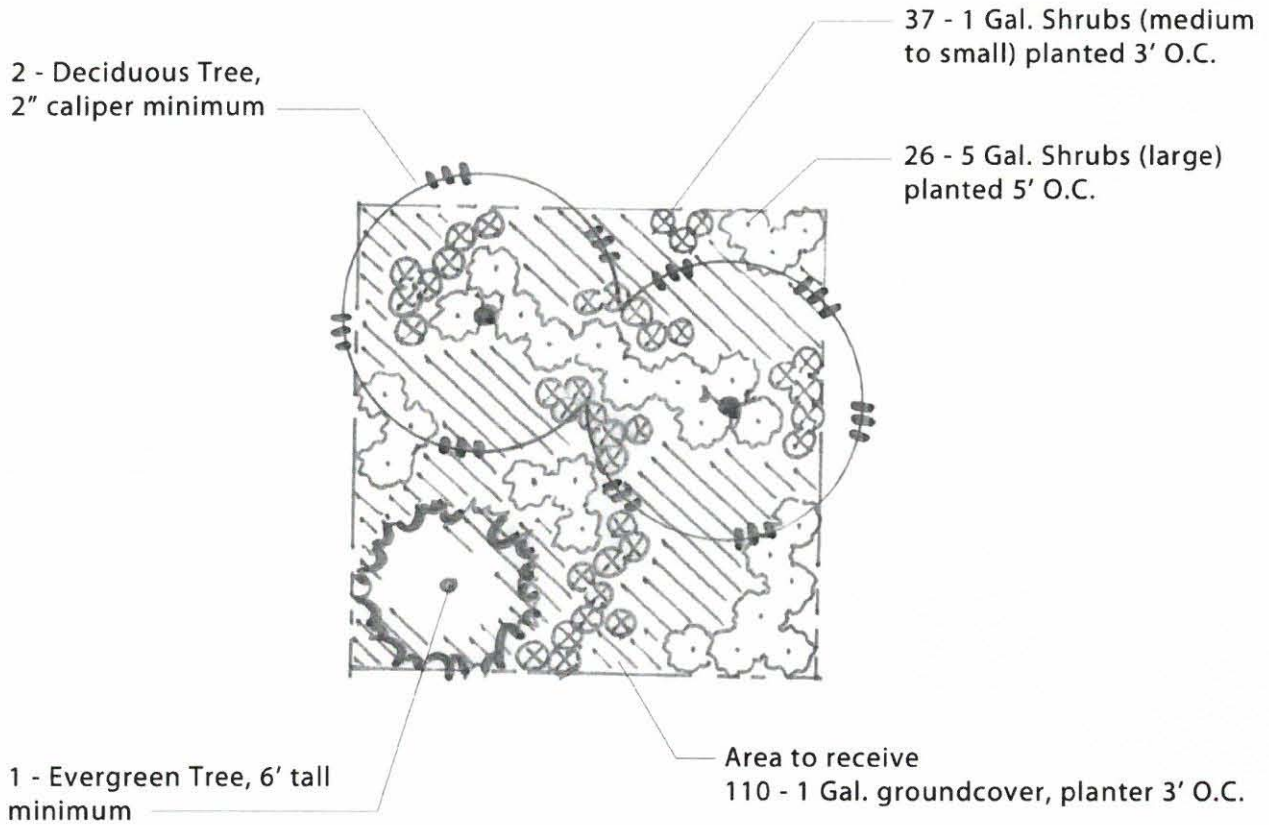
821 Willamette Falls Drive



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PARKS\SYSTEMS\SITE\_FIELDSBRIDGEPARK.MXD | AHA | 2-3-2010



Sample planting area (50' x 50') representing approximate plant density at Fields Bridge Park - see attached GIS aerial map.

## Planting Diagram for Off-site Mitigation

Area of 2,407 S.F.

Pahlisch Homes - Tanner Crest Lot 9  
2343 Taylor Drive, West Linn, OR

Scale:  
1"=20'-0"





September 19, 2013

Shannon McDonald

**RE: Native Plant Mitigation Planting**

**Plant Materials** **\$1,400.00**

- 2 – 2" Red Alder
- 1 – 6' Western Red Cedar
- 25- 5 gal Snowberry
- 37 – 1 gal Gaultheria
- 110 – 1 gal Kinnikinnick

**Planting Areas** **\$635.00**

- Installation of all plant materials
- Installation of bark rings around all plants

**Total Contract Amount for Landscape Services** **\$2,035.00**

All landscape is installed with **no warranty** unless irrigated properly. If irrigation system is installed all landscape receives a 1 year warranty. Warranty would cover all labor and materials to restore landscape to condition of original installation.

Contract Agreement: This proposal becomes a contract only upon acceptance by purchaser and approval by contractor. Upon execution, you have agreed to the terms and conditions as described in these proposal documents.

Purchaser: \_\_\_\_\_

Authorized Representative \_\_\_\_\_

## Spir, Peter

---

**From:** Shannon McDonald <shannonm@pahlischhomes.com>  
**Sent:** Wednesday, September 11, 2013 11:48 AM  
**To:** Spir, Peter  
**Cc:** Soppe, Tom; Cory Bittner; Phillip Pahlisch  
**Subject:** RE: Taylor Drive WRA

Peter,

Mitigation table		
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### Shannon McDonald

CAD Drafter • Portland Division

### Pahlisch Homes

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**Sent:** Tuesday, September 10, 2013 1:03 PM

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**Cc:** Soppe, Tom

**Subject:** RE: Taylor Drive WRA

Shannon

We are all headed in the same direction here. I just need to know if you meet the mitigation and re-vegetation requirements. From the submittal I cannot tell if you meet those requirements. For example how does your project meet the 80 % vegetation standard per 32.050(K) etc.?

Peter



100 Years  
1913 - 2013



Peter Spir  
[Pspir@westlinnoregon.gov](mailto:Pspir@westlinnoregon.gov)  
Associate Planner  
22500 Salamo Rd.  
West Linn, OR 97068  
P: (503) 723-2539  
F: (503) 656-4106  
Web: [westlinnoregon.gov](http://westlinnoregon.gov)

*West Linn Sustainability* Please consider the impact on the environment before printing a paper copy of this email.  
*Public Records Law Disclosure* This e-mail is subject to the State Retention Schedule and may be made available to the public.

**From:** Shannon McDonald [<mailto:shannonm@pahlischhomes.com>]

**Sent:** Tuesday, September 10, 2013 12:18 PM

**To:** Spir, Peter

**Cc:** Soppe, Tom; Cory Bittner; Phillip Pahlisch

**Subject:** RE: Taylor Drive WRA

Peter,

Is this a second permit application review? I thought that I needed to respond to the attached incompleteness letter in order for the application to be approved? The original review by Tom was deemed incomplete because he did not see the vegetation descriptions and percentages on the revegetation plan. Could you help me clear this up?

Thank you,

**Shannon McDonald**

CAD Drafter • Portland Division

**Pahlisch Homes**

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---

**From:** Spir, Peter [<mailto:Pspir@westlinnoregon.gov>]

**Sent:** Tuesday, September 10, 2013 9:48 AM

**To:** Shannon McDonald

**Subject:** FW: Taylor Drive WRA



100 Years  
1913 - 2013



Peter Spir  
[Pspir@westlinnoregon.gov](mailto:Pspir@westlinnoregon.gov)  
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P: (503) 723-2539  
F: (503) 656-4106  
Web: [westlinnoregon.gov](http://westlinnoregon.gov)

## Soppe, Tom

---

**From:** Perkins, Michael  
**Sent:** Monday, September 23, 2013 3:33 PM  
**To:** Worcester, Ken; Spir, Peter  
**Cc:** Soppe, Tom; Sonnen, John  
**Subject:** RE: Taylor Drive WRA

I believe we are doing the drainageway at North Willamette Park instead of Field's Bridge due to the Japanese Knotweed. I think we need to eradicate it before we do any planting down there.

Michael Perkins, City Arborist/Park Development Coordinator  
*Parks and Recreation, #1554*

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Public Records Law Disclosure This e-mail is subject to the State Retention Schedule and may be made available to the public.

**From:** Worcester, Ken  
**Sent:** Monday, September 23, 2013 11:55 AM  
**To:** Spir, Peter; Perkins, Michael  
**Cc:** Soppe, Tom  
**Subject:** RE: Taylor Drive WRA

Yes unless we are under a time constraint to do the work.

Ken Worcester, Parks & Recreation Director  
*Parks & Recreation, #1555*

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**From:** Spir, Peter  
**Sent:** Monday, September 23, 2013 10:18 AM  
**To:** Worcester, Ken; Perkins, Michael  
**Cc:** Soppe, Tom  
**Subject:** FW: Taylor Drive WRA

Ken  
Paulisch Homes wants to mitigate for the removal of about 2,500 sq. ft. of WRA by paying Parks \$2,035 for mitigation at Fields Bridge Park. Is that workable/agreeable to Parks?  
Peter

Peter Spir, Associate Planner  
*Planning and Building, #1539*

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Public Records Law Disclosure This e-mail is subject to the State Retention Schedule and may be made available to the public.

**From:** Shannon McDonald [<mailto:shannonm@pahlischhomes.com>]  
**Sent:** Thursday, September 19, 2013 3:48 PM  
**To:** Spir, Peter

**Cc:** Phillip Pahlisch; Cory Bittner; Hana Adamko ([hana@grooutdoorliving.com](mailto:hana@grooutdoorliving.com))

**Subject:** FW: Taylor Drive WRA

Peter,

The landscape architect verified that we are retaining enough of the existing trees meet the 50% tree coverage requirement (see the attached revised revegetation plan).

We would like to pay the West Linn Parks Department \$2,035.00 to mitigate off site at Fields Bridge Park. We arrived at that number by estimating the cost of labor and materials we would need to fill the required 2,407 SF of mitigation area. The attached mitigation map, plan, and estimate explain this further.

Please confirm that you have enough information to deem this WRA application complete.

**Shannon McDonald**

CAD Drafter • Portland Division

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**From:** Spir, Peter [<mailto:Pspir@westlinnoregon.gov>]

**Sent:** Wednesday, September 11, 2013 12:16 PM

**To:** Shannon McDonald

**Subject:** RE: Taylor Drive WRA

Great thanks



100 Years  
1913 - 2013



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**From:** Shannon McDonald [<mailto:shannonm@pahlischhomes.com>]

**Sent:** Wednesday, September 11, 2013 11:48 AM

**To:** Spir, Peter

**Cc:** Soppe, Tom; Cory Bittner; Phillip Pahlisch

**Subject:** RE: Taylor Drive WRA

Peter,

Mitigation table		
Area permanently disturbed within WRA by construction of	Area permanently disturbed within WRA by stormwater	Total area within WRA that must be mitigated off site

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**From:** Spir, Peter  
**Sent:** Tuesday, September 10, 2013 9:47 AM  
**To:** 'shannon@pahlischhomes.com'  
**Cc:** Soppe, Tom  
**Subject:** Taylor Drive WRA

Hi Shannon

Regarding mitigation, I need a table that explains the area in square footage of the WRA that will be lost due to the construction of the house, storm water facility etc.

This square footage is then mitigated off site at the Fields Bridge Park. I need to have a Fields Bridge Park planting plan including list of trees, shrubs etc. or the dollar amount that will be paid to the Parks Department to mitigate at that location for you and how that dollar amount was calculated.

For re-vegetation at the Taylor Street address it looks like over 50% of the tree canopy is retained based on my maps but I will defer to your figure of 30%.

To meet 32.050(K) you need to provide 80% coverage in a combination of shrubs, groundcover and trees. Trees must also provide 50% coverage of the WRA.

Please provide your calculation that shows that you meet those standards.

I spoke with our arborist and he had concerns that , as a canopy tree, the pinus contortas and vine maples would not be adequate, however, if the tree canopy, that is to be retained, is extensive enough then the trees you propose might work as understory trees. He did however suggest that the number of vine maples be increased.

Call me at 503-723-2539 if you want to talk about this or seek clarification.

Best regards  
Peter

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## DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>TIM SOPPE</i>	PROJECT NO(S). <i>WPA-13-06</i>	
NON-REFUNDABLE FEE(S) <i>2850-</i>	REFUNDABLE DEPOSIT(S) <i>0</i>	TOTAL <i>2850-</i>

**Type of Review (Please check all that apply):**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Annexation (ANX)<br><input type="checkbox"/> Appeal and Review (AP) *<br><input type="checkbox"/> Conditional Use (CUP)<br><input type="checkbox"/> Design Review (DR)<br><input type="checkbox"/> Easement Vacation<br><input type="checkbox"/> Extraterritorial Ext. of Utilities<br><input type="checkbox"/> Final Plat or Plan (FP)<br><input type="checkbox"/> Flood Management Area<br><input type="checkbox"/> Hillside Protection & Erosion Control | <input type="checkbox"/> Historic Review<br><input type="checkbox"/> Legislative Plan or Change<br><input type="checkbox"/> Lot Line Adjustment (LLA) */**<br><input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan)<br><input type="checkbox"/> Non-Conforming Lots, Uses & Structures<br><input type="checkbox"/> Planned Unit Development (PUD)<br><input type="checkbox"/> Pre-Application Conference (PA) */**<br><input type="checkbox"/> Street Vacation | <input type="checkbox"/> Subdivision (SUB)<br><input type="checkbox"/> Temporary Uses *<br><input type="checkbox"/> Time Extension *<br><input type="checkbox"/> Variance (VAR)<br><input checked="" type="checkbox"/> Water Resource Area Protection/Single Lot (WAP)<br><input type="checkbox"/> Water Resource Area Protection/Wetland (WAP)<br><input type="checkbox"/> Willamette & Tualatin River Greenway (WRG)<br><input type="checkbox"/> Zone Change |
|--|--|--|

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

**Site Location/Address:**

2343 Taylor Drive

**Assessor's Map No.:**

Tax Lot(s): 21E35BD04600

 Total Land Area: *9951 SF*
**Brief Description of Proposal:** Request to build new single family home within water resource area.

**Applicant Name:** Shannon McDonald  
(please print)

Phone: 503 412-9996

Address: 12725 SW 66th Avenue, Suite 101

Email:

City State Zip: Tigard, OR 97223

shannonm@pahlischhomes.com

**Owner Name** (required): Pahlisch Homes, Inc.  
(please print)

Phone: 541 385-6762

Address: 63088 NE 18th Street, Suite 100

Email:

City State Zip: Bend, OR 97701

phillipp@pahlischhomes.com

**Consultant Name:**  
(please print)

Phone:

Address:

Email:

City State Zip:

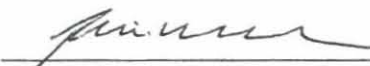
1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.**  
 One (1) complete set of digital application materials must also be submitted on CD in PDF format.  
 If large sets of plans are required in application please submit only two sets.

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

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

  
 Applicant's signature

 8.14.13  
 Date

  
 Owner's signature (required)

 8.14.13  
 Date

**APPLICANT** Pahlisch Homes, Inc.  
Attn: Shannon McDonald  
12725 SW 66th Avenue, Suite 101  
Tigard, OR 97223

**PROPERTY OWNER:** Pahlisch Homes, Inc.  
63088 NE 18<sup>th</sup> Street, Suite 100  
Bend, OR 97701

**LOCATION:** 2343 Taylor Drive, West Linn, OR 97068

**REQUEST:** Request for permit to build within water resource area. This property has a creek northwest of the site with an open channel connecting a city storm water pipe to the creek. There is a water resource setback of 200 feet with a 15 foot structural setback from the open channel into the rear of the lot.

**Full compliance with the Chapter 32 of the West Linn Community Development Code (CDC) would make this lot unbuildable. The applicant proposes to reduce the water resource setback to 160 feet under the hardship provisions of the CDC.**

**APPLICABLE CRITERIA:**

City of West Linn Community Development Code

- A. 32.050 Approval Criteria
- B. 32.070 Mitigation Plan
- C. 32.080 Revegetation Plan Requirements
- D. 32.090(B-D) Reduction in Standards for Hardship

**CONFORMANCE WITH CITY OF WEST LINN COMMUNITY DEVELOPMENT CODE**

**32.050 Approval Criteria**

**A. Proposed development submittals shall identify all water resource areas on the project site. The most currently adopted Surface Water Management Plan shall be used as the basis for determining existence of drainageways. The exact location of drainageways identified in the Surface Water Management Plan, and drainageway classification (e.g., open channel vs. enclosed storm drains), may have to be verified in the field by the City Engineer. The Local Wetlands Inventory shall be used as the basis for determining existence of wetlands. The exact location of wetlands identified in the Local Wetlands Inventory on the subject property shall be verified in a wetlands delineation analysis prepared for the applicant by a certified wetlands specialist. The**



**Riparian Corridor Inventory shall be used as the basis for determining existence of riparian corridors.**

**PROPOSED FINDING:** There is a creek behind the property and an open channel that connects the city stormwater pipe to the creek. The water resource areas are identified on the siteplan. According to the Local Wetlands Inventory there are no wetlands on this property. The property is not within a significant riparian corridor, as shown on the siteplan.

**B. Proposed developments shall be so designed as to maintain the existing natural drainageways and utilize them as the primary method of stormwater conveyance through the project site unless the most recently adopted West Linn Surface Water Management Plan calls for alternate configurations (culverts, piping, etc.). Proposed development shall, particularly in the case of subdivisions, facilitate reasonable access to the drainageway for maintenance purposes.**

**PROPOSED FINDING:** The proposed development will not alter the existing natural drainageways.

**C. Development shall be conducted in a manner that will minimize adverse impact on water resource areas. Alternatives which avoid all adverse environmental impacts associated with the proposed action shall be considered first. For unavoidable adverse environmental impacts, alternatives that reduce or minimize these impacts shall be selected. If any portion of the water quality resource area is proposed to be permanently disturbed, the applicant shall prepare a mitigation plan as specified in CDC 32.070 designed to restore disturbed areas, either existing prior to development or disturbed as a result of the development project, to a healthy natural state.**

**PROPOSED FINDING:** To minimize adverse environmental impacts, this development proposes a floor plan with a reduced depth that is oriented on Taylor Drive. The plan extends widthwise to the side setbacks and is shallow to lessen encroachment into the water resource area. Since completely avoiding the water resource area is impractical, a mitigation plan is outlined in this narrative. This site is currently an undeveloped lot that is classified as "unhealthy or disturbed" due to the lack of native plant species. The invasive and non-native plants that are currently growing in the water resource area will be removed and revegetated with native plants, as shown on the revegetation plan. The proposed design will leave this site in a healthier condition than it is currently.

**D. Water resource areas shall be protected from development or encroachment by dedicating the land title deed to the City for public open space purposes if either: (1) a finding can be made that the dedication is roughly proportional to the impact of the development; or (2) the applicant chooses to dedicate these areas. Otherwise, these areas shall be preserved through a protective**

**easement. Protective or conservation easements are not preferred because water resource areas protected by easements have been shown to be harder to manage and, thus, more susceptible to disturbance and damage. Required 15-foot-wide structural setback areas do not require preservation by easement or dedication.**

**PROPOSED FINDING:** This development will ensure that the water resource area is protected from development or encroachment through a conservation easement. The easement is shown on the siteplan.

**E. The protected water resource area shall include the drainage channel, creek, wetlands, and the required setback and transition area. The setback and transition area shall be determined using the following table: [see table 32-1]**

**PROPOSED FINDING:** According to Table 32-1, the required setback for a riparian corridor is 100 feet or the setback required under major and minor drainageway provisions, whichever is greater, plus structural setback. Given this property's slope is over 25%, the required setback is 200 feet + 15 feet structural setback.

**F. Roads, driveways, utilities, or passive use recreation facilities may be built in and across water resource areas when no other practical alternative exists. Construction shall minimize impacts. Construction to the minimum dimensional standards for roads is required. Full mitigation and revegetation is required, with the applicant to submit a mitigation plan pursuant to CDC 32.070 and a revegetation plan pursuant to CDC 32.080. The maximum disturbance width for utility corridors is as follows:**

- 1. For utility facility connections to utility facilities, no greater than 10 feet wide.**
- 2. For upgrade of existing utility facilities, no greater than 15 feet wide.**
- 3. For new underground utility facilities, no greater than 25 feet wide, and disturbance of no more than 200 linear feet of water quality resource area, or 20 percent of the total linear feet of water quality resource area, whichever is greater.**

**PROPOSED FINDING:** This development does not propose any roads, driveways, utilities, or passive use recreation facilities to be built in the water resource area.

**G. Prior to construction, the water resource area shall be protected with an anchored chain link fence (or approved equivalent) at its perimeter and shall remain undisturbed except as specifically allowed by an approved water resource area permit. Such fencing shall be maintained until construction is complete. The water resource area shall be identified with City-approved permanent markers at all boundary direction changes and at 30- to 50-foot intervals that clearly delineate the extent of the protected area.**

**PROPOSED FINDING:** This development will abide by this standard.

**H. Paved trails, walkways, or bike paths shall be located at least 15 feet from the edge of a protected water feature except for approved crossings. All trails, walkways, and bike paths shall be constructed so as to minimize disturbance to existing native vegetation. All trails, walkways, and bike paths shall be constructed with a permeable material and utilize low impact development (LID) construction practices.**

**PROPOSED FINDING:** This development does not propose any paved trails, walkways, or bike paths.

**I. Sound engineering principles regarding downstream impacts, soil stabilization, erosion control, and adequacy of improvements to accommodate the intended drainage through the drainage basin shall be used. Storm drainage shall not be diverted from its natural watercourse. Inter-basin transfers of storm drainage shall not be permitted.**

**PROPOSED FINDING:** This development will abide by this standard, as shown on the erosion control plan.

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

**PROPOSED FINDING:** All disturbed soil that remains exposed for more than the maximum allowed by CDC 31.070B-C during construction shall be treated with an erosion control cover (i.e., plastic, seeding or mulching), following grading or construction, until soils are revegetated or otherwise stabilized. During construction, runoff from the development site shall be controlled, and runoff and sediment resulting therefrom shall be retained on site. A stabilized pad of gravel shall be laid and maintained at all entrances and exits to any development site from which vehicular traffic may track soil or debris onto the public right-of-way. Topsoil removed for development shall be stockpiled and reused to the degree necessary to restore disturbed areas to their original or enhanced condition, or to assure a minimum of six inches of stable topsoil for revegetation. Additional soil shall be provided if necessary, to support revegetation. Soil shall be stockpiled outside of tree dripline, so as not to affect existing tree health. The owner shall be responsible for the prompt cleanup of all sediments that are carried onto any public or private streets, or onto adjacent property. See erosion control plan.

**K. Vegetative improvements to areas within the water resource area may be required if the site is found to be in an unhealthy or disturbed state, or if portions of the site within the water resource area are disturbed during the development process. "Unhealthy or disturbed" includes those sites that have a combination of native trees, shrubs, and groundcover on less than 80 percent of the water resource area and less than 50 percent tree canopy coverage in**

the water resource area. Vegetative improvements will be documented by submitting a revegetation plan meeting CDC 32.080 criteria that will result in the water resource area having a combination of native trees, shrubs, and groundcover on more than 80 percent of its area, and more than 50 percent tree canopy coverage in its area. Where any existing vegetation is proposed to be permanently removed, or the original land contours disturbed, a mitigation plan meeting CDC 32.070 criteria shall also be submitted. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Upon approval of the mitigation plan, the applicant is responsible for implementing the plan during the next available planting season.

**PROPOSED FINDING:** This development will abide by this standard. See the revegetation plan and mitigation plan in this narrative.

**L. Structural setback area.** Where a structural setback area is specifically required, development projects shall keep all foundation walls and footings at least 15 feet from the edge of the water resource area transition and setback area if this area is located in the front or rear yard of the lot, and seven and one-half feet from the edge of the water resource area transition and setback area if this area is located in the side yard of the lot. Structural elements may not be built on or cantilever over the setback area. Roof overhangs of up to three feet are permitted in the setback. Decks are permitted within the structural setback area.

**PROPOSED FINDING:** This development meets the standard of a 15 foot structural setback at the rear yard of the lot, as shown on the siteplan.

**M. Stormwater treatment facilities may only encroach a maximum of 25 feet into the outside boundary of the water resource area; and the area of encroachment must be replaced by adding an equal area to the water quality resource area on the subject property. Facilities that infiltrate stormwater on site, including the associated piping, may be placed at any point within the water resource area outside of the actual drainage course so long as the forest canopy and the areas within 10 feet of the driplines of significant trees are not disturbed. Only native vegetation may be planted in these facilities.**

**PROPOSED FINDING:** The rain garden will be located near the eastern setback away from the drainage course that runs west.

**N. As part of any proposed land division or Class II design review application, any covered or piped drainageways identified on the Surface Water Quality Management Plan Map shall be opened, unless the City Engineer determines that such opening would negatively impact the affected storm drainage system and the water quality within that affected storm drainage system in a manner that could not be reasonably mitigated by the project's site design. The design**

of the reopened channel and associated transition area shall be considered on an individualized basis, based upon the following factors:

1. The ability of the reopened storm channel to safely carry storm drainage through the area.
2. Continuity with natural contours on adjacent properties.
3. Continuity of vegetation and habitat values on adjacent properties.
4. Erosion control.
5. Creation of filters to enhance water quality.
6. Provision of water temperature conducive to fish habitat.
7. Consideration of habitat and water quality goals of the most recently adopted West Linn Surface Water Management Plan.
8. Consistency with required site mitigation plans, if such plans are needed.

The maximum required setback under any circumstance shall be the setback required as if the drainageway were already open.

**PROPOSED FINDING:** There are no covered or piped drainageways on this property identified on the Surface Water Quality Management Plan Map.

**O. The decision-making authority may approve a reduction in applicable front yard setbacks abutting a public street to a minimum of 15 feet and a reduction in applicable side yard setbacks abutting a public street to seven and one-half feet if the applicant demonstrates that the reduction is necessary to create a building envelope on an existing or proposed lot of at least 5,000 square feet.**

**PROPOSED FINDING:** The applicant does not request a reduction in the front yard setback.

**P. Storm drainage channels not identified on the Surface Water Management Plan Map, but identified through the development review process, shall be subject to the same setbacks as equivalent mapped storm drainage channels. (Ord. 1545, 2007)**

**PROPOSED FINDING:** The water resource area setback is taken from the open storm drainage channel as shown on the siteplan.

## **CONFORMANCE WITH CITY OF WEST LINN COMMUNITY DEVELOPMENT CODE**

### **32.070 Mitigation Plan**

**A. All mitigation plans must contain an alternatives analysis demonstrating that:**

- 1. No practicable alternatives to the requested development exist that will not disturb the water resource area; and**
- 2. Development in the water resource area has been limited to the area necessary to allow for the proposed use; and**
- 3. An explanation of the rationale behind choosing the alternative selected, including how adverse impacts to the water resource area will be avoided and/or minimized.**

**PROPOSED FINDING:** There are no practicable alternatives to avoid building within the water resource area. With 7.5 foot side setbacks, a 20 foot front setback, and 200 foot water resource area setback with a 15 foot structural rear setback, the buildable square footage of this 9,951 SF lot is reduced to 838 SF. The two next door neighbors' homes are approximately 3400 SF and 4300 SF. There is no alternative to building within the water resource area that allows the development of a home that is comparable in size to its neighbors.

To limit the development into the water resource area, the applicant proposes a floor plan with a reduced depth that is oriented on Taylor Drive. The plan extends widthwise to the side setbacks and is shallow to lessen encroachment into the water resource area. A porch that is flush with back wall is proposed as the only backyard development to leave as much of the water resource area undisturbed as possible.

Before construction, the water resource area will be protected with a chain link fence at its perimeter and shall remain undisturbed until the area is revegetated per the revegetation plan.

**B. A mitigation plan shall contain the following information:**

- 1. A description of adverse impacts that will be caused as a result of development.**
- 2. An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated in accordance with, but not limited to, the revegetation provisions of CDC 32.050(K).**

**3. A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site.**

**4. A map showing where the specific mitigation activities will occur.**

**5. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting, and a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife water work periods.**

**6. Assurances shall be established to rectify any mitigation actions that are not successful. This may include bonding or other surety.**

**7. Evidence that a Joint Permit Application (to the U.S. Army Corps and/or DSL) if impacts to wetlands are greater than 0.10 acres has been submitted and accepted for review.**

**PROPOSED FINDING:** The adverse impact this development will have on the site is the reduction in the pervious surface area. To minimize this, the development will include a rain garden to hold, filter, and slowly release runoff water from the roof.

Responsible parties:

Owner	Pahlisch Homes, Inc.
Applicant	Shannon McDonald
Contractor	Pahlisch Homes, Inc.

The location of the mitigation is shown on the mitigation map.

Off-site mitigation will begin in 2014.

Assurances through bonding or other surety will be established to rectify any mitigation actions that are not successful.

A Joint permit Application will not be required because there are no wetlands on this property.

**C. Mitigation of any water resource areas that are not wetlands that are permanently disturbed shall be accomplished by creation of a mitigation area equal in size to the area being disturbed. Mitigation areas may be land that is either:**

1. On site, not within the water resource area, and is characterized by existing vegetation that does not meet the standard set forth in CDC 32.050(K); or
2. Off site, and is characterized by existing vegetation that does not meet the standard set forth in CDC 32.050(K).

The applicant shall prepare and implement a revegetation plan for the mitigation area pursuant to CDC 32.080, and which shall result in the area meeting the standards set forth in CDC 32.050(K). Adequacy of off-site mitigation areas on City property must be consistent with and meet approval of the City Department of Parks and Recreation. Any off-site mitigation occurring on privately owned land shall be protected with a conservation easement.

**PROPOSED FINDING:** There is not enough land to mitigate on this property so mitigation will occur off site. The location of mitigation was approved by the City Department of Parks and Recreation, and is shown on the attached mitigation map.

**D. The mitigation plan for any wetland area to be disturbed shall be (1) prepared and implemented with the guidance of professionals with experience and credentials in wetland areas and values, and (2) be consistent with requirements set forth by regulatory agencies (U.S. Army Corps and/or DSL) in a joint permit application, if such an application is necessary for the disturbance. Where the alternatives analysis demonstrates that there are no practicable alternatives for mitigation on site, off-site mitigation shall be located as follows:**

1. As close to the development site as is practicable above the confluence of the next downstream tributary, or, if this is not practicable,
2. Within the watershed where the development will take place, or as otherwise specified by the City in an approved wetland mitigation bank.

**PROPOSED FINDING:** The location of mitigation was approved by the City Department of Parks and Recreation, and is shown on the attached mitigation map.

**E. To ensure that the mitigation area will be protected in perpetuity, proof that the area has been dedicated to the City or that a conservation easement has been placed on the property where the mitigation is to occur is required. (Ord. 1545, 2007)**

**PROPOSED FINDING:** The mitigation area is on City property.



**CONFORMANCE WITH CITY OF WEST LINN COMMUNITY DEVELOPMENT CODE**

**32.080 REVEGETATION PLAN REQUIREMENTS**

**Metro's Native Plant List is incorporated by reference as a part of this chapter, and all plants used in revegetation plans shall be plants found on the Metro Native Plant List. Performance standards for planting upland, riparian and wetland plants include the following:**

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

**PROPOSED FINDING:** This development will abide by this standard by notifying the future owner of this requirement.

**B. Invasive non-native or noxious vegetation shall be removed within the area to be revegetated prior to planting.**

**PROPOSED FINDING:** This development will abide by this standard as shown on the revegetation plan.

**C. Replacement trees must be at least one-half inch in caliper, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round) unless they are oak or madrone, which may be one-gallon size. Shrubs must be in at least a one-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.**

**PROPOSED FINDING:** This development will abide by this standard. See revegetation plan.

**D. Trees shall be planted between eight and 12 feet on center and shrubs shall be planted between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted between eight and 10 feet on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing requirements.**

**PROPOSED FINDING:** This development will abide by this standard. See the revegetation plan.

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

**PROPOSED FINDING:** This development will abide by this standard. See the revegetation plan.

**F. The responsible party shall provide an appropriate level of assurance documenting that 80 percent survival of the plants has been achieved after three years, and shall provide annual reports to the Planning Director on the status of the revegetation plan during the three-year period. (Ord. 1545, 2007)**

**PROPOSED FINDING:** This development will abide by this standard by notifying the future owner of this requirement.

## ***CONFORMANCE WITH CITY OF WEST LINN COMMUNITY DEVELOPMENT CODE***

### **32.090 REDUCTION IN STANDARDS FOR HARDSHIP**

The purpose of this section is to ensure that compliance with this chapter does not cause unreasonable hardship. To avoid such instances, the requirements of this chapter may be reduced. Reductions are also allowed when strict application of this chapter would deprive an owner of all economically viable use of land. The decision-making authority may impose such conditions as are deemed necessary to limit any adverse impacts that may result from granting relief.

**B. Lots located partially inside the water resource area. A reduction to avoid the loss of all economically viable use of a vacant lot recorded with the County Assessor's Office on or before the effective date of the ordinance codified in this chapter that is partially inside the water resource area is permitted. Development on such lots shall not disturb more than 5,000 square feet of the water resource area, including access roads and driveways, subject to the erosion and sediment control standards of Chapter 31 CDC. Applicants must demonstrate the following:**

- 1. Without the proposed reduction, the applicant would be denied economically viable use of the subject property. To meet this criterion, the applicant must show that no other application could result in permission for an economically viable use of the subject property. Evidence to meet this criterion shall include a list of uses allowed on the subject property.**
- 2. The proposed intrusion is the minimum necessary to allow economically viable use of the subject property.**
- 3. The proposed reduction will comply with Chapter 31 CDC, Erosion Control.**

**PROPOSED FINDING:** The applicant is asking to reduce the water resource area setback from 200 feet to 160 feet in order to build an economically viable home on this site. With 7.5 foot side setbacks, a 20 foot front setback, and 200 foot water resource area setback with a 15 foot structural rear setback, the buildable square footage of this 9,951 SF lot is reduced to 838 SF.

Given that this property is in the R-7 zone the following are permitted uses: single-family detached; single-family attached; community recreation; family day care; residential home; utilities, minor; and transportation facilities. According to this neighborhood's Covenants, Conditions, and Restrictions section 2.1, the only allowed use is single family residential. It also states in section 2.4 that the minimum ground floor square footage is 1,100 SF. To meet the prerequisites of the CC&R's, the development must be a single family home and the water resource area setback must be reduced to meet the minimum square footage requirement.

To limit the development into the water resource area, the applicant proposes a floor plan with a reduced depth that is oriented on Taylor Drive. The plan extends widthwise to the side setbacks and is shallow to lessen encroachment into the water resource area. A porch that is flush with the back wall is proposed as the only backyard development to leave as much of the water resource area undisturbed as possible. This development will disturb 2978 SF of the water resource area, less than the maximum 5000 SF. The areas that are disturbed will be protected from erosion by complying with CDC standard 32.050J.

Overlaying the 200 foot setback onto an aerial photo shows that both next door neighbors at 2337 & 2357 Taylor Drive encroach into the water resource area setback. Even with the reduced water resource area setback, the applicant is asking to build a home whose footprint is significantly less than its next door neighbors. These homes' footprints are about 3400 & 4300 SF and the proposed design has a 2479 SF footprint. A home of 838 SF would be out of scale and unmarketable next to the large homes that populate the neighborhood.



**C. If a reduction in standards is granted pursuant to criteria of subsection B of this section, the reduction shall be subject to the following conditions:**

- 1. The minimum width of the water resource area's transition and setback area shall be 15 feet on each side of a wetland or drainage course.**
- 2. As mitigation for the permanent disturbance of any portion of the normally required water resource area, an equal area on the property which would not normally be within the water resource area shall be revegetated**

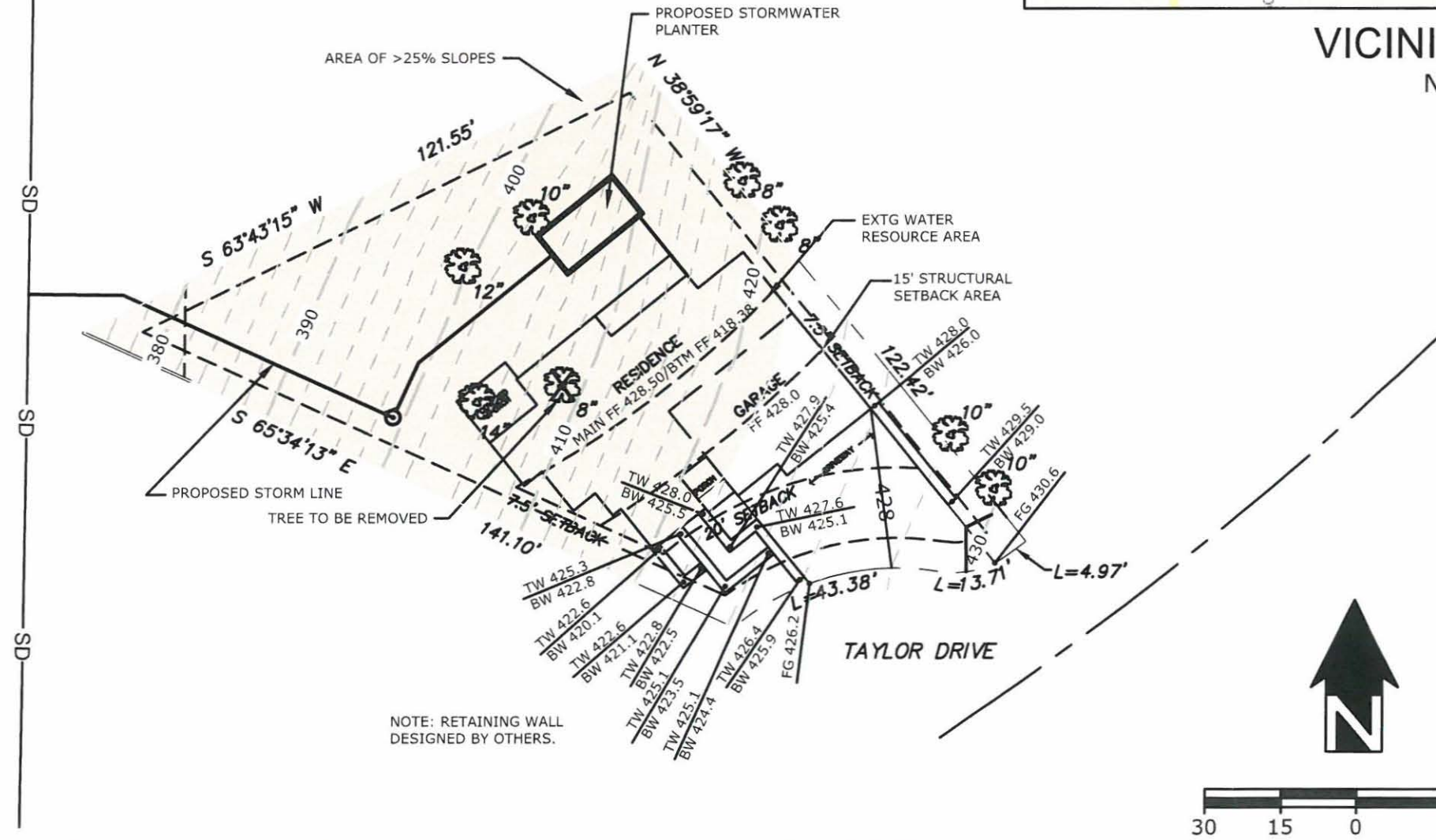
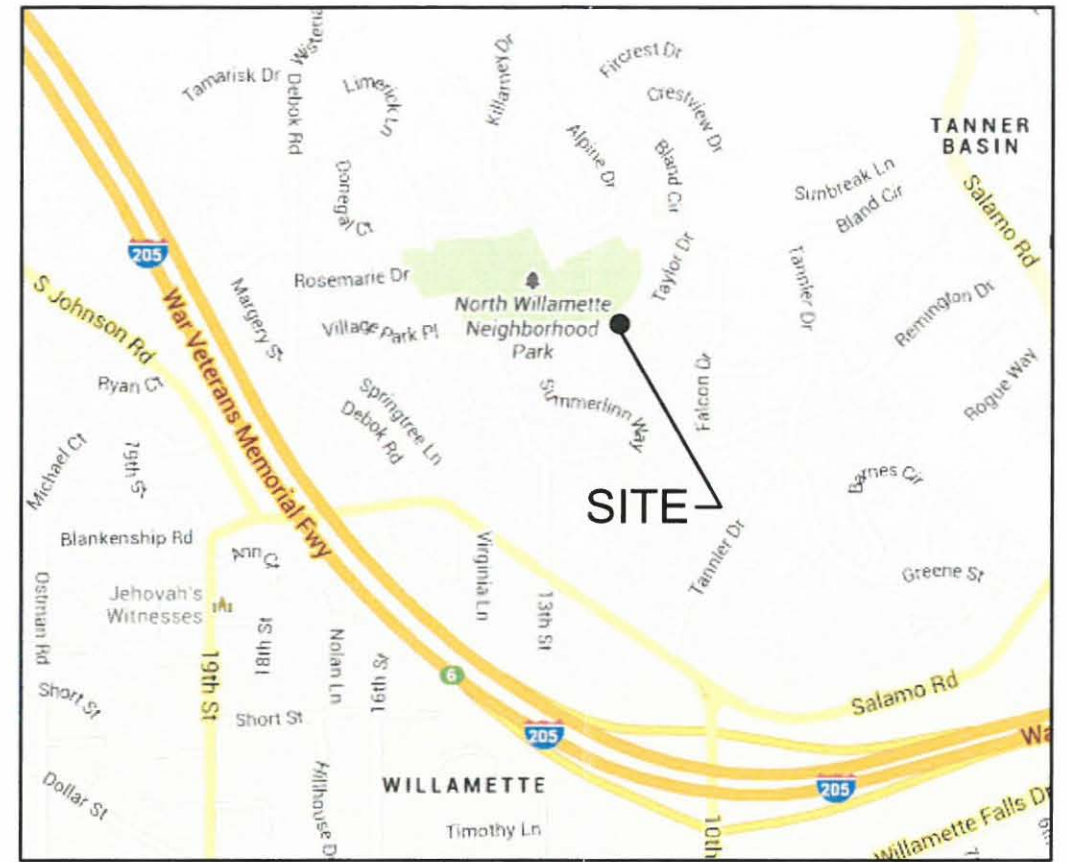
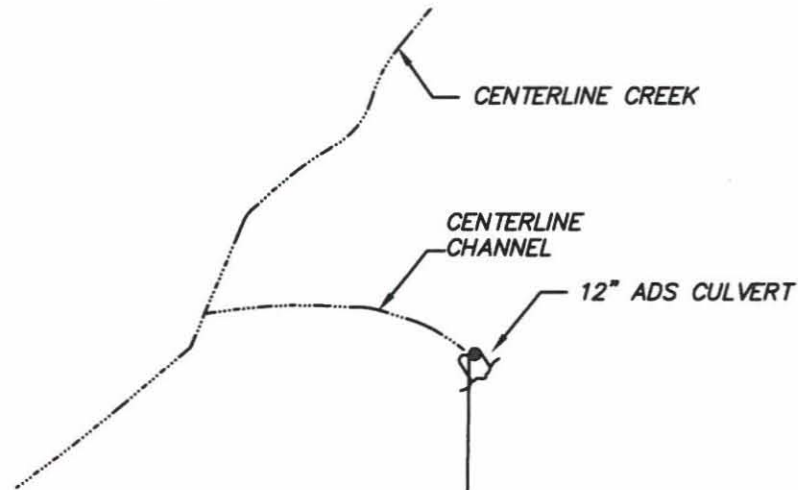
**to meet the standards of CDC 32.050(K). If there does not exist enough site area to meet this requirement, the applicant shall revegetate the entire area of the property that would not normally be within the water resource area, adjacent to the actual water resource area, and is not proposed for permanent disturbance to meet the standards of CDC 32.050(K).**

**PROPOSED FINDING:** The applicant is asking to reduce the water resource area setback to 160 feet and maintain the 15 foot structural setback, meeting this standard. As mitigation for the permanent disturbance of the area of the property that would normally be within the water resource area setback, the applicant proposes to revegetate an equal area on the property which would not normally be within the water resource area to meet the standards of CDC 32.050(K).

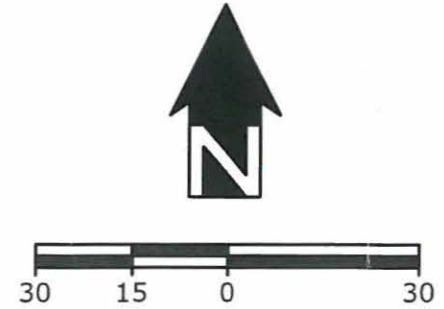
**D. Any further reduction of the standards of this chapter shall require approval of a variance pursuant to Chapter 75 CDC. (Ord. 1545, 2007)**

**PROPOSED FINDING:** The applicant is not asking for any further reduction of the standards.

**Summary:** The applicant is asking to reduce the water resource area setback to 160 feet in order to build an economically viable home on the property. A house that would fit within the current water resource area setbacks would be difficult to sell and could lower the values of the other homes in the neighborhood. The applicant asks for the reduction in order to build a house that will be similar in scale to rest of the neighborhood and for a rear setback that is comparable to its neighbors.



NOTE: RETAINING WALL DESIGNED BY OTHERS.



LOT 9, TANNER CREEK  
WEST LINN, OREGON

CES|NW  
13190 SW 68th Parkway, Suite 150  
Tigard, Oregon 97223  
503.968.6655 www.cesnw.com

NO.	DATE	REVISIONS

PROJECT NO.: 2880  
DATE: 6/25/13  
DESIGNED BY: JDI  
DRAWN BY: JDI

SITE PLAN  
1 OF 1

PAHLISCH HOMES  
P.O. Box 23355  
Portland, OR 97281  
503.596.2208

2880-TC9-BASE.DWG



**Pahlisch Homes**  
 63088 NE 18TH STREET, SUITE 100  
 BEND, OREGON 97701  
 PH: (541) 385-6762  
 FAX: (541) 385-6742

Subdivision: Tanner Crest  
 Lot: 9  
 Address: 2343 Taylor Dr.  
 Date: 08.14.2013

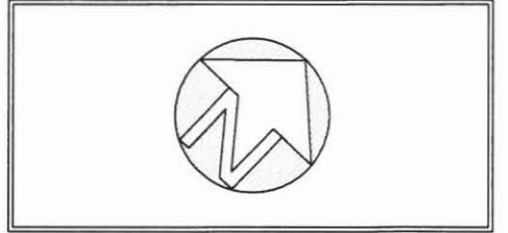
LEGEND

 SILT FENCING

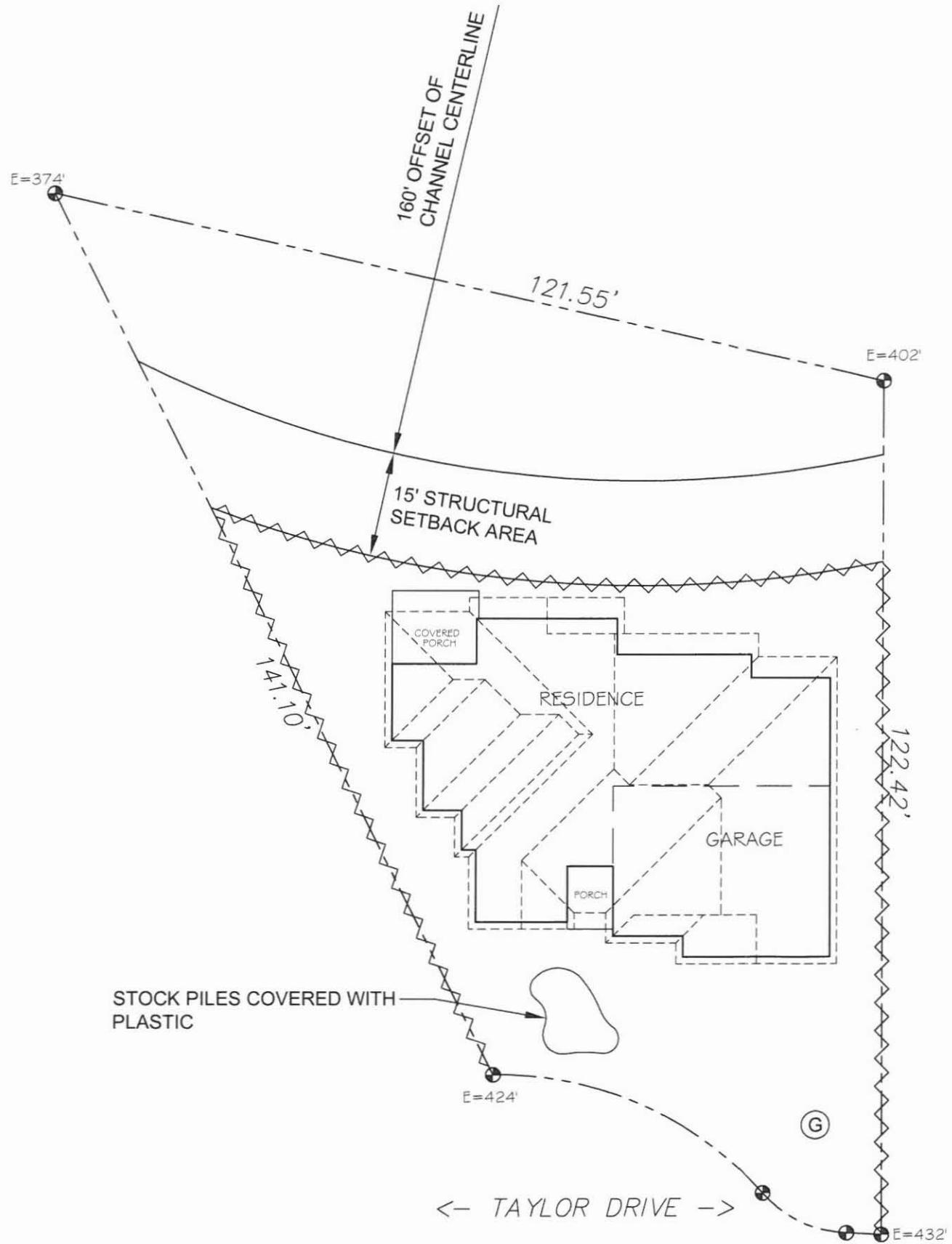
 GARBAGE CAN

LEGEND

- 3" OF STRAW WILL COVER BUILDING AREA.
- GRAVEL IN DIGOUT FOR FOUNDATION.

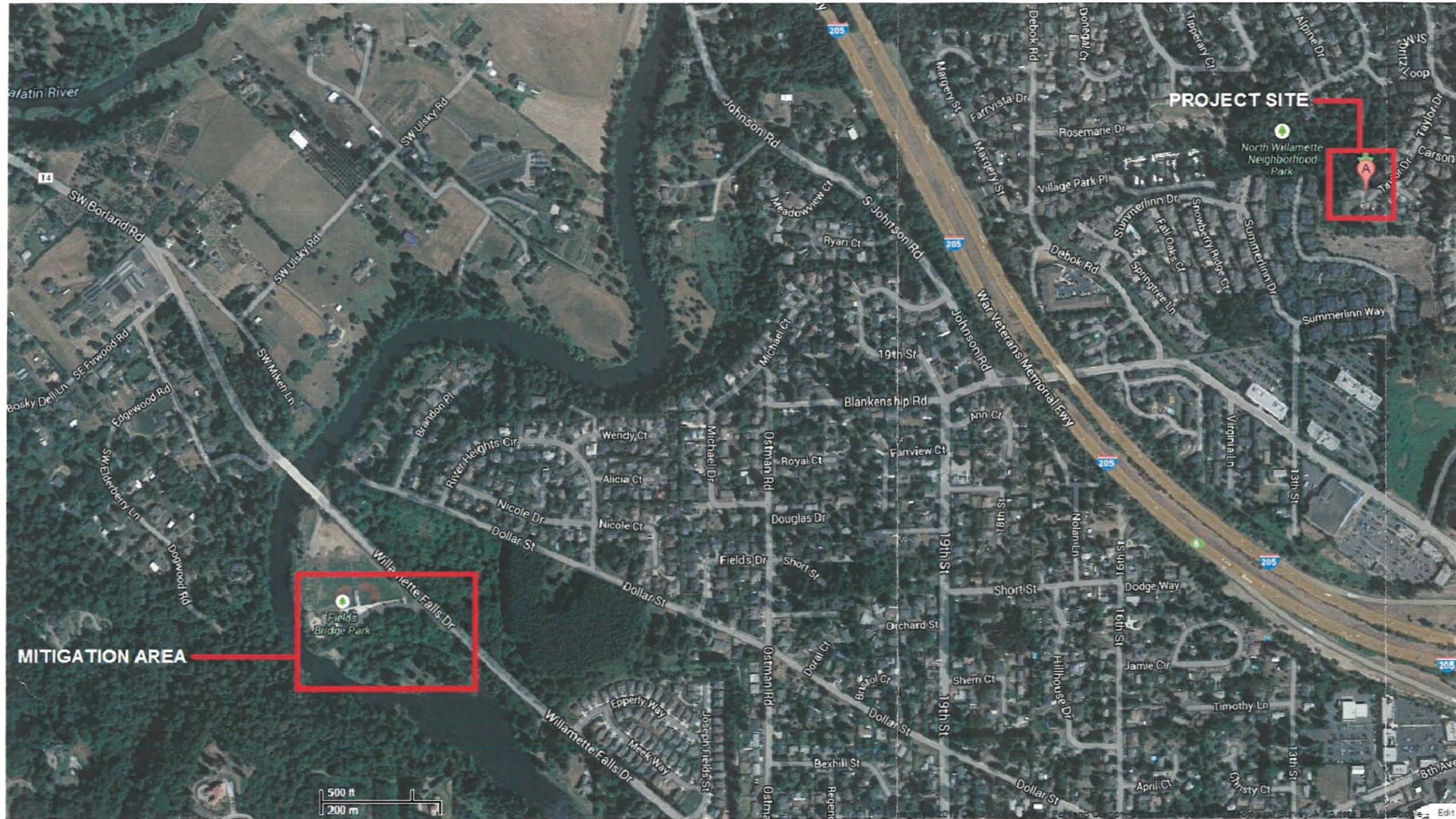


Scale: 1" = 20'-0"



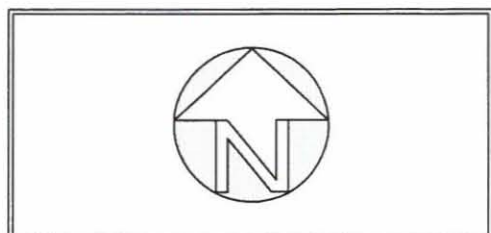
**EROSION CONTROL PLAN**

  
**Pahlisch Homes**  
 63088 NE 18TH STREET, SUITE 100  
 BEND, OREGON 97701  
 PH: (541) 385-6762  
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**MITIGATION MAP**



Scale: NOT TO SCALE