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October 21, 2009

City Planner  
West Linn, Oregon

Re: Property located at 1215 9<sup>th</sup> Street  
Request for Residential Pool Permit

Dear City Planner/To whom it may concern:

This letter is sent in conjunction with the application for a residential private swimming pool located at 1215 9<sup>th</sup> Street, West Linn, Oregon. Appropriate plans and other documentation have been separately submitted under separate cover.

The pool is currently in existence and has passed all inspections, including concrete, Clackamas County electrical, and all other necessary inspections as required by the local and city government. This documentation will be made available to the City.

Currently, the City is considering whether this pool affects a Water Resource Protection Area under CDC Chapter 32. I will address each point directly in establishing that either (1) the Chapter does not apply in this circumstance or (2) if it does, a hardship permit should be granted.

1. The purpose and intent of the Chapter is to protect water quality, prevent flooding, and protect fish and wildlife. CDC 32.010. There are no fish in the area. In fact, there is no running or standing water in the area. Pollution and water quality are not an issue in this setting.
2. The area is not a "new" area of development. It was our pre-existing back yard, composed of concrete, sod and native plants. This area had been previously developed since 2002. The sod was removed, and the area was re-planted with native plants. In the spring, native grasses from the Metro list will be supplemented when weather is more appropriate.
3. In installing the pool, we have taken several measures to deal with flood control, which had previously been inadequate. We have installed 3 drains. One is located in the bottom of the pool. The other two are on the rear and sides of the pool perimeter. There is also now a monitoring station, allowing for temporary pump insertion if necessary when water levels rise dramatically. Additionally, an access point for any excess

rainwater has been created and troughed, allowing for better inflow and outflow of any rainwater runoff occurring in the rear of the property. Finally, the pre-existing runoff channel has been fortified and expanded with 3" commercial grade rock/granite, preventing water seepage and allowing for more adequate drainage. The combined effect of all these new features will result in better water outflow for all surrounding homes and property, as well as diminished water seepage and "puddling" of rainwater.

4. Puddling, in the past, has created a health and safety issue for the surrounding families in the area due to the large mosquito population and other parasites that develop in the stagnant, standing water. Our modifications have virtually eliminated this puddling effect around the subject property.
5. The surrounding wildlife now has better access to the property due to the landscaping changes made around the pool. This wildlife has included birds of prey and other birds. There are not now, nor have there ever been water fowl on the property, except for the two ducks who continue to return for a temporary, 2 month visit every spring. I am sure they will return because our children feed them everyday.
6. This project has involved a great deal of clean-up of the surrounding area. This has included the removal of dead/dying vegetation and pollutants that constituted a hazard to surrounding families and their children.
7. Strict application of the Chapter 32 would cause an unreasonable hardship on us as property owners. We attempted to sell this property on 3 occasions within the last 2 years. Our efforts at obtaining a sale failed. The restrictions, if imposed strictly would essentially deprive us of improving any portion of the property for any purpose as we are currently surrounded by wetlands in the front and back of the home. By staying in the home and improving it ourselves we have significantly increased the value and resale potential of the property. Moreover, the pressure drain located at the bottom of the pool has eliminated the pooling water in our crawl space, which had been a frequent source of problems including, of course, a seasonally flooded crawlspace despite the addition of a new sump, frog and insect breeding grounds, risk of toxic molds and fungus/dryrot, radon, as well as foundation settling causing cracks throughout the drywall in the home to say nothing about cracks in the door and window sills. We have a dry crawlspace for the first time in history. This is, beyond a doubt, directly related to the pool.
8. Bluntly, the value of this pool far outweighs the value of the non-native sod we removed in our back yard. The remaining area surrounding the pool will be re-vegetated consistent with 32.050. The footprint within the water resource area is significantly less than 5,000 square feet.
9. The project presents absolutely zero danger to life or property due to flooding and erosion. In fact, it goes to great leaps in preventing such danger as discussed above.

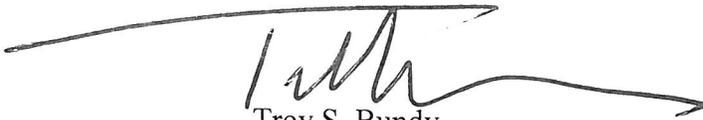
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10. The pool is environmentally sound and fully up to code. Our concrete patio was removed in favor of natural sandstone found in Central Oregon, lending to the aesthetic "natural and native" appearance of this pool.
11. Finally, we have installed a power cover at significant cost to us as an added safety precaution.

For these reasons, we ask the City Planner to approve our permit, either declining to apply Section 32 altogether, or by granting us the Hardship Status as delineated in the code. Thank you for your assistance.

Respectfully,



Troy S. Bundy



Gina Bundy



Logan Bundy (Age 9)



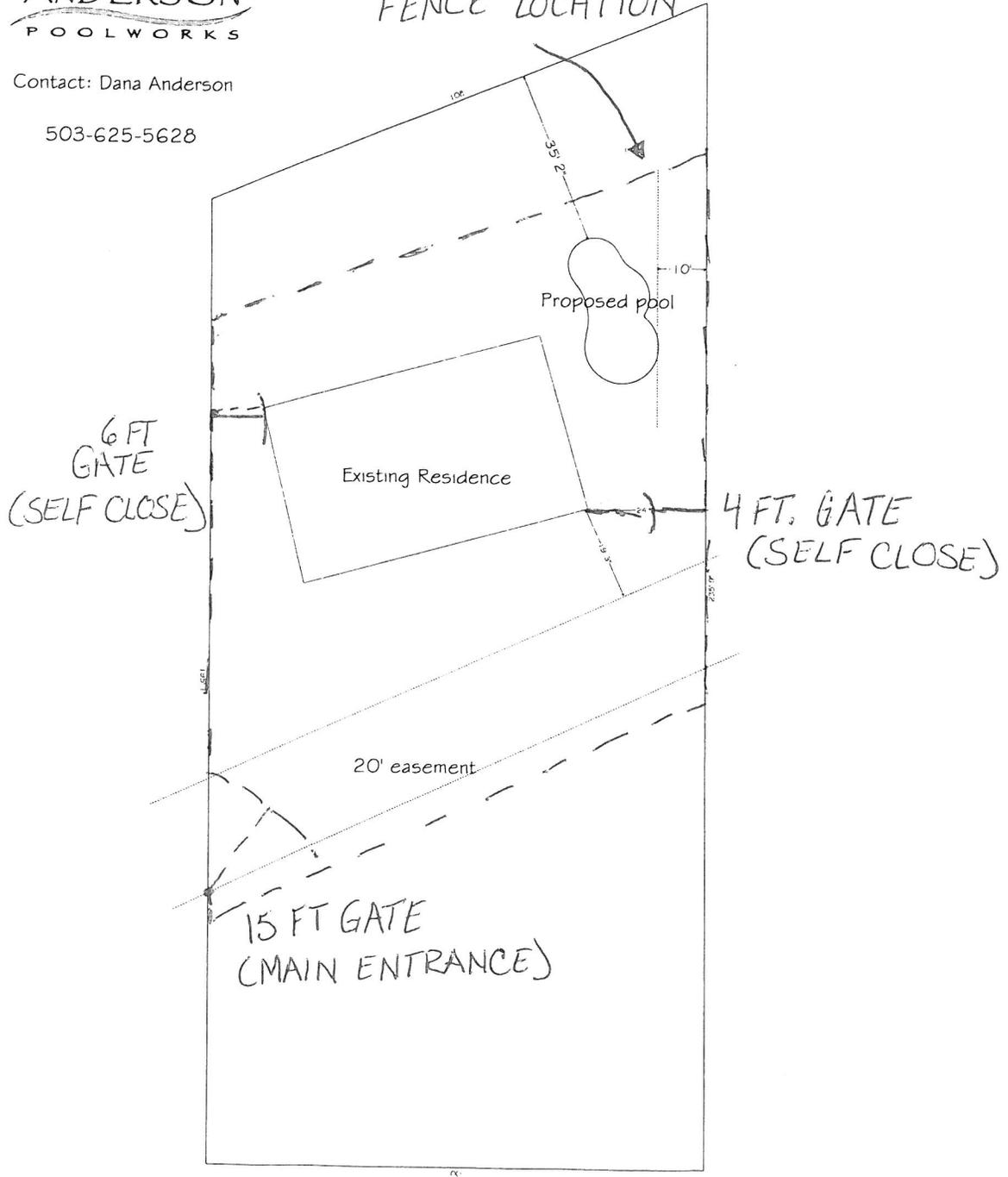
Cole Bundy (Age 4)

ANDERSON  
POOLWORKS

Contact: Dana Anderson

503-625-5628

# EXHIBIT "A" FENCE LOCATION



Bundy Residence  
1215 9th St. West Linn  
Parcel number 8201



North

BUNDY HOME 1215 9<sup>th</sup> ST.

FENCE TO OBSTRUCT ACCESS TO POOL.

CONSTRUCTION SHALL CONFORM TO 2008

OREGON RESIDENTIAL SPECIALTY CODE

APPENDIX G

SEE EXHIBIT "A" FOR FENCE LOCATION

ALL STEEL & PAINTED

FENCE DETAILS

