



STAFF REPORT

PLANNING DIRECTOR DECISION

DATE: August 30, 2010

FILE NO.: MIS-10-18

SUBJECT: Request to construct a patio roof and associated supports at 18444 Nixon Avenue, requiring a Flood Management Area permit

PLANNER: Tom Soppe, Associate Planner

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SPECIFIC DATA

OWNER: Craig & Joyce Jacobsen, 18444 Nixon Ave., West Linn, OR 97068

APPLICANT: Bjorn Nordquist, Landscape East & West, 8850 SE 76th Dr., Portland, OR 97206

CONSULTANT: Matthew Magana, eM Design, 20195 S. Criswell Rd., Oregon City, OR 97045

SITE LOCATION: 18444 Nixon Ave.

SITE SIZE: Approx. 0.55 acres

LEGAL

DESCRIPTION: 2 1E 13CD, Tax Lot 601

COMP PLAN

DESIGNATION: Low-Density Residential

ZONING: R-10, Single-Family Residential

APPROVAL

CRITERIA: CDC Chapter 27 Flood Management Areas; Chapter 11 Single-Family Residential Detached R-10

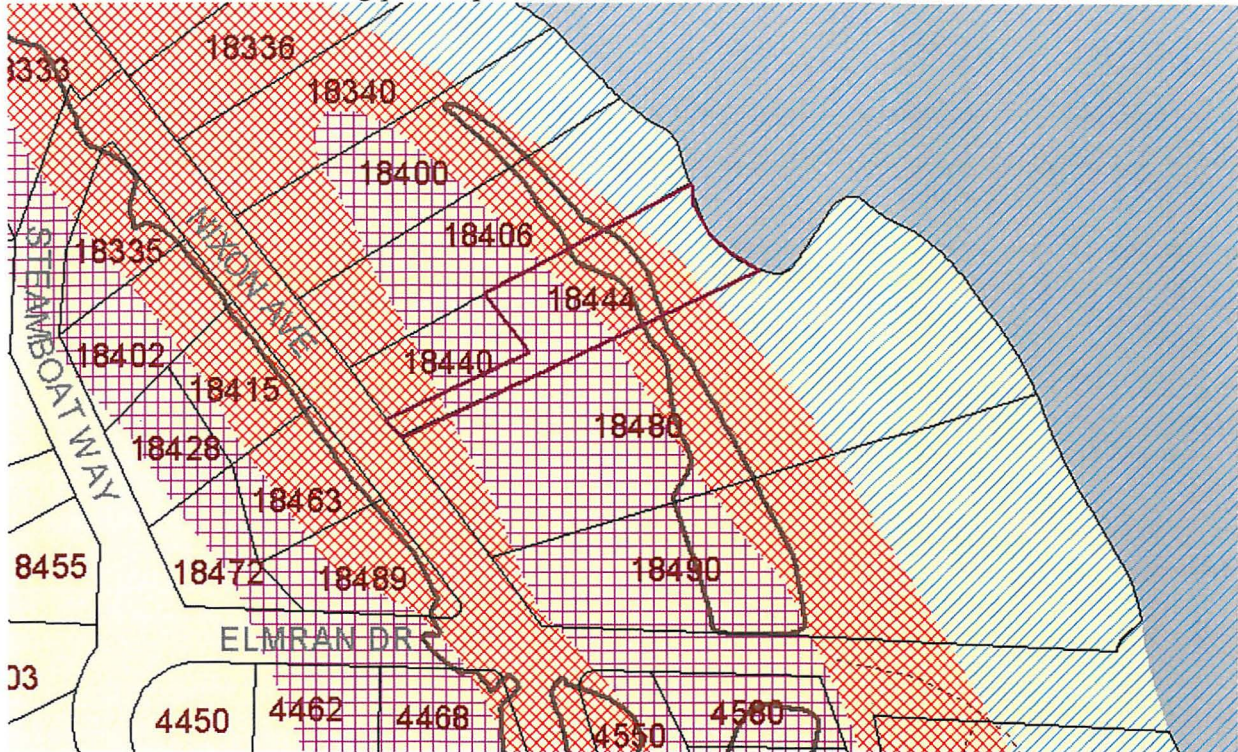
120-DAY RULE: The application became complete on August 3, 2010. The 120-day period therefore ends on December 1, 2010.

PUBLIC NOTICE: Notice was mailed to property owners within 100 feet of the subject property and the Robinwood Neighborhood Association on August 13, 2010. The notice was also posted on the City's website. Therefore, public notice requirements of Community Development Code Chapter 99 have been met.

EXECUTIVE SUMMARY:

The subject property is outlined in purple on the following map. The Flood Management Area consists of all areas in the floodway and the 100-year floodplain as well as areas within the 1996 flood line. As can be seen on the map below, much of the property is within the Flood Management Area. CDC 27.020 states, "A flood management area permit is required for all development in the Flood Management Area Overlay Zone." The applicant proposes a patio roof and supporting elements over a currently uncovered rear patio. This development is proposed in the central area of the site, in the area of the 100-year floodplain just west of the outlined strip of land outside the 1996 flood line. Since the area proposed for development is in both the 100-year floodplain and the 1996 flood area, it is within the Flood Management Area Overlay Zone. Staff finds that the proposal is compliant with the provisions of chapters

27 and 11 upon the fulfillment of conditions requiring cut and fill to be demonstrated as balanced, requiring only native plants beyond the top of bank, and requiring the current rear lot line to be shown on building permit plans.



Vicinity Map (Site outlined in purple, floodway in light blue hatches, 100 year floodplain in red hatches, 500 year floodplain in purple hatches, 1996 flood line in brown)

Site Conditions. The approximately 24,000 square foot site is a flag lot on the east side of Nixon Avenue. It contains a single-family residence and attached front garage. Behind the house is an uncovered patio. Behind this patio and surrounding yard area is a slope leading down to the lowlands beside the Willamette River. The river forms the back property line. The flood management area extends from the river approximately west to the main body of the house. A wetland also exists along this side of the river, partly on site. The Willamette River Greenway overlay exists over the areas of the site at the bottom of the slope and east towards the River. There is a historic lot line across this and surrounding lots up and down Nixon Avenue north of Elmran Drive. This line appears on the original plat of CedarOak Park Plat 2. Apparently the lands east of this line, as far east as the river's edge, became part of these properties sometime in the past. The east property line for the site is now the river itself, as shown on the map above from City GIS. The site plan shows the property line as the historic lot line, but it is actually the river, so there are no rear setback violations or non-conformities for either the existing house or the proposed patio roof addition.

Project Description. The applicant proposes a roof over the central area of the existing rear patio. See the site plan on Page 18 of Exhibit PD-3. The roof will be attached to the existing house at its west end, and will be supported by pillars on a masonry seat wall and post base foundation at the east end.

Surrounding Land Use. The site is located on the northernmost block of Nixon Avenue, north of Elmran Drive. A few houses north of the site Nixon curves to the west to become Steamboat Way, which curves back to Elmran. Elmran Drive continues east of Nixon to terminate at the access to a boat ramp on a large City-owned parcel south of Elmran along the river. West of Steamboat Way, Elmran Drive goes up a steep hill, at the top of which are more R-10 residential areas and the Cedaroak Primary School (also zoned R-10).

Approval Criteria and Analysis. CDC 27.020 states, “A flood management area permit is required for all development in the Flood Management Area Overlay Zone.” Chapter 2 definitions defines Flood Management Area as “All lands contained in the Flood Management Area Overlay Zone which include: lands within the 100-year floodplain, flood area, and floodway as shown on the FEMA flood insurance map dated June 17, 2008; the area of inundation for the February 1996 flood; and lands which have documented evidence of flooding.” The areas of the property where the development is proposed are in both the 100-year floodplain and the 1996 flood area. Therefore a Flood Management Area permit is needed.

The Flood Management Area permit, which is governed by Chapter 27 of the CDC. The proposed improvements add to an existing residential structure on this residential property. Therefore the appropriate approval criteria are 27.060 Approval Criteria, 27.070 Construction Materials and Methods, and 27.080 Residential Construction. The proposed improvements meet the existing requirements for the R-10 zone including setbacks, lot coverage, height, etc.

Whether the area where development is proposed on site is within the transition area for the wetland on site per Table 32-1 would depend on the closeness of the 25% slopes on site to the wetland, but a Water Resource Area permit is not needed whether it is in the transition area or not. This is because 32.020(D)(8)(a) states that additions that do not increase encroachment into the water resource area do not need a Water Resource Area permit; since the roof extension is proposed above an existing impervious patio, it does not increase the encroachment of development into the water resource area.

The Willamette River Greenway permit is also not needed. This is because while the overlay and adjacent Metro habitat conservation areas exist on site, the development is proposed in an area not affected by the habitat conservation area delineations and is exempt from this permit per 28.040(T). Since new plantings are shown on the landscape plan, Condition of Approval 2 is proposed below to ensure that any new plantings that may occur in the habitat conservation area that begins at the top of bank will be compliant with Chapter 28 Willamette and Tualatin River Protection. The Willamette River Greenway permit is not needed even if plantings (that conform to Condition of Approval 2) occur east of the top of the bank, as 28.040(J) states that is landscaping with native plants is exempt from this permit.

PUBLIC COMMENTS

No public comments have been received.

RECOMMENDATION

Based on findings contained in the applicant’s submittal in the City record, staff finds that there are sufficient grounds to **approve** this application (MISC-10-18) subject to the following conditions of approval:

- 1. Site Plan. The improvements shall conform to the site plan on Page 18 of Exhibit PD-3.
- 2. Rear Lot Line. The site plan submitted for the building permit shall show the correct rear lot line as shown on City GIS.
- 3. Landscaping. If any landscaping occurs beyond the top of the bank behind the patio, it shall be done with native plants only.
- 4. Balanced cut and fill. Prior to the issuance of building permit, the applicant shall demonstrate that all fill, including the volume of the posts supporting the roof, is balanced with excavation elsewhere on site.

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 Community Development Code Chapter 99 have been met.

John Sonnen
JOHN SONNEN, Planning Director

9/30/2010
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 written comments prior to or on August 30, 2010. Approval will lapse 3 years from effective approval date unless an extension is obtained.

Mailed this 2 day of September, 2010.
Therefore, the 14-day appeal period ends at 5 p.m., on

September 16, 2010.

ADDENDUM

APPROVAL CRITERIA AND FINDINGS

MISC-10-18

Staff recommends adoption of the findings for approval contained within the applicant's submittal, with the following exceptions and additions:

27.060 APPROVAL CRITERIA

The Planning Director shall make written findings with respect to the following criteria when approving, approving with conditions, or denying an application for development in flood management areas.

A. Development, excavation, and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.

B. No net fill increase in any floodplain is allowed. All fill placed in a floodplain shall be balanced with an equal amount of soil material removal. Excavation areas shall not exceed fill areas by more than 50 percent of the square footage. Any excavation below bankful stage shall not count toward compensating for fill.

C. Excavation to balance a fill shall be located on the same parcel as the fill unless it is not reasonable or practicable to do so. In such cases, the excavation shall be located in the same drainage basin and as close as possible to the fill site, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.

FINDING NO. 1:

There will be no development in the floodway, only the 100-year floodplain. The development will consist of a base, pillars, and a roof. The proposed development will not have a significant effect on flood storage and conveyance capacity. The applicant's finding on Page 16 of Exhibit PD-3 states that there will be no excavation storage or fill (of soil, etc.). There will be the fill of adding the pillars' and their bases' volume to the area just above the ground however. Condition 4 requires the applicant to demonstrate that the addition of the pillars and their foundations is balanced with excavation elsewhere on site. The criteria are met upon the fulfillment of Condition 4.

D. Minimum finished floor elevations must be at least one foot above the design flood height or highest flood of record, whichever is higher, for new habitable structures in the flood area.

FINDING NO. 2:

There will be no new habitable structures as the only improvements proposed involve a patio cover and support structures.

E. Temporary fills permitted during construction shall be removed.

FINDING NO. 3:

Any temporary fills will be removed after construction.

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.

FINDING NO. 4:

There will be no development in the floodway, only the 100-year floodplain.

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.

FINDING NO. 5:

The development proposed in the 100-year floodplain is not expected to impact the flood carrying capacity of the river.

H. New culverts, stream crossings, and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.

FINDING NO. 6:

No new culverts, stream crossings, or transportation projects are proposed. The criterion is not applicable.

I. Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable land.

FINDING NO. 7:

There will be no new impervious area, so no detention facilities will be needed. No levees are proposed.

J. The applicant shall provide evidence that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required. (ORD 1522)

FINDING NO. 8:

No permits from other agencies can be expected to be required for this minor development in the 100-year floodplain.

27.070 CONSTRUCTION MATERIALS AND METHODS

A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage using methods and practices that minimize flood damage.

B. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

FINDING NO. 9:

All materials used will conform to these criteria per the applicant's findings on Page 18 of Exhibit PD-3.

C. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

D. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

E. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

FINDING NO. 10:

None of the above systems are proposed. The criteria are not applicable.

F. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

FINDING NO. 11:

The new addition will have a masonry base on one end and will be attached to the existing house on the other. The criterion is met.

27.080 RESIDENTIAL CONSTRUCTION

A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation.

B. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either

be certified by a professional civil engineer or architect licensed to practice in the state of Oregon, and must meet or exceed the following minimum criteria:

C. Crawlspace. Crawlspace are a commonly used method of elevating buildings in Special Flood Hazard Areas (SFHAs) to or above the Base Flood Elevation (BFE), and are allowed subject to the following requirements:

D. A poured slab placed over fill can be used to elevate the lowest floor of a structure above the base flood elevation. However, when a building site is filled, it is still in the floodplain and no basements are permitted.

FINDING NO. 12:

There will be no new interior space developed, and the patio grade will not be changed. The criteria are not applicable.

E. Placing a structure on piers, piles, and posts is allowed provided supporting members are designed to resist hydrostatic and hydrodynamic forces.

FINDING NO. 13:

The roof of the deck will be held up by pillars on masonry bases. These supports will be designed to be resistant of hydrostatic and hydrodynamic forces. The criterion is met.

CHAPTER 11, SINGLE-FAMILY RESIDENTIAL DETACHED, R-10

Chapter 11, the R-10 zone, provides use regulations and development standards that apply to the site. Single-family detached residential units are allowed outright in this zone with a minimum lot size of 10,000 square feet. The minimum front yard is 20 feet and the minimum side yard is 7.5 feet. The maximum lot coverage is 35% and the maximum height is 35 feet.

FINDING NO. 14:

This is a single-family detached residential property on a lot that has approximately 21,000 square feet (minus the flaglot stem which does not count towards base lot size). Therefore the use and its proposed addition are allowed outright in this zone. The proposed roof and pillars will meet the 7.5 foot side setbacks and will be well over 20 feet from the rear property line at the river (see "site conditions" above for discussions of the rear property line being at the edge of the river, rather than just behind the patio area as shown on the applicant's site plan). Staff estimates that lot coverage will be approximately 27% after the addition is completed. The addition will be less than 35 feet tall as it is a roof over the patio attached to a 1-story house. The provisions of Chapter 11 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. Misc-10-18 Applicant's Name landscape East + West
Development Name Floodplain Permit at 18444 Nixon Ave.
Scheduled Meeting/Decision Date August 30th

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) _____ (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) _____
- 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) _____ (signed) _____
City's website (posted date) _____ (signed) _____

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) _____ (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 X

- A. The applicant (date) 8/13/10 (signed) SL
- B. Affected property owners (date) 8/13/10 (signed) SL
- C. School District/Board (date) _____ (signed) SL
- D. Other affected gov't. agencies (date) 8/13/10 (signed) SL
- E. Affected neighborhood assns. (date) 8/13/10 (signed) SL

all

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) _____ (signed) _____

**CITY OF WEST LINN
PLANNING DIRECTOR DECISION**

FILE NO. MISC-10-18

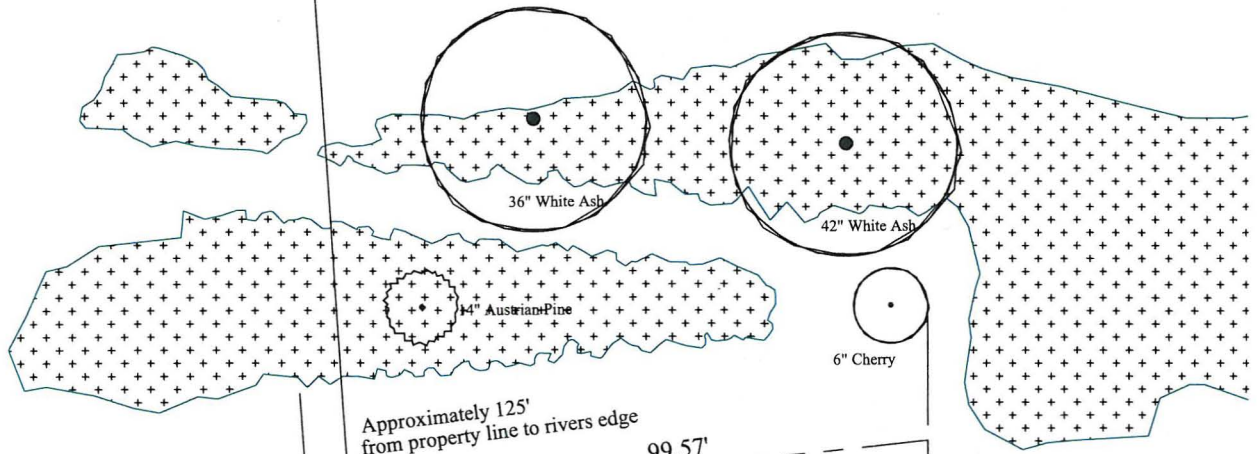
The West Linn Planning Director is considering the request of Landscape East and West for a Flood Management Area permit for a roof above an existing patio. The site is located at 18444 Nixon Avenue. The permit is needed because the area proposed for the new development on site is in the 100-year floodplain and the 1996 flood area. The decision will be based on the approval criteria in Chapter 27 of the Community Development Code (CDC). The approval criteria from the Community Development Code (Zoning Code) are available for review at City Hall, at the City Library, and on the Planning Department's page of the City's website under Documents/CDC.

You have been notified because County records show you own property within 100 feet of the site located at Tax Lot 601, Clackamas County Assessor's Map 2-1E-13CD, or as otherwise required by CDC 99.080(B).

All relevant materials in the above noted file are available for inspection at no cost, or copies may be obtained for a minimal charge per page. Although there is no public hearing, your comments and ideas 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, August 30, 2010**, so please get in touch with us prior to this date. For further information, please contact Tom Soppe, Associate Planner, at City Hall, 22500 Salamo Rd., West Linn, OR 97068, telephone (503) 742-8660, or e-mail to 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.

WILLAMETTE RIVER



Approximately 125'
from property line to rivers edge

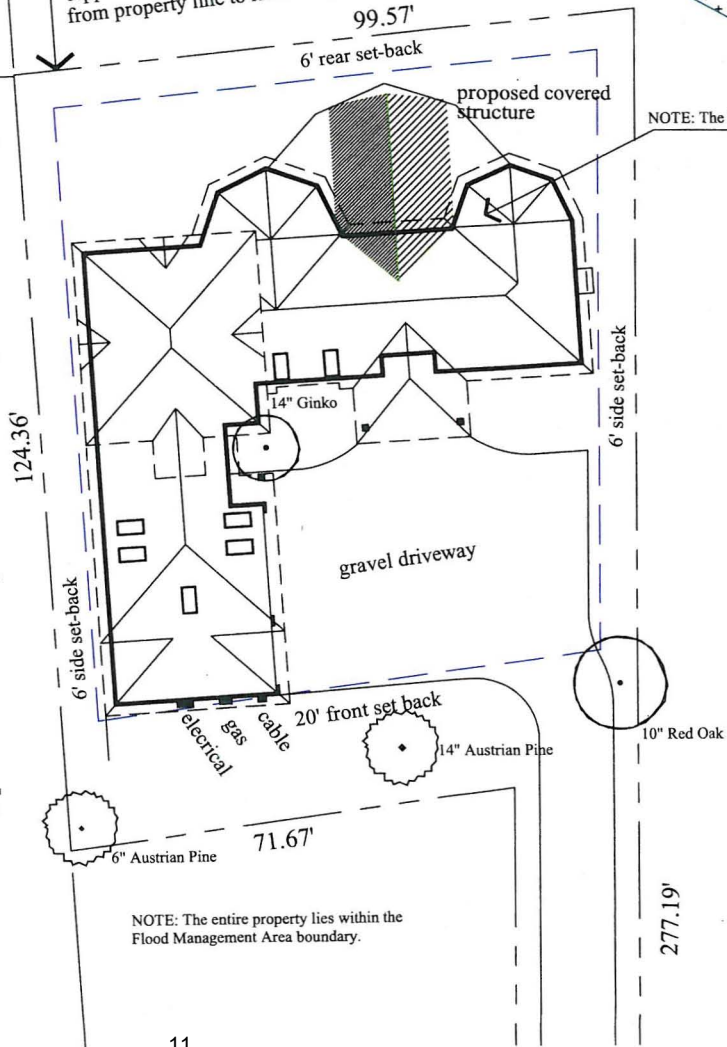
PROJECT:
**JACOBSEN
 RESIDENCE**
 18444 NIXON AVE
 WEST LINN, OR

SHEET NAME:
**SITE
 PLAN**

LEGAL DESCRIPTION:
 Lot 149 CEDAROAK PARK
 PLAT NO. 2
 City of West Linn
 County of Clackamas
 State of Oregon

DATE: 5-18-10 REVISION:
 DRAWN BY: M.M.M. 7-20-10
 SCALE: 1"=20'-0" 8-2-10

SHEET: **L3.0**



proposed covered structure

NOTE: The lowest floor of the house is 40.5'

gravel driveway

NOTE: The entire property lies within the Flood Management Area boundary.

BYRNE MARGARET E
18400 NIXON AVE
WEST LINN OR 97068

GERBER CLIFFORD B & MARNI L
18406 NIXON AVE
WEST LINN OR 97068

JACOBSEN CRAIG R & JOYCE H H
18444 NIXON AVE
WEST LINN OR 97068

JAMESON PETER W & PAMELA
18480 NIXON AVE
WEST LINN OR 97068

SMITH PATRICK N & VICTORIA R
4448 MAPLETON DR
WEST LINN OR 97068

SWIGART CHRISTOPHER
18489 NIXON AVE
WEST LINN OR 97068

WESCOTT ROSS E & CONNIE L
18463 NIXON AVE
WEST LINN OR 97068

BJORN NORDQUIST
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8850 SE 76TH DR
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EM DESIGN
20195 S CRISWELL RD
OREGON CITY OR 97045

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PORTLAND OR 97231

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

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

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

THOMAS BOES
ROBINWOOD NA PRESIDENT
18717 UPPER MIDHILL DR
WEST LINN OR 97068

DEAN SUHR
ROSEMONT SUMMIT NA PRESIDENT
21345 MILES DR
WEST LINN OR 97068

DAVE RITTENHOUSE
SAVANNA OAKS NA PRESIDENT
2101 GREENE ST
WEST LINN OR 97068

KRISTIN CAMPBELL
SKYLINE RIDGE NA PRESIDENT
1391 SKYE PARKWAY
WEST LINN OR 97068

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

BETH KIERES
WILLAMETTE NA PRESIDENT
1852 4TH AVE
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



DEVELOPMENT REVIEW APPLICATION

MI -10-18

TYPE OF REVIEW (Please check all boxes that apply):

- | | |
|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures |
| <input type="checkbox"/> Appeal and Review * | <input type="checkbox"/> One-Year Extension * |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Planned Unit Development |
| <input checked="" type="checkbox"/> Design Review | <input type="checkbox"/> Pre-Application Meeting |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Quasi-Judicial Plan or Zone Change |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Street Vacation |
| <input type="checkbox"/> Final Plat or Plan | <input type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> Flood Plain Construction | <input type="checkbox"/> Temporary Uses * |
| <input type="checkbox"/> Hillside Protection and Erosion Control | <input type="checkbox"/> Tualatin River Greenway |
| <input type="checkbox"/> Historic District Review | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Water Resource Area Protection/Wetland |
| <input type="checkbox"/> Lot Line Adjustment * /** | <input type="checkbox"/> Willamette River Greenway |
| <input type="checkbox"/> Minor Partition (Preliminary Plat or Plan) | <input type="checkbox"/> Other/Misc |



Home Occupation, Pre-Application, Sidewalk Use Application *, Permanent Sign Review *, Temporary Sign Application require different application forms available in the forms and application section of the City Website or at City Hall.

TOTAL FEES/DEPOSIT

Craig, Joyce Jacobsen 18444 Nixon Ave West Linn, OR

OWNER (PRINT)	ADDRESS	CITY	ZIP	PHONE & /OR E-MAIL
Landscape East & West	8850 SE 76 th Drive	Portland, OR	(503) 256-5302	

APPLICANT (PRINT)	ADDRESS	CITY	ZIP	PHONE & /OR E-MAIL
eM Design Inc.	20195 S. Criswell Rd	Oregon City, OR	(503) 984-6204	

CONSULTANT (PRINT)	ADDRESS	CITY	ZIP	PHONE & /OR E-MAIL

SITE LOCATION/ADDRESS 18444 Nixon Ave, West Linn, OR

Assessor's Map No.: 21E13CD00601 Tax Lot(s): _____ Total Land Area: .6 acre

- All application fees are non-refundable (excluding deposit).
- The owner/applicant or their representative should be present at all public hearings.
- A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
- Four (4) 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.
* No CD required / ** Only one copy 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.

SIGNATURE OF PROPERTY OWNER(S)
X Craig Jacobsen Date 7/31/2010

SIGNATURE OF APPLICANT(S)
X Matthew Nagata Date July 21, 2010

ACCEPTANCE OF THIS APPLICATION DOES NOT INFER A COMPLETE SUBMITTAL. THE APPLICANT WAIVES THE RIGHT TO THE PROVISIONS OF ORS 94.020. 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 INTIAL APPLICATION.

CONTACT: PLANNING AND BUILDING; 22500 SALAMO RD #1000; WEST LINN, OR 97068; PHONE: 656-4211 FAX: 656-4106
PLANNING@WESTLINNOREGON.GOV

Date: August 2, 2010

To: Tom Soppe
Associate Planner
City of West Linn, Oregon

Subject: **Correction to Development Review Application
MISC-10-18
Flood Management Area Permit
Installation of attached roof structure above existing patio located at 18444 Nixon Avenue.**

Incomplete Items:

27.050(B) and response

Submit owner's signature.

(Completed and attached.)

27.050(D) and response

Show trees on parcel.

(Completed and attached on sheet L3.0, L3.1)

27.050(F) and response

Show Flood Management Area boundary.

(The entire property lies within the Flood Management Area boundary and noted on sheet L3.0, L3.1)

27.050(G) and response

Provide/Show the existing elevation of the lowest floor of the existing house.

(The lowest floor elevation of the house is 40.5' and noted on sheet L3.0, L3.1 no alteration to the elevations of the existing patio or house is proposed.)

Thank you for taking the time to review this Flood Management Area Permit. Please direct any correspondence in regards to this permit to the two listed project representatives.

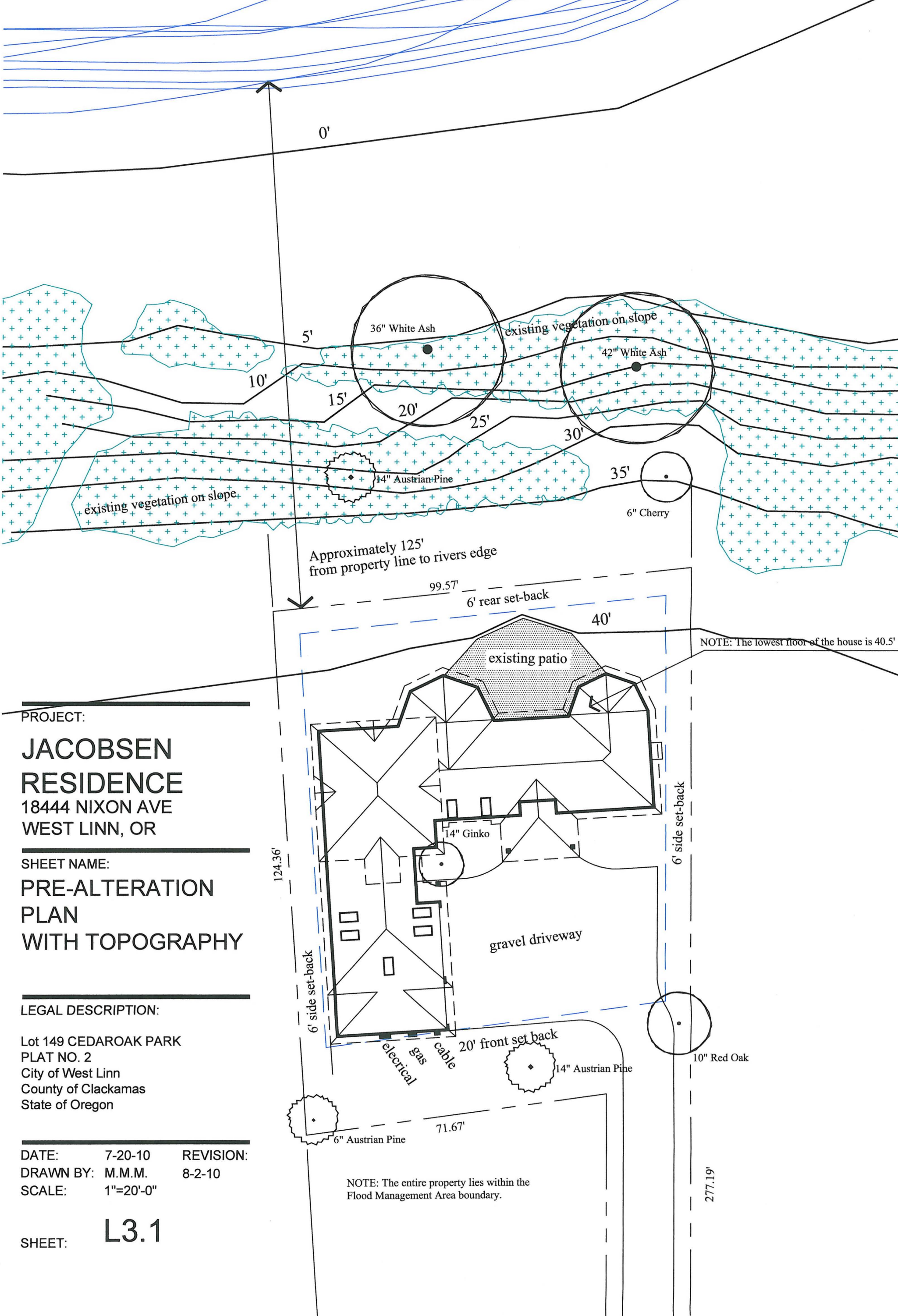
Primary Contact:

Bjorn Nordquist
Project Manager
503-256-5302
Landscape East & West
8850 SE 76th Drive
Portland, OR 97206

Assistant Contact:

Matthew Magana
Project permit coordinator
503-984-6204
20195 S Criswell Rd.
Oregon City, OR 97045

WILLAMETTE RIVER



PROJECT:

**JACOBSEN
RESIDENCE**
18444 NIXON AVE
WEST LINN, OR

SHEET NAME:

**PRE-ALTERATION
PLAN
WITH TOPOGRAPHY**

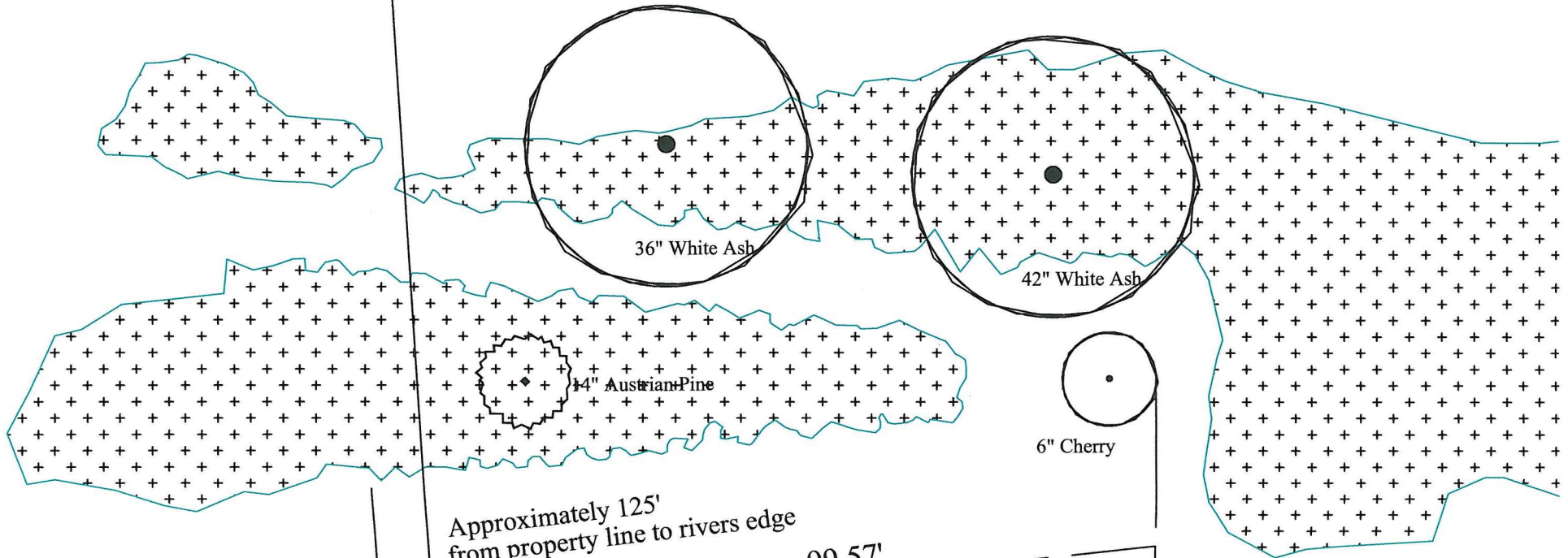
LEGAL DESCRIPTION:

Lot 149 CEDAROAK PARK
PLAT NO. 2
City of West Linn
County of Clackamas
State of Oregon

DATE: 7-20-10 REVISION:
DRAWN BY: M.M.M. 8-2-10
SCALE: 1"=20'-0"

SHEET: **L3.1**

WILLAMETTE RIVER



Approximately 125'
from property line to rivers edge

99.57'

6' rear set-back

proposed covered structure

NOTE: The lowest floor of the house is 40.5'

PROJECT:

**JACOBSEN
RESIDENCE**
18444 NIXON AVE
WEST LINN, OR

SHEET NAME:

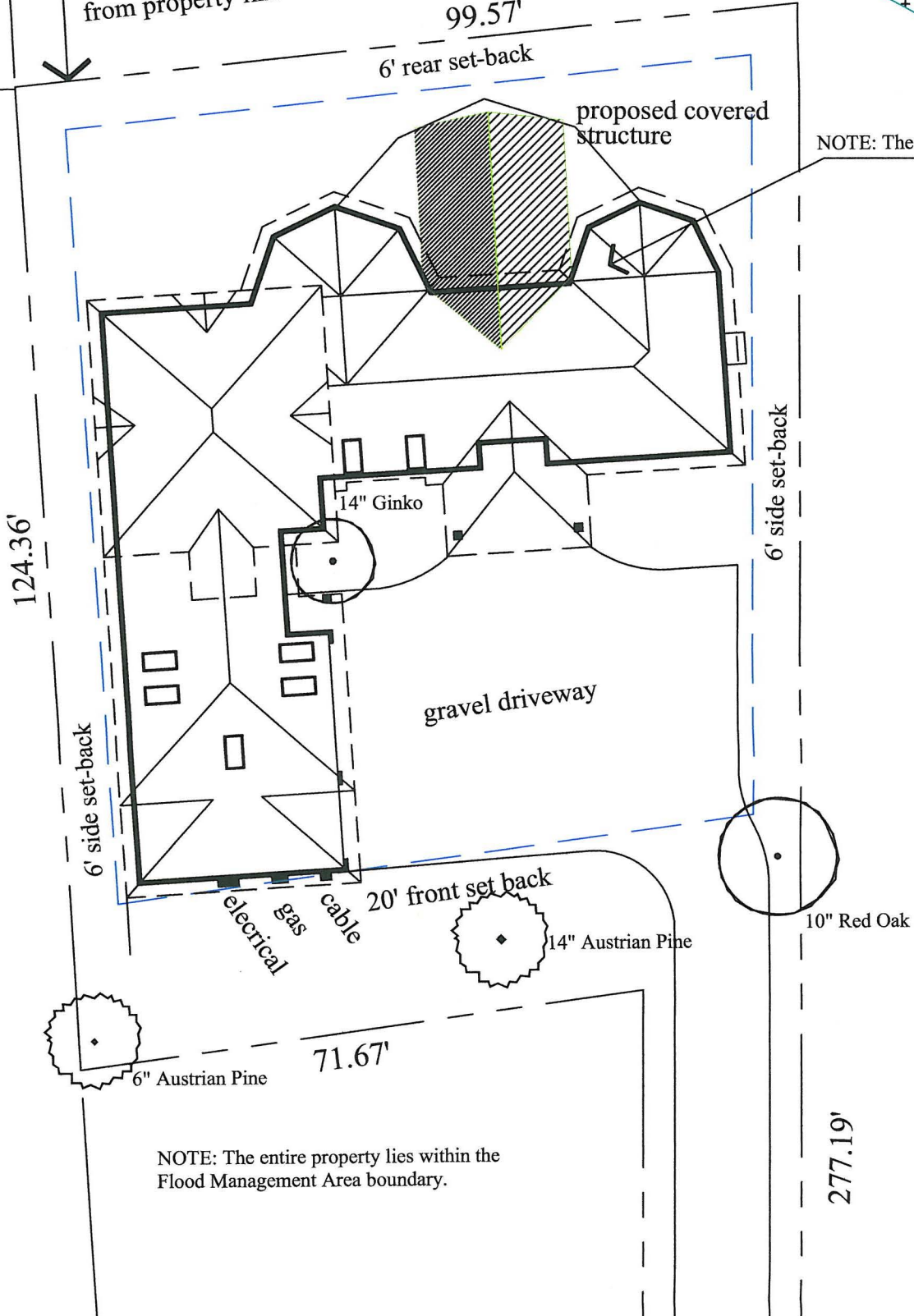
**SITE
PLAN**

LEGAL DESCRIPTION:

Lot 149 CEDAROAK PARK
PLAT NO. 2
City of West Linn
County of Clackamas
State of Oregon

DATE:	5-18-10	REVISION:
DRAWN BY:	M.M.M.	7-20-10
SCALE:	1"=20'-0"	8-2-10

SHEET: **L3.0**



NOTE: The entire property lies within the Flood Management Area boundary.



DEVELOPMENT REVIEW APPLICATION

MI -10-18

TYPE OF REVIEW (Please check all boxes that apply):

- | | |
|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures |
| <input type="checkbox"/> Appeal and Review * | <input type="checkbox"/> One-Year Extension * |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Planned Unit Development |
| <input checked="" type="checkbox"/> Design Review | <input type="checkbox"/> Pre-Application Meeting * |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Quasi-Judicial Plan or Zone Change |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Street Vacation |
| <input type="checkbox"/> Final Plat or Plan | <input type="checkbox"/> Subdivision |
| <input checked="" type="checkbox"/> Flood Plain Construction | <input type="checkbox"/> Temporary Uses * |
| <input type="checkbox"/> Hillside Protection and Erosion Control | <input type="checkbox"/> Tualatin River Greenway |
| <input type="checkbox"/> Historic District Review | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Water Resource Area Protection/Wetland |
| <input type="checkbox"/> Lot Line Adjustment */** | <input type="checkbox"/> Willamette River Greenway |
| <input type="checkbox"/> Minor Partition (Preliminary Plat or Plan) | <input type="checkbox"/> Other/Misc |

Home Occupation, Pre-Application, Sidewalk Use Application *, Permanent Sign Review *, Temporary Sign Application require different application forms available in the forms and application section of the City Website or at City Hall.

TOTAL FEES/DEPOSIT _____

Craig, Joyce Jacobsen 18444 Nixon Ave West Linn, OR

OWNER (PRINT)	ADDRESS	CITY	ZIP	PHONE &/OR E-MAIL
Landscape East & West	8850 SE 76 th DRIVE	Portland, OR		(503) 256-5302

APPLICANT (PRINT)	ADDRESS	CITY	ZIP	PHONE &/OR E-MAIL
eM Design Inc.	20195 S. Criswell Rd	Oregon City, OR		(503) 984-6204

CONSULTANT (PRINT)	ADDRESS	CITY	ZIP	PHONE &/OR E-MAIL

SITE LOCATION/ADDRESS 18444 Nixon Ave, West Linn, OR

Assessor's Map No.: 21E13CD00601 Tax Lot(s): _____ Total Land Area: .6 acre

- All application fees are non-refundable (excluding deposit).
- The owner/applicant or their representative should be present at all public hearings.
- A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
- Four (4) 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.
* No CD required / ** Only one copy 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.

SIGNATURE OF PROPERTY OWNER(S)
X _____ Date _____

SIGNATURE OF APPLICANT(S)
X Matthew Magana Date July 21, 2010

ACCEPTANCE OF THIS APPLICATION DOES NOT INFER A COMPLETE SUBMITTAL. THE APPLICANT WAIVES THE RIGHT TO THE PROVISIONS OF ORS 94.020. 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 INTIAL APPLICATION. CONTACT: PLANNING AND BUILDING; 22500 SALAMO RD #1000, WEST LINN, OR 97068; PHONE: 656-4211 FAX: 656-4106 PLANNING@WESTLINNOREGON.GOV

Landscape EAST & WEST 8850 SE 76th Drive Portland, OR 97206

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Date: July 20, 2010

To: Planning Director
City of West Linn, Oregon

Subject: **Narrative response, Flood Management Area Permit
Installation of attached roof structure above existing patio located at 18444 Nixon Avenue.**

Project Details

The applicant Landscape East and West Inc. proposes a roof extension of the existing house over the existing rear patio. Proposed planning for construction does not intend to increase or alter the existing patio shape or square footage. Per City GIS this area of the property is located in the FEMA 100-year floodplain.

While a separate overlay, the Willamette River Greenway overlay, covers part of the lot further east along the river, the proposed development is not in this part of the lot and is not in a Metro-designated habitat conservation area. Therefore a Willamette River Greenway Permit appears unnecessary.

The part of the property where development is proposed is within the transition area of the wetland downhill by the river as well. The site plan submitted with this application shows that there is not an increase in patio square feet nor alterations to existing conditions of the original building permit. Existing concrete patio and the proposed structure over concrete patio, both are exempt from the Water Resource Area permit because these involve no further encroachment into the transition area.

27.060 And response

A. Development, excavation, and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.

(Construction for this project will not generate any excavation storage or fill.)

B. No net fill increase in any floodplain is allowed. All fill placed in a floodplain shall be balanced with an equal amount of soil material removal. Excavation areas shall not exceed fill areas by more than 50 percent of the square footage. Any excavation below bankful stage shall not count toward compensating for fill.

(Construction for this project will not generate any excavation storage or fill to affect the floodplain.)

27.060 And response continued.

C. Excavation to balance a fill shall be located on the same parcel as the fill unless it is not reasonable or practicable to do so. In such cases, the excavation shall be located in the same drainage basin and as close as possible to the fill site, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.

(Construction for this project will not generate any excavation storage or fill to affect the floodplain.)

D. Minimum finished floor elevations must be at least one foot above the design flood height or highest flood of record, whichever is higher, for new habitable structures in the flood area.

(The project proposes a covered structure over the existing exterior concrete patio without side walls and is not designed to be habitable as an extension of the interior of the home.)

E. Temporary fills permitted during construction shall be removed.

(Contractor will comply.)

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.

(Construction for this project will not generate any excavation storage or fill to affect the floodplain and natural flood process.)

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.

(Construction for this project will not generate any excavation storage or fill to affect the floodplain and natural flood process.)

H. New culverts, stream crossings, and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.

(There are no new culverts proposed for the project.)

27.060 And response continued.

I. Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable land

(Construction for this project will not generate any excavation storage or fill to affect the floodplain and natural flood process.)

J. The applicant shall provide evidence that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required. (ORD 1522)

(Contractor will comply.)

27.070 And response

A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage using methods and practices that minimize flood damage.

(Contractor will comply.)

B. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(Contractor will comply. Electrical recessed can lighting and light switch are the only proposed changes to existing conditions.)

C. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(Contractor will comply, none proposed.)

D. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

(Contractor will comply, none proposed.)

27.070 And response continued.

- E. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Contractor will comply, none proposed.)

- F. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(Contractor will comply, none proposed.)

27.080 And response

- A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation.

(The project proposes a covered structure over the existing exterior concrete patio without side walls. The proposed structure is not designed to be a substantial improvement of the residential structure insofar that the main structural elements are on the exterior of the residential structure and the floor of the project area is the existing concrete patio. The existing patio grade is approximately 40' above river level.)

- B. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a professional civil engineer or architect licensed to practice in the state of Oregon, and must meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one foot above grade.
3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry or exit of floodwaters.
4. Fully enclosed areas below the base flood elevation shall only be used for parking, access, and limited storage.
5. Service equipment (e.g., furnaces, water heaters, washer/dryers, etc.) is not permitted below the base flood elevation.
6. All walls, floors, and ceiling materials located below the base flood elevation must be unfinished and constructed of materials resistant to flood damage.

(The project proposes a covered structure over the existing exterior concrete patio without side walls and does not include any enclosed areas that could allow entry of flood waters into the proposed or existing residential structure.)

27.080 And response continued.

C. Crawlspace. Crawlspace are a commonly used method of elevating buildings in Special Flood Hazard Areas (SFHAs) to or above the Base Flood Elevation (BFE), and are allowed subject to the following requirements:

1. The building is subject to the Flood-Resistant Construction provisions of the Oregon Residential Specialty Code.
 2. They shall be designed by a professional engineer or architect licensed to practice in the State of Oregon to meet the standards contained in the most current Federal Emergency Management Agency's (FEMA) Technical Bulletin.
 3. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 4. Flood vent openings shall be provided on at least two sides that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. The total area of the flood vent openings must be no less than 1 square inch for each square foot of enclosed area. The bottom of each flood vent opening can be no more than 1 foot above the lowest adjacent exterior grade. For guidance on flood openings, see FEMA Technical Bulletin 1-93, Openings in Foundation Walls.
 5. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls (studs and sheathing), but also any, joists, insulation, or other materials that extend below the BFE. For more detailed guidance on flood-resistant materials see FEMA Technical Bulletin 2-93, Flood-Resistant Materials Requirements.
 6. Utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters. For further guidance on the placement of building utility systems in crawlspaces, see FEMA 348, Protecting Building Utilities from Flood Damage. Flood-resistant materials and utilities, access, and ventilation openings in crawlspaces are further addressed in this bulletin.
 7. The interior grade of a crawlspace below the BFE must not be more than 2 feet below the lowest adjacent exterior grade (LAG).
 8. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed 4 feet at any point. This limitation will also prevent these crawlspaces from being converted into habitable spaces.
 9. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. Possible options include natural drainage through porous, well-drained soils and drainage systems such as low-point drains perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity.
 10. The velocity of floodwaters at the site should not exceed 5 feet per second for any crawlspace. For velocities in excess of 5 feet per second, other foundation types should be used.
 11. For more detailed information refer to FEMA Technical Bulletin 11-01 or the most current edition.
 12. The use of below grade crawlspaces to elevate the building to 1-ft. above the BFE may cause an increase in flood insurance premiums which, are beyond the control of the City.
- (ORD. 1565)

[\(Response on page 6\)](#)

27.080 (C) response continued.

(The project does not propose any crawlspaces and Contractor will coordinate with structural engineer to ensure proposed structure is designed to the Flood-Resistant Construction provisions of the Oregon Residential Specialty Code as they apply to this exterior structure.)

D. A poured slab placed over fill can be used to elevate the lowest floor of a structure above the base flood elevation. However, when a building site is filled, it is still in the floodplain and no basements are permitted.

(Project construction does not propose any changes to existing patio finished grade. Finished grade is approximately 40' above river level.)

E. Placing a structure on piers, piles, and posts is allowed provided supporting members are designed to resist hydrostatic and hydrodynamic forces.

(Project construction does propose to have wood 6"x6" posts supporting the structure to be elevated on 2'x2' concrete piers 36" above existing patio grade. Structural engineer will design supporting members to be resistant of hydrostatic and hydrodynamic forces.)

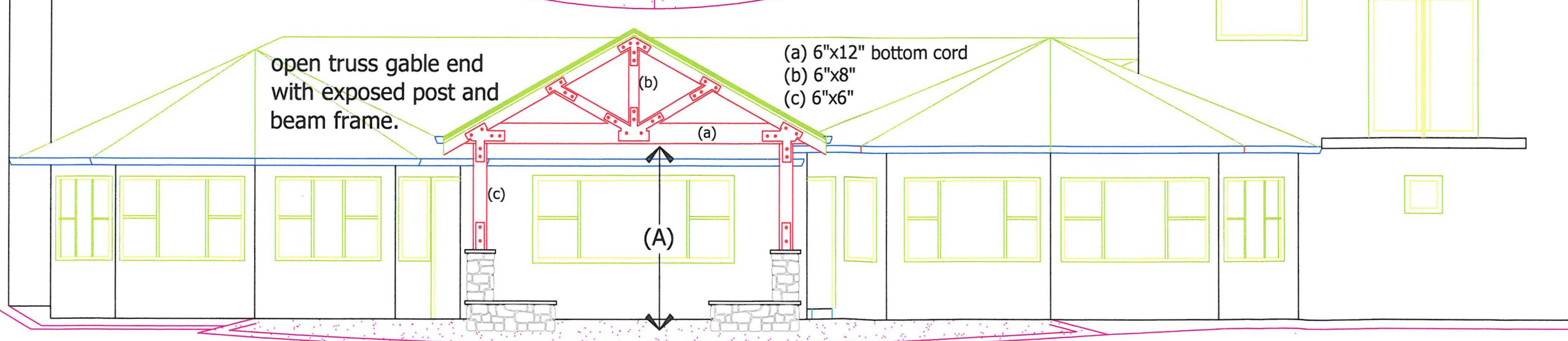
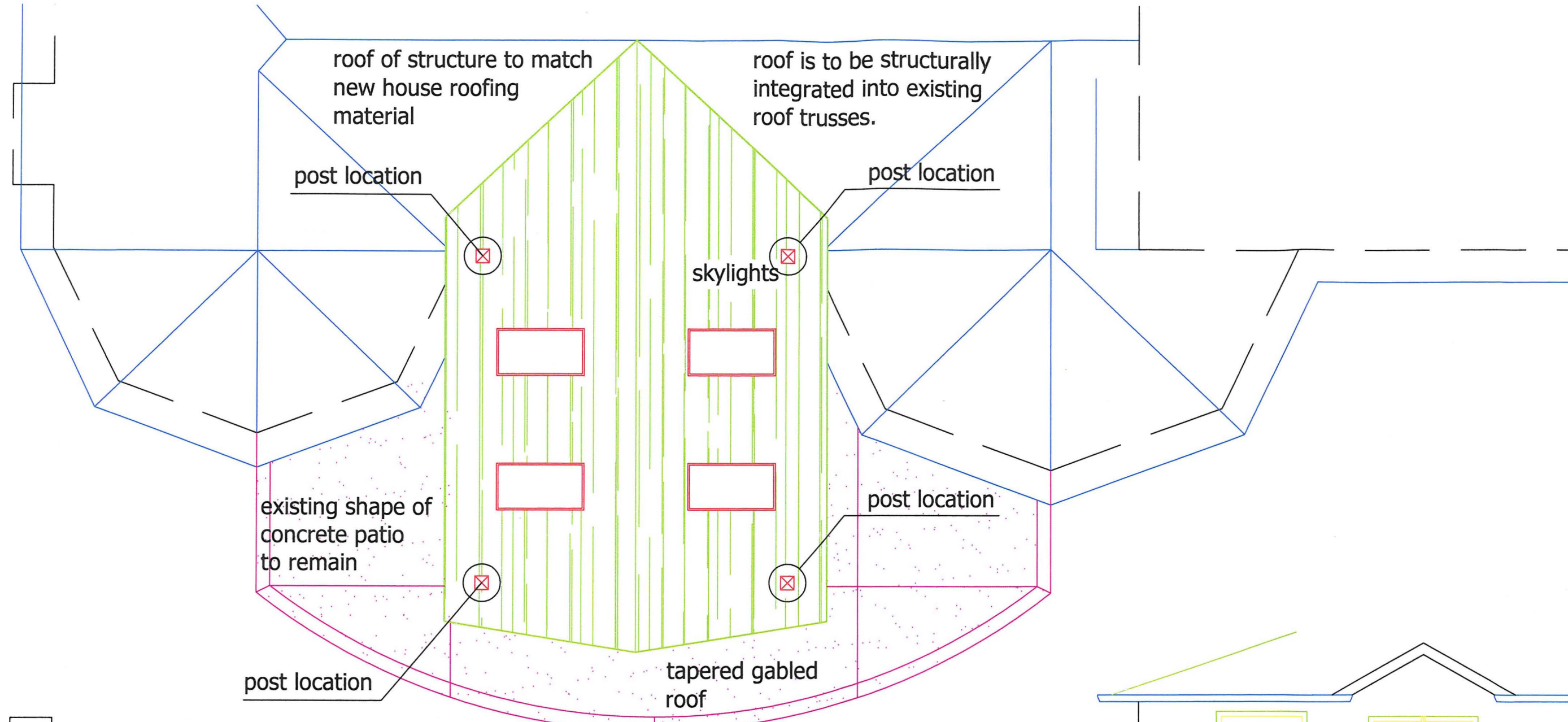
Thank you for taking the time to review this Flood Management Area Permit. Please direct any correspondence in regards to this permit to the two listed project representatives.

Primary Contact:

Bjorn Nordquist
Project Manager
503-256-5302
Landscape East & West
8850 SE 76th Drive
Portland, OR 97206

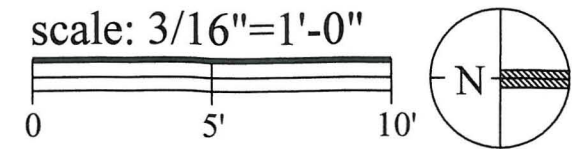
Assistant Contact:

Matthew Magana
Project permit coordinator
503-984-6204
20195 S Criswell Rd.
Oregon City, OR 97045



masonry seat wall and post base foundation is typical of all concept options

(A) height from the bottom of truss to top of concrete patio is approximately 9'-3"



PROJECT: **JACOBSEN RESIDENCE**
 18444 NIXON AVE
 WEST LINN, OR

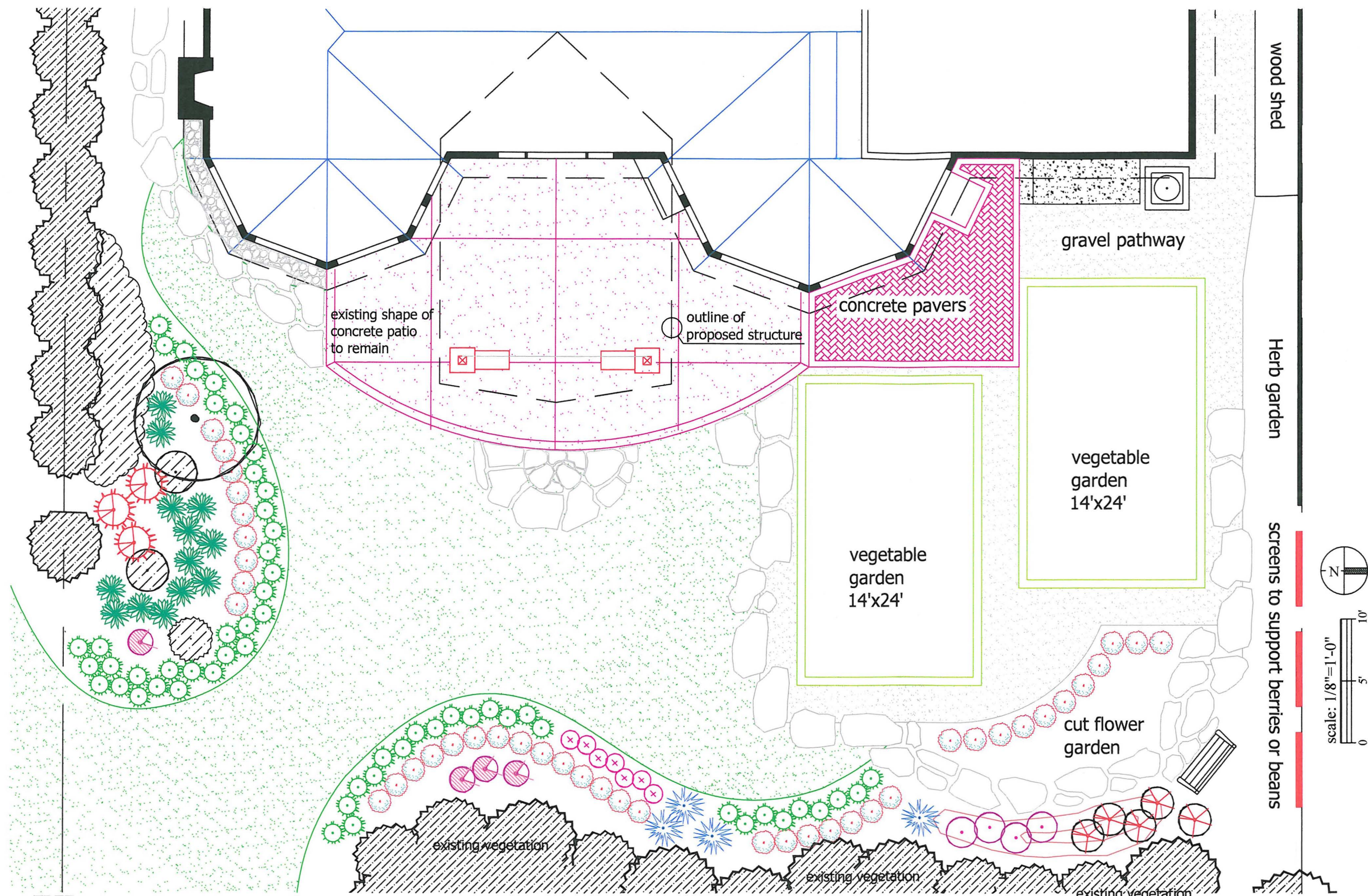
SHEET NAME: **ATTACHED STRUCTURE CONCEPT**

DATE: 3-17-10
 DRAWN BY: M.M.M.
 SCALE: 3/16"=1'-0"

REVISION:

L1.0

SHEET:



PROJECT:
JACOBSEN RESIDENCE
 18444 NIXON AVE
 WEST LINN, OR

SHEET NAME:
**LANDSCAPE
 PLANTING
 PLAN**

DATE: 3-17-10
 REVISION: 5-25-10
 DRAWN BY: M.M.M.
 SCALE: 1/8"=1'-0"

SHEET:
L2.1

TREE	Common Name / Botanical:	Size:	SHRUB	Common Name / Botanical:	Size:	Common Name / Botanical:	Size:	
	Compact Tanyosho Pine <i>Pinus densiflora 'Umbraculifera Compacta'</i>	4'-5' HT		Northern Sea Oats / <i>Chasmanthium latifolium</i>	2gal		Purity Pieris / <i>Pieris japonica 'Purity'</i>	5gal
	<i>Syringa vulgaris 'Angel White'</i> Angel White Lilac	6'-8' HT		Dense Spreading Yew / <i>Taxus x media 'Densiformis'</i>	5gal		Purple Gem Rhododendron / <i>Rhododendron x Purple Gem</i>	5gal
				Sword fern / <i>Polystichum munitum</i>	2gal.		Evergreen huckleberry / <i>Vaccinium ovatum</i>	5gal
				Dwarf English Boxwood / <i>Buxus sempervirens 'Suffruticosa'</i>	5gal		Red flowering currant / <i>Ribes sanguineum</i>	5gal
				Longleaf Mahonia / <i>Mahonia nervosa</i>	2gal		Blue Spruce Stonecrop / <i>Sedum reflexum 'Blue Spruce'</i>	1gal
				Burkwood Viburnum / <i>Viburnum X burkwoodii</i>	5gal			