

**PRE-APPLICATION CONFERENCE MEETING  
DRAFT  
Notes  
June 6, 2013**

SUBJECT: Flood Management Area (FMA) permit to construct an addition to an existing house at 19220 Nixon Avenue.

ATTENDEES: Applicant: Bradley Horne, Scott Mumma

Staff: Peter Spir (Associate Planner)

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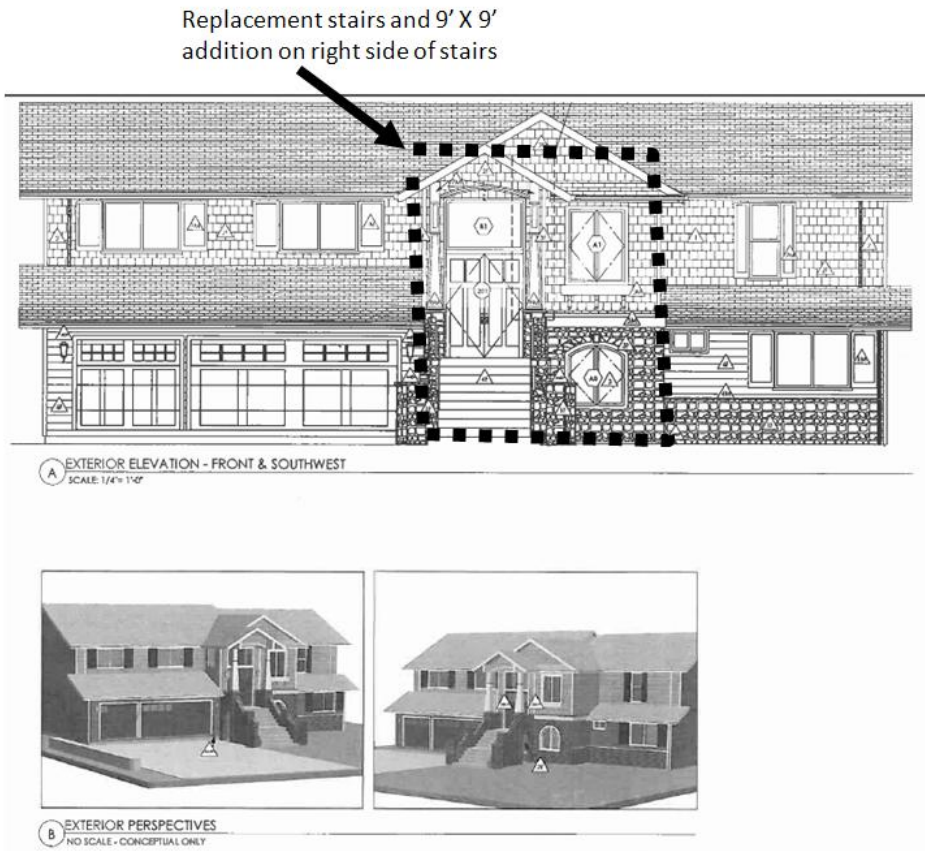
*The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding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

**Project Summary**

The subject property is a Willamette River riverfront property located on the east side of Nixon Avenue in the Robinwood Neighborhood.



The applicant proposes (1.) a 9 X 9 foot two story addition to the front of the house and (2.) new front stairs, replacing existing stairs, also on the front elevation. The 100-year floodplain extends to the front of the existing house and the 1996 flood line extends even further to the street. Therefore the area of proposed remodeling is in the Flood Management Area and a permit under CDC Chapter 27 is required.



Although responding to that chapter's submittal requirements and approval criteria should be straightforward, there is approval criterion that will require a response by a civil engineer:

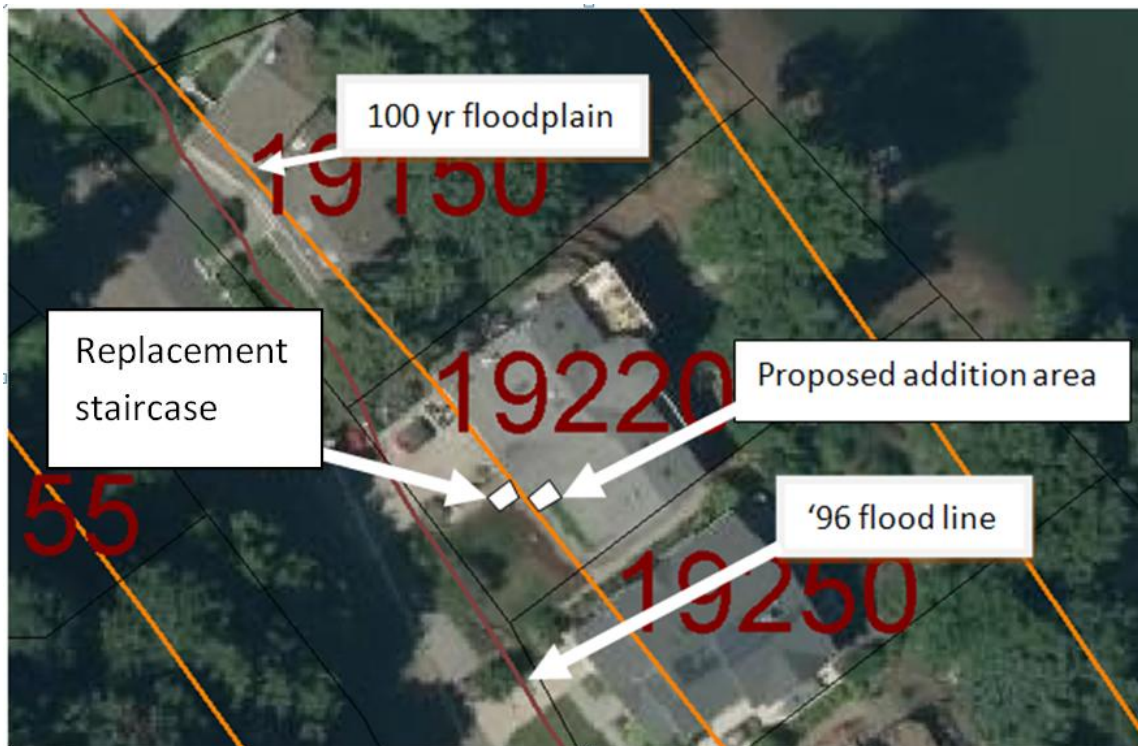
*27.060 (F). Prohibit encroachments, including fill, new construction, substantial improvements, and other development in floodways unless certification by a professional civil engineer licensed to practice in the State of Oregon is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.*

*27.060 (G). All proposed improvements to the floodplain or floodway which might impact the flood-carrying capacity of the river shall be designed by a professional civil engineer licensed to practice in the State of Oregon.*

The property is also within the WRG boundary which extends east of the house onto Nixon Avenue. Under the WRG chapter, there are Habitat Conservation Areas (HCAs) which must be kept out of in order to avoid a WRG permit. Most of the house and the proposed addition are in the “Allow Development” area, but the front steps are in the HCA area so a WRG permit would ordinarily be required. However, staff notes that there is an exception 28.030(G):

*“Maintenance or repair of existing residential houses, structures and docks, provided the work does not involve expansion of building square footage or building footprint”.*

Based on discussions at the pre-application conference and the finding that the new stairs are no bigger than the original stairs (which have already been removed), 28.030(G) will apply and **no WRG permit is needed.**



The applicant, Charles Heath, also had some questions after the meeting:

1. Are there ways to shorten the process?

Staff: The process is standardized with no expedited procedures available. However, the applicant can reduce the amount of time by submitting a complete application. Most applications (98%) are not complete at the time of the initial submittal. From

the date the submittal is deemed complete, these applications average 5-7 weeks to the date that you can proceed with construction. Appeals would add to that time period.

2. Do I really have to prepare a completely new report pertaining to the location of the house in the FEMA flood zone and Greenway?

Staff: The submittal must be specific to this property and to the proposed improvements. The Civil Engineer's findings must also be similarly focused.

3. Can I use all, or part, of the information supplied in my previous permit issued to construct my deck located on the river side of the property since nothing has changed?

Staff: I looked at the earlier application from 2008 for a deck and retaining wall at the rear of the house (file WAP-08-05). The Elevation Certificate will be useful. Beyond that, you can use this submittal to assist you in your completion of your current application but an unmodified earlier submittal cannot replace a new application that speaks directly to the front steps and the addition.

4. Can I start some of the work before the permit is issued (I have no access to my front door since the removal of my dangerous stairway)?

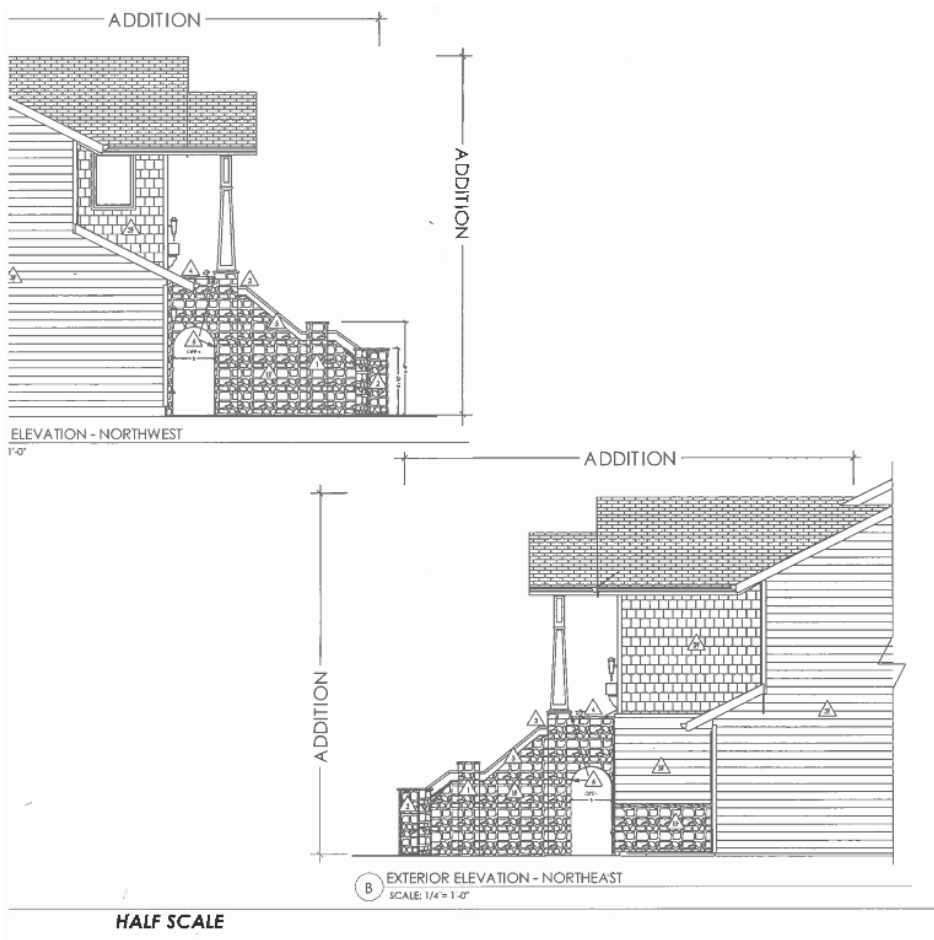
Staff: No work can start until the FMA permit is approved; however the Building Official will allow you to construct temporary stairs to provide emergency ingress/egress on your front elevation. You will need to submit plans for these stairs. The stairs shall be built per section R311-312 of the Oregon Residential Specialty Code.

(You cannot start building your proposed entry and stairs as a substitute for the "emergency" ingress/egress stairs detailed in the section R311-312 of the Oregon Residential Specialty Code.)

Meanwhile, the Building Department can review your permanent stair plans and the addition prior to FMA permit approval at your own risk but no construction (temporary/emergency stairs excepted) may occur until approval of the FMA permit. Removing exterior siding may start at any time.

5. Is my project, which adds less than 80 square feet to the footprint of my house, subject to the same process as a new building?

Staff: Yes.



## PROCESS

A Flood Management Area permit is required. Follow the submittal requirements of Community Development Code (CDC) Section 27.050 precisely. Respond to the criteria of 27.060, 27.070, and 27.080. "N/A" is not an acceptable response to any criterion. Please explain why it is N/A, if that is the case. As stated earlier some approval criterion requires statements by a civil engineer.

Submittal requirements and approval criteria for both permits may be waived per 99.035(B), but the applicant must first identify the specific submittal requirement or approval criteria and request, in letter form, that it be waived by the Planning Director and must identify the specific grounds for that waiver. The waiver may or may not be granted by the Planning Director. The Planning Director's waiver may be subsequently overturned by the Planning Commission. (It is a lot faster to simply address the criteria.)

**An electronic or digital version of your application on disc is required.**

The deposit for an FMA permit is \$1,050. **Please note that this is an initial deposit, and staff time is charged against the deposit account. It is common for there to be more staff time spent on development applications than deposits cover, and therefore additional billings may occur.**

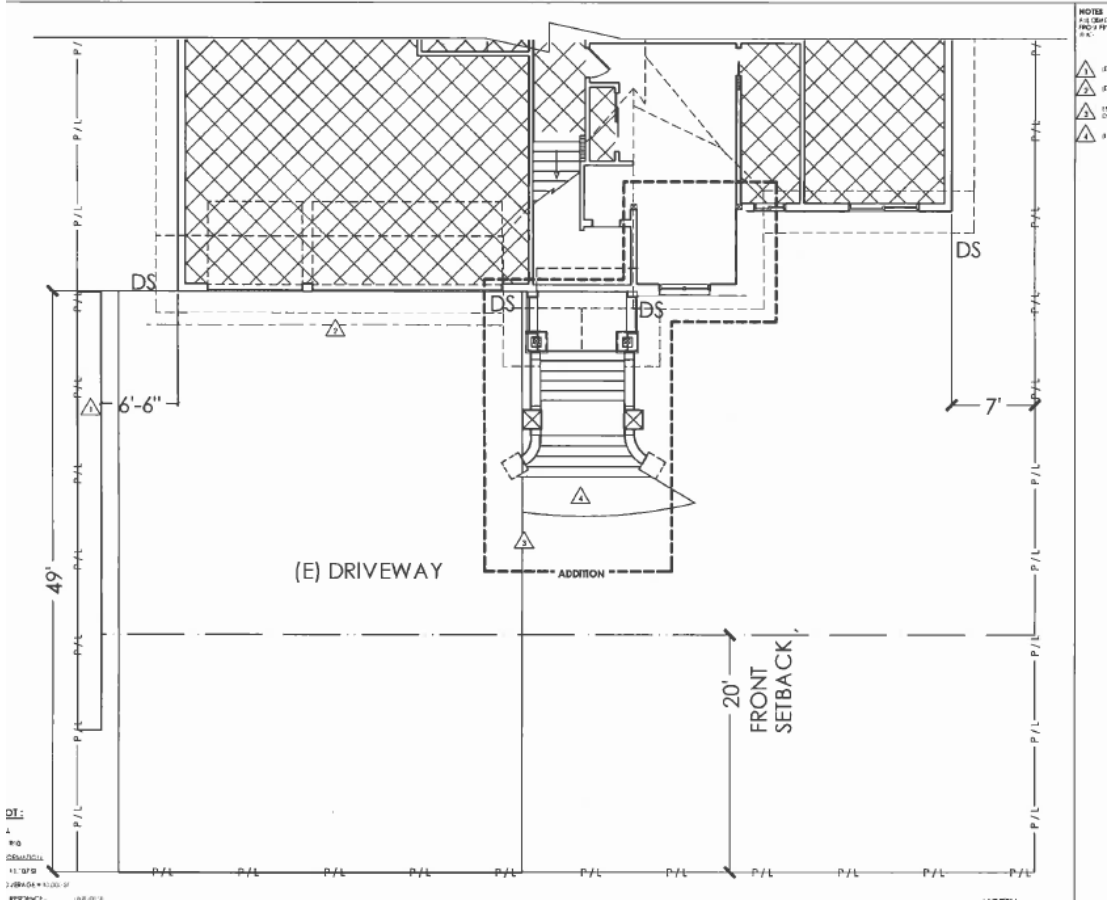
No neighborhood meeting, per 99.038, is required for this application.

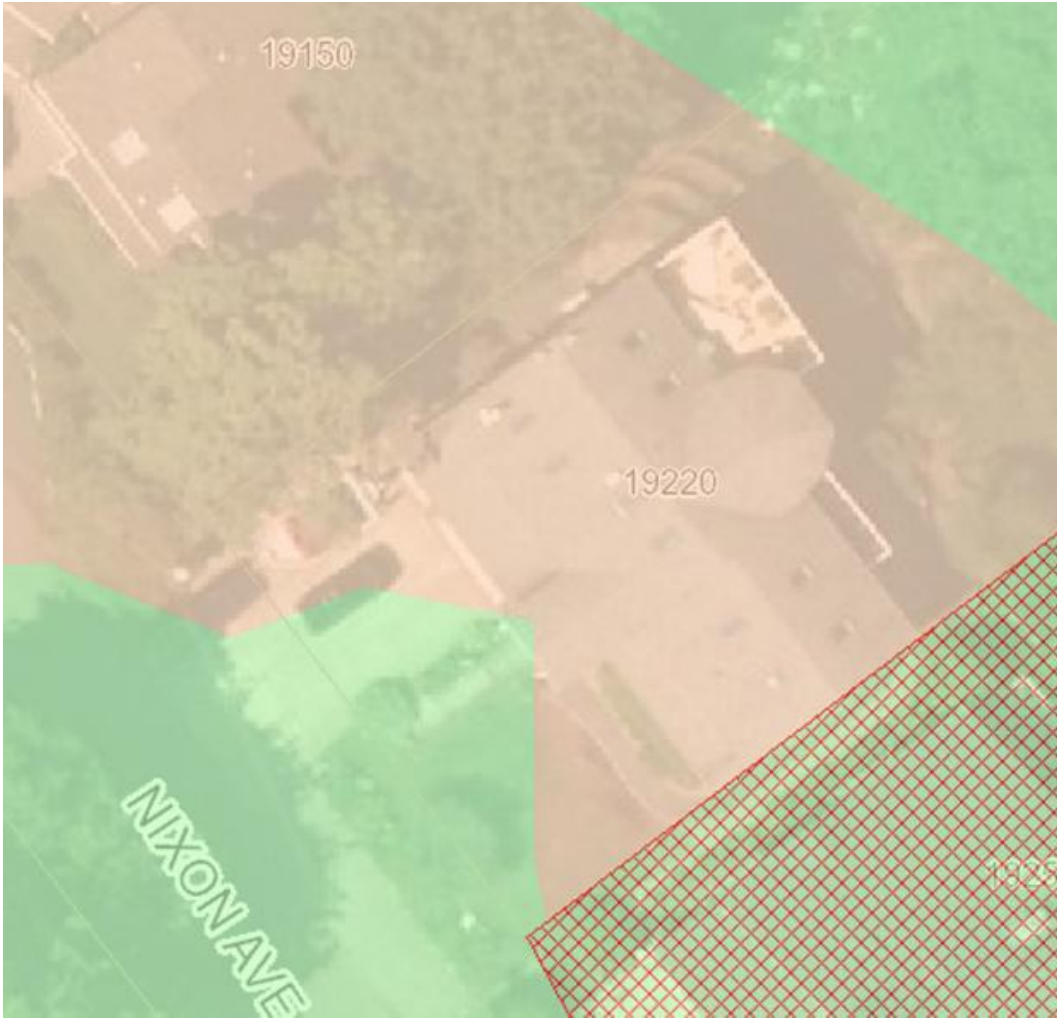
Once the submittal is deemed complete, the staff will schedule a decision date by the Planning Director. There is no public hearing. Public notice will be sent out 14 days before the Planning Director's decision to property owners within 100 feet of the site perimeter. The US Army Corps of Engineers and the Oregon Division of State Lands are also notified.

The Planning Director's decision may be appealed to City Council by the applicant or anyone with standing.

**Typically, this type of land use applications takes at least 5-7 weeks from date of submittal of an application (assuming it is complete).**

**DISCLAIMER:** This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. Pre-application notes are void after 18 months and if no application is in process, a new pre-application conference is required.





High HCA (green) extends over the exempted stairway