



# CITY OF West Linn

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## PLANNING MANAGER DECISION

DATE: February 24, 2016

FILE NO.: WRG-15-06/MIS-15-13

REQUEST: Request for a Flood Management Area (FMA) permit and Willamette and Tualatin River Protection (WRG) permit for a boat dock and ramp at 17856 Robin View Court.

PLANNER: Peter Spir, Associate Planner

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 Planning Manager

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## GENERAL INFORMATION

**OWNER:** Joe and Pat Wilhelm  
17856 Robin View Court  
West Linn, OR 97068

**APPLICANT:** Eric Dye  
1701 Clackamette Drive  
Oregon City, OR 97045

**CONSULTANT:** Rick Givens  
18680 Sunblaze Drive  
Oregon City 97045

**SITE LOCATION:** 17856 Robin View Court

**SITE SIZE:** 29,481 square feet

**LEGAL DESCRIPTION:** Assessor's Maps and Tax Lot – 21E-13CB 400

**COMP PLAN DESIGNATION:** Low Density Residential

**ZONING:** R-10, Single-Family Residential Detached

**APPROVAL CRITERIA:** Community Development Code (CDC) Chapters 11, 27, and 28

**120-DAY RULE:** The application declared complete on December 21, 2015. The 120-day period ends on April 19, 2016. A subsequent 21-day waiver of the 120 day rule was granted by the applicant on February 2, 2016 so the 120 day period has been extended to May 10, 2016.

**PUBLIC NOTICE:** Notice was mailed to property owners within 500 feet of the subject property and all Neighborhood Associations on December 30, 2015. A sign was placed on the property on January 8, 2016. The notice was also posted on the City's website on December 30, 2015 and posted in the West Linn Tidings on January 7, 2016. Therefore, public notice requirements of CDC Chapter 99 have been met.

## EXECUTIVE SUMMARY

The proposed private boat dock and ramp will be located within the Willamette River Greenway boundary and the 100 year floodplain and floodway of the Willamette River; therefore, Flood Management Area (FMA) and Willamette and Tualatin Protection (WRG) permits are required. The dock will be 10 feet wide by 33 feet long and held in place by four 12-inch steel pilings. The aluminum ramp to the dock will be 80 feet long and secured by one 12-inch steel piling at the 19 foot elevation. The dock section will be approximately 55 feet off-shore of the Ordinary Low Water Mark (OLWM).

The property is zoned R-10 and located in the Robinwood Neighborhood.

The applicable CDC Chapters include:

- Chapter 11, Single-Family Residential Detached R-10
- Chapter 27, Flood Management Areas
- Chapter 28, Willamette and Tualatin River Protection

### **Public comments:**

Staff received comments from Dan and Brenda Shear (17860 Robin View Court).

## DECISION

The Planning Manager (designee) approves this application (WRG-15-06 MIS-15-13), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, and 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval (COA) below. With these findings, the applicable approval criteria are met. The conditions are as follows:

- 1.) The applicant shall provide modified plans that demonstrate the dock and ramp are designed to comply with the four foot depth between the ship's keel or fixed propeller/rudder and the bottom of the water at any time during the water's lowest point is met.
- 2.) The ramp and dock will be generally centered on the lot's river frontage, per the applicant's site plan, within the Oregon Department of State Lands (DSL) authorized portion of the preference right boundary.
- 3.) The applicant will provide an Engineer's stamped and signed finding that the dock, ramp and pilings will not increase in flood levels during the occurrence of the base flood discharge and will not impact the flood-carrying capacity of the river. The report must

also find that the dock will not be adversely affected by hydrostatic or hydrodynamic forces.

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

Peter Spir

Peter Spir, Associate Planner

February 24, 2016

DATE

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of the mailing date listed below. The cost of an appeal is \$400. The appeal must be filed by an individual who has established standing by submitting comments prior to the date identified in the public notice. Appeals will be heard by City Council.

Mailed this 24th day of February, 2016.

Therefore, the 14-day appeal period ends at 5 p.m., on March 9, 2016.

**ADDENDUM  
APPROVAL CRITERIA AND FINDINGS  
WRG-15-04 MIS-15-07**

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

**Chapter 11  
SINGLE-FAMILY RESIDENTIAL DETACHED, R-10**

**11.030 PERMITTED USES**

*The following are uses permitted outright in this zoning district*

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

**11.040 ACCESSORY USES**

*Accessory uses are allowed in this zone as provided by Chapter [34](#) CDC.*

**Staff Finding 1: The applicant proposes to place a boat dock and ramp on the property. Boat docks and ramps may be permitted as an allowed use in the Willamette and Tualatin Protection Overlay and consistent with the provisions of CDC Chapter 28 and 34.**

**Chapter 34**

**ACCESSORY STRUCTURES, ACCESSORY DWELLING UNITS, AND ACCESSORY USES**

**34.020 ACCESSORY USES**

*Accessory uses are permitted uses which are customary and incidental to principal uses permitted in the zone and shall be permitted outright, or by prescribed conditions as identified below, and may be either attached or separated from the principal dwelling. (...)*

### **34.050 BOAT HOUSES AND DOCKS**

*Only side yard setback requirements apply to boat houses and docks.*

**Staff Finding 2:** The ramp and dock will be generally centered on the lot's river frontage, per the applicant's site plan, within the Oregon Department of State Lands (DSL) authorized portion of the preference right boundary, per Condition of Approval (COA) 2. Therefore, the 7.5 foot side yard setback will be met. The criterion is met by condition.

## **CHAPTER 27, FLOOD MANAGEMENT AREAS**

### **27.060 Approval Criteria**

*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.*

**Staff Finding 5:** The proposed dock is buoyant and floats on the surface of the river. Therefore, it will not modify flood storage or conveyance capacity. The only displacement of the floodway is represented by the five 12-inch diameter steel pilings that will be used to hold the structure in place. The river's conveyance capacity and design flood elevations will not be affected. This criterion is met.

*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 the ordinary high water line shall not count toward compensating for fill.*

**Staff Finding 6:** No fill is proposed in this application. The only displacement of the floodway is represented by the five 12-inch diameter steel pilings that will be used to hold the ramp and dock in place in the floodway. This criterion is met.

*C. Excavation to balance a fill shall be located on the same lot or 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.*

**Staff Finding 7:** No excavation is proposed with this application.

(...)

*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.*

*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.*

**Staff Finding 8: The proposed dock is buoyant and floats on the surface of the river. Therefore, it will not modify flood storage or conveyance capacity. The only displacement of the floodway is represented by the five 12-inch diameter steel pilings that will be used to hold the structure in place. The river's conveyance capacity and design flood elevations will not be affected. This criterion is met.**

(....)

*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.*

**Staff Finding 9: The applicant has filed for a General Authorization permit with the Oregon Dept. of State Lands (DSL) and has also filed a Joint Permit with the US Army Corps of Engineers (USACE) for the proposed dock. Those permits are required before those agencies will allow installation of the dock, ramp and pilings.**

#### **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.*

(....)

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

**Staff Finding 10: Relating to 27.070(A), the dock, ramp and pilings will be constructed with materials resistant to flood and water damage. The proposed dock is buoyant and floats on the surface of the river. Therefore, it will not modify flood storage or conveyance capacity. The only displacement of the floodway is represented by the five 12-inch diameter steel**

pilings that will be used to hold the structure in place. Per COA 3, the applicant's engineer must certify that the pilings are designed to meet 27.090(B). The river's conveyance capacity and design flood elevations will not be affected. This criterion is met by condition.

(...)

#### **27.090 NON-RESIDENTIAL CONSTRUCTION**

*New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall either have the lowest floor, including basement, elevated to at least one foot above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:*

- A. Be flood-proofed so that below the base flood level the structure is watertight with walls impermeable to the passage of water;*
- B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;*
- C. Be certified by a professional civil engineer licensed to practice in the State of Oregon that the design and methods of construction shall prevent seepage, collapse or cracking of basement walls, prevent buckling of basement floors, prevent backup of water from sewer lines, and have all openings located one foot above the base flood elevation. In addition, all protective features must operate automatically without human intervention;*
- D. Non-residential construction that is elevated, but not flood-proofed (i.e., the foundation is not at least one foot above the 100-year flood elevation) shall also comply with the standards set forth in CDC [27.080](#). (Ord. 1522, 2005)*

**Staff Finding 11: The criteria (A) relating to flood proofed walls is not applicable because the dock and ramp have no walls. Part of criteria (B) is applicable: the dock should not be adversely affected by hydrostatic or hydrodynamic forces to the extent that it either breaks up in a flood incident or floats up and over the pilings to pose a hazard to properties and river traffic downstream. Per COA 3, the applicant's engineer shall provide a stamped report that the dock, ramp and pilings can withstand those forces. Regarding the need to resist buoyancy, a dock is, by definition, expected to be buoyant and float on the water surface. That part of the criteria is not applicable. Criteria (C) relates to seepage of basement walls and is not applicable. Criteria (D) also does not apply. The criteria is met outright or by COA 3.**



# Chapter 28

## WILLAMETTE AND TUALATIN RIVER PROTECTION

### 28.040 EXEMPTIONS/USES PERMITTED OUTRIGHT

*The following development activities do not require a permit under the provisions of this chapter. (Other permits may still be required.)*

CC. *A new dock subject to the approval criteria of this chapter.*

**Staff Finding No. 12: The proposed dock is a permitted and subject to approval criteria of Chapter 28. The applicant has the responsibility to be compliant with any and all applicable state or federal laws. The applicant also has the responsibility to obtain the appropriate permits from those state and federal agencies.**

### 28.110 APPROVAL CRITERIA

*No application for development on property within the protection area shall be approved unless the decision-making authority finds that the following standards have been met or can be met by conditions of approval. The development shall comply with the following criteria as applicable:*

- A. *Development: All sites.*
  - 1. *Sites shall first be reviewed using the HCA Map to determine if the site is buildable or what portion of the site is buildable. HCAs shall be verified by the Planning Director per CDC [28.070](#) and site visit. Also, “tree canopy only” HCAs shall not constitute a development limitation and may be exempted per CDC [28.070\(A\)](#). The municipal code protection for trees and Chapters 55 and 85 CDC tree protection shall still apply.*
  - 2. *HCAs shall be avoided to the greatest degree possible and development activity shall instead be directed to the areas designated “Habitat and Impact Areas Not Designated as HCAs,” consistent with subsection (A) (3) of this section.*
  - 3. *If the subject property contains no lands designated “Habitat and Impact Areas Not Designated as HCAs” and development within HCA land is the only option it shall be directed towards the low HCA areas first, then medium HCA areas and then to high HCA as the last choice. The goal is to, at best, avoid or, at least, minimize disturbance of the HCAs. (Water-dependent uses are exempt from this provision.)*
  - 4. *All development, including exempted activities of CDC [28.040](#), shall have approved erosion control measures per Clackamas County Erosion Prevention and Sediment Control Planning and Design Manual, rev. 2008, in place prior to site disturbance and be subject to the requirements of CDC [32.070](#) and [32.080](#) as deemed applicable by the Planning Director.*
  - 6. *Table showing development allowed by land classification:*

### **Development Allowed**

<i>Non-HCA (“a”)</i>	<i>Yes</i>
<i>Low-Medium HCA (“b” and “c”)</i>	<i>Yes, if less than 5,000 sq. ft. of non-HCA land available. Avoid “d.”</i>
<i>High HCA (“d”)</i>	<i>Yes, but only if less than 5,000 sq. ft. of “a,” “b” and “c” land available.</i>
<i>Non-conforming Structures (structures on HCA land)</i>	<i>Yes: vertically, laterally and/or away from river. Avoid “d” where possible.</i>

*(The underlying zone FAR and allowable lot coverage shall also apply.)*

**Staff Finding 13: The shoreline where the ramp will be anchored is in the High HCA. However, this criteria does not apply to water dependent structures.**

*F. Access and property rights.*

- 1. Private lands within the protection area shall be recognized and respected.*
- 2. Where a legal public access to the river or elsewhere in the protection area exists, that legal public right shall be recognized and respected.*

*(....)*

**Staff Finding 14: The ramp and dock will be attached to shore at the 19 foot elevation. Legal public access is permitted along the shoreline below the Ordinary Low Water Mark (OLWM). The OLWM is inundated for most of the year. The applicant is not proposing any special accommodation of public access along the shoreline. Public access in this area is problematic in that there are very few sections of exposed beach in this area at times of low water and the presence of very steep shoreline upstream of this property.**

*I. Docks and other water-dependent structures.*

- 1. Once the preference rights area is established by DSL, the property owner identifies where the water-dependent use will be located within the authorized portion of the preference rights area. The water-dependent use should be centered or in the middle of the preference rights/authorized area or meet the side yard setbacks of the underlying zone.*

*Private and public non-commercial docks are permitted where dredging is required so long as all applicable federal and State permits are obtained. Dredging is encouraged if deposits silt up under an existing dock. Dredging is seen as preferable to the construction of longer docks/ramps.*

**Staff Finding 15:** The applicant's submittal shows that the ramp and dock will be generally centered on the lot's river frontage in accordance with the criteria above. The final ramp and dock location will be dependent upon the Department of State Lands' (DSL) delineation of the authorized portion of the preference rights area. (DSL has yet to establish the authorized area since that is a parallel permitting process.) The dock will be placed accordingly, per COA 2. (This should also address concerns raised by the neighbors, Dan and Brenda Shear, regarding the dock's proximity to their common side lot line.)

2. *Both joint and single use docks shall not extend into the water any further than necessary to provide four feet between the ship's keel or fixed propeller/rudder and the bottom of the water at any time during the water's lowest point.*

**Staff Finding 16:** The applicant's profile drawing shows that the dock will be at a 16-20 foot water depth at OLW. This exceeds the "*four feet between the ship's keel*" standard. The applicant must modify the dock and ramp design to demonstrate that the four foot depth between the ship's keel or fixed propeller/rudder and the bottom of the water at any time during the water's lowest point is met. Therefore this criteria is met by COA 1.

3. *In no case except as provided in this section shall a private ramp and private dock extend more than 100 feet from OLW towards the center of the river or slough. In the case of L-shaped docks, the 100 feet shall be measured from the OLW to the furthest part of the private dock closest to the center of the river.*

**Staff Finding 17:** The combined length of the ramp and dock will be 90 feet. This is below the 100 foot limit. The criteria is met.

4. *Docks on sloughs and similar channels shall not extend more than 30 percent of the distance between two land masses at OHW, such as between the mainland and an island or peninsula, measured in a lineal manner at right angle to the dominant shoreline. In no way shall a dock impede existing public usage or block navigation of a channel.*

**Staff Finding 18:** This dock is on the main body of the Willamette River, not a slough or side channel, and therefore this criteria does not apply.

5. *Boat storage associated with a rail launch facility shall be located above the OHW, either vertically raised above the ordinary high water line or set back behind the OHW. Such boat storage structure will be natural wood colors or similar earth tones. Private railed launch facilities are permitted for individual boat owners. The onshore setback of the storage structure is equal distance on both sides as extended perpendicular to the thread of the stream, or seven and one-half feet, whichever is the greater setback.*

**Staff Finding 19:** No rail launch structure is proposed. The criteria does not apply.

6. *The width of each deck section shall be no more than 12 feet wide.*

**Staff Finding 20: The deck sections are eight feet wide. The criteria is met.**

*7. For only single-user and joint-user docks, pilings shall not exceed a maximum height of eight feet above the 100-year flood elevation.*

**Staff Finding 21: The pilings top out at 48 foot elevation while the 100 year flood elevation is 44 feet. Therefore the pilings will not exceed eight feet above the 100 year flood elevation. The criteria is met.**

*8. A single user non-commercial dock shall not exceed 400 square feet in deck area. The boat slip is not included in the calculation of this square footage limitation.*

**Staff Finding 22: The approximately 330 square foot deck area will not exceed 400 square feet. The criteria is met.**

*L. Roads, driveways, utilities, or passive use recreation facilities. Roads, driveways, utilities, public paths, or passive use recreation facilities may be built in those portions of HCAs that include wetlands, riparian areas, and water resource areas when no other practical alternative exists but shall use water-permeable materials unless City engineering standards do not allow that. (...)*

**Staff Finding 23: As a water dependent use, the placement of the dock and ramp in the HCA is permitted. The criteria is met.**

*M. Structures. All buildings and structures in HCAs and riparian areas, including all exterior mechanical equipment, should be screened, colored, or surfaced so as to blend with the riparian environment. Surfaces shall be non-polished/reflective or at least expected to lose their luster within a year. In addition to the specific standards and criteria applicable to water-dependent uses (docks), all other provisions of this chapter shall apply to water dependent uses, and any structure shall be no larger than necessary to accommodate the use.*

**Staff Finding 24: The dock, ramp and 12-inch steel pilings are water dependent structures and cannot be screened from the river. However, they are the minimum size for the proposed use. Surfaces and materials will be non-polished and non-reflective. (Typically, the pilings are rust colored which blends well with the riparian backdrop.) The criteria is met.**

*P. Lighting. Lighting shall not be focused or oriented onto the surface of the river except as required by the Coast Guard. Lighting elsewhere in the protection area shall be the minimum necessary and shall not create off-site glare or be omni-directional. Screens and covers will be required.*

**Staff Finding 25: No lighting is proposed. The criteria is met.**

R. *Views. Significant views of the Willamette and Tualatin Rivers shall be protected as much as possible as seen from the following public viewpoints: Mary S. Young Park, Willamette Park, Cedar Oak Park, Burnside Park, Maddox Park, Cedar Island, the Oregon City Bridge, Willamette Park, and Fields Bridge Park.*

*Where options exist in the placement of ramps and docks, the applicant shall select the least visually intrusive location as seen from a public viewpoint. However, if no options exist, then the ramp, pilings and dock shall be allowed at the originally proposed location.*

**Staff Finding 25: The nearest public viewpoint or park is Cedaroak park/boat ramp which is 1,000 feet to the south and not within line of sight of this property. Therefore the criteria is met.**

T. *Changing the landscape/grading.*

1. *Existing predominant topographical features of the bank line and escarpment shall be preserved and maintained except for disturbance necessary for the construction or establishment of a water related or water dependent use. Measures necessary to reduce potential bank and escarpment erosion, landslides, or flood hazard conditions shall also be taken.*

*Any construction to stabilize or protect the bank with rip rap, gabions, etc., shall only be allowed where there is clear evidence of erosion or similar hazard and shall be the minimum needed to stop that erosion or to avoid a specific and identifiable hazard. A geotechnical engineer's stamped report shall accompany the application with evidence to support the proposal.*

2. *The applicant shall establish to the satisfaction of the approval authority that steps have been taken to minimize the impact of the proposal on the riparian environment (areas between the top of the bank and the low water mark of the river including lower terrace, beach and river edge).*

**Staff Finding 26: Shoreline vegetation comprises grass with some bushes along and above the OHWM. The ramp will be anchored at the 19 foot elevation. No significant loss of vegetation is expected and no mitigation is required. The criteria is met.**



**PD-1 AFFADAVIT OF NOTICE**

# 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. WRG-15-06/MISC-15-13 Applicant's Name ERIC DYK  
Development Name \_\_\_\_\_  
Scheduled Meeting/Decision Date 1-20-16

**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) 12-30-15 (signed) S. Skroyer  
B. Affected property owners (date) 12-30-15 (signed) S. Skroyer  
C. School District/Board (date) \_\_\_\_\_ (signed) \_\_\_\_\_  
D. Other affected gov't. agencies (date) 12-30-15 (signed) S. Skroyer  
E. Affected neighborhood assns. (date) 12-30-15 All (signed) S. Skroyer  
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) 1-7-16 (signed) S. Skroyer  
City's website (posted date) 12-30-15 (signed) S. Skroyer

## 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) Jan 8, 2016 (signed) [Signature]

**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) 2-24-16 (signed) S. Skroyer



**PD-2 NOTICE MAILING PACKET**

**CITY OF WEST LINN  
NOTICE OF UPCOMING  
PLANNING MANAGER DECISION  
FILE NO. WRG-15-06/MISC-15-13**

The West Linn Planning Manager is considering a request for a Willamette River Greenway permit and a Flood Management Area permit to construct a boat dock and ramp at 17856 Robin View Court.

The decision will be based on the approval criteria in Chapters 11, 27, and 28 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 400 of Clackamas County Assessor's Map 21E 13CB) or as otherwise required by Chapter 99 of 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 <http://westlinnoregon.gov/planning/17856-robin-view-court-willamette-river-greenway-and-flood-management-permit-construct-boat> or copies may be obtained for a minimal charge per page. A public hearing will not be held on this decision. **Anyone wishing to present written testimony for consideration on this matter shall submit all material before 4:00 p.m. on January 20, 2016. Persons interested in party status should submit their letter along with any concerns related to the proposal by the comment deadline.** For further information, please contact Peter Spir, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, (503) 723-2539, [pspir@westlinnoregon.gov](mailto:pspir@westlinnoregon.gov).

Any appeals to this decision must be filed within 14 days of the final decision date with the Planning Department. **It is important to submit all testimony in response to this notice. City Council will not accept additional evidence if there is an appeal of this proposal.** 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.

**PD-3 COMPLETENESS LETTER**



CITY OF  
**West Linn**

December 21, 2015

Eric Dye  
Ken's Floatation Service  
1701 Clackamette Drive  
Oregon City, OR 97045

*Sent*

SUBJECT: Completeness determination for Willamette River Greenway and Flood Management Area permits for boat dock at 17856 Robin View Court (WRG-15-06/MISC-15-13)

Dear Mr. Dye:

On November 24, 2015, the Planning Department received your application. The application is **complete**. The City has 120 days to exhaust all local review; that period ends April 19, 2016.

Please be aware that a determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Planning Commission to render a decision on your proposal.

Staff will now prepare the public notice of the Planning Manager's decision. There will be a 20 day public notice period followed by the Planning Manager's decision. The notice should give you a better indication of expected decision date.

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.

Sincerely,

*Peter Spir*

Peter Spir  
Associate Planner

**PD-4 APPLICANT'S SUBMITTAL**

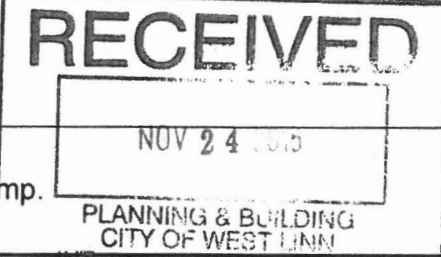
**DEVELOPMENT REVIEW APPLICATION**

For Office Use Only		
STAFF CONTACT: <b>PETER SPIR</b>	PROJECT No(s): <b>WR-15-06 / MI -1513</b>	
NON-REFUNDABLE FEE(S) <b>0</b>	REFUNDABLE DEPOSIT(S) <b>2750</b>	TOTAL <b>2750</b>

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

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

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.

<b>Site Location/Address:</b> 17856 Robin View Ct.		Assessor's Map No.: 2-1E-13CB
<b>Brief Description of Proposal:</b> Construct boat dock and ramp.		Tax Lot(s): 400
		Total Land Area: .68 Acre

<b>Applicant Name:</b> (please print) Eric Dye, Ken's Floatation Service	Phone: (503) 449-6667
Address: 1701 Clackamette Drive.	Email: kfsdocks@comcast.net
City State Zip: Oregon City, OR 97045	

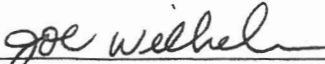
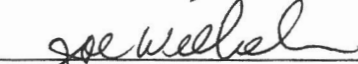
<b>Owner Name</b> (required): (please print) Joe & Pam Wilhelm	Phone:
Address: 17856 Robin View Ct.	Email:
City State Zip: West Linn, OR 97068	

<b>Consultant Name:</b> (please print) Rick Givens, Planning Consultant	Phone: 503-479-0097
Address: 18680 Sunblaze Dr.	Email: rickgivens@gmail.com
City State Zip: Oregon City, OR 97045	

- All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
- 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.
- 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.

	<u>11/16/15</u>		<u>11/16/15</u>
Applicant's signature	Date	Owner's signature (required)	Date

**FMA and WRG Permit Application for  
A Boat Dock and Access Ramp  
17856 Robin View Ct., West Linn, OR**

**Project Description:**

This project proposes the construction of an 10' x 33' L-shaped dock on the Willamette River adjacent to the property located at 17856 Robin View Ct. in West Linn. An 80' aluminum ramp will provide access to the dock from the adjoining property. The proposed dock is intended for personal use by the owner of the property for recreational boating and general river enjoyment. Four twelve-inch steel piling will be installed at the dock location, along with one 12" shore piling on the bank for the access ramp. The dock and access ramps will float in response to changes in river elevation.

Piling will be installed using a vibratory hammer from a crane barge. The piling will have a cone-shaped cap to deter predatory birds from perching. The dock has been designed to allow the maximum amount of sunlight to penetrate through the decking. To achieve this, we place all float units to the outer edges of the dock to leave the entire center, running the full length, open and unobstructed. The access ramp will be delivered from the water as a completed unit and will be placed via crane from the river to avoid impacting the stream bank.

**Resource Characteristics:**

The project site is located on the Willamette River adjacent to 17856 Robin View Ct., West Linn , OR. This site is located on the lower Willamette River. The river is relatively slow-moving in this section and, to our knowledge; there are no unusual contaminants in sediments in this area. The adjacent land use is detached single-family residences on individual lots.

***27.020 APPLICABILITY***

*A flood management area permit is required for all development in the Flood Management Area Overlay Zone. The standards that apply to flood management areas apply in addition to State or federal restrictions governing floodplains or flood hazard areas.*

Comment: The proposed dock and access ramp are located within the Flood Management Area Overlay Zone so the standards of this chapter apply.

**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.*

Comment: The dock materials are metal and floats that are designed for water-related use. These materials are resistant to 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.*

Comment: No electrical, heating, ventilation, plumbing or air conditioning equipment are proposed for the dock or access ramp.

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

Comment: No water service is proposed for the dock or access ramp. No change to the existing home's water service is 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.*

Comment: No sewer service is proposed for the dock or access ramp. No change to the existing home's sewer service is proposed.

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

Comment: No on-site waste disposal system is proposed.

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

Comment: The dock and the access ramp will be anchored with pilings, as shown on the plans submitted with this application. The top of the piling will be at an elevation of 50 feet so as to avoid the ramp or dock moving laterally during a 100 year flood event.

## ***27.090 NON-RESIDENTIAL CONSTRUCTION***

*New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall either have the lowest floor, including basement, elevated to at least one foot above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:*

*A. Be flood-proofed so that below the base flood level the structure is watertight with walls impermeable to the passage of water;*

*B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;*



*C. Be certified by a professional civil engineer licensed to practice in the State of Oregon that the design and methods of construction shall prevent seepage, collapse or cracking of basement walls, prevent buckling of basement floors, prevent backup of water from sewer lines, and have all openings located one foot above the base flood elevation. In addition, all protective features must operate automatically without human intervention;*

*D. Non-residential construction that is elevated, but not flood-proofed (i.e., the foundation is not at least one foot above the 100-year flood elevation) shall also comply with the standards set forth in CDC 27.080. (Ord. 1522, 2005)*

Comment: These standards are not applicable to the proposed dock and access ramp as they are designed to float in response to changes in river level. There will be floats under both the dock and the access ramp such that they will move up and down the piling and shore pilings to which they are anchored. There are no foundations or permanent floor level.

### **28.030 APPLICABILITY**

*A. The Willamette and Tualatin River Protection Area is an overlay zone. The zone boundaries are identified on the City's zoning map, and include:*

- 1. All land within the City of West Linn's Willamette River Greenway Area.*
- 2. All land within 200 feet of the ordinary low water mark of the Tualatin River, and all land within the 100-year floodplain of the Tualatin River.*
- 3. In addition to the Willamette Greenway and Tualatin River Protection Area boundaries, this chapter also relies on the HCA Map to delineate where development should or should not occur. Specifically, the intent is to keep out of, or minimize disturbance of, the habitat conservation areas (HCAs). Therefore, if all, or any part, of a lot or parcel is in the Willamette Greenway and Tualatin River Protection Area boundaries, and there are HCAs on the lot or parcel, a Willamette and Tualatin River Protection Area permit shall be required unless the development proposal is exempt per CDC 28.040.*

*B. At the confluence of a stream or creek with either the Tualatin or Willamette River, the standards of this chapter shall apply only to those portions of the lot or parcel fronting the river. Meanwhile, development in those portions of the property facing or adjacent to the stream or creek shall meet the transition, setbacks and other provisions of Chapter 32 CDC, Water Resource Area Protection.*

*C. All uses permitted under the provisions of the underlying base zone and within the Willamette and Tualatin River Protection Area zone are allowed in the manner prescribed by the base zone subject to applying for and obtaining a permit issued under the provisions of this chapter unless specifically exempted per CDC 28.040.*

*D. The construction of a structure in the HCA or the expansion of a structure into the HCA when the new intrusion is closer to the protected water feature than the pre-existing structure. (Ord. 1576, 2008; Ord. 1604 § 21, 2011; Ord. 1636 § 26, 2014)*

Comment: The subject property is within the 100 year flood plain of the Willamette River and, therefore, is subject to the provisions of this chapter.

### ***28.050 PROHIBITED USES***

Comment: The proposed dock is not a prohibited use.

### ***28.090 SUBMITTAL REQUIREMENTS: APPLICATION***

*A. An application for a protection area permit shall be initiated by the property owner or the owner's authorized agent. Evidence shall be provided to demonstrate that the applicant has the legal right to use the land above the OLW. The property owner's signature is required on the application form.*

Comment: The applicant has filed for a General Authorization permit with the Oregon Dept. of State Lands and has also filed a Joint Permit with the US Army Corps of Engineers for the proposed dock. Both applications are pending review at this time.

*B. A prerequisite to the filing of an application is a pre-application conference at which time the Planning Director shall explain the provisions of this chapter and provide appropriate forms as set forth in CDC 99.030(B).*

Comment: A pre-application conference was held for the proposed use on August 21, 2014.

*C. An application for a protection area permit shall include the completed application and:*

- 1. Narrative which addresses the approval criteria of CDC 28.110.*
- 2. A site plan, with HCA boundaries shown and by low, moderate, high type shown (CDC 28.120).*
- 3. A grading plan if applicable (CDC 28.130).*
- 4. Architectural drawings if applicable (CDC 28.140).*
- 5. A landscape plan if applicable (CDC 28.150).*
- 6. A mitigation plan if applicable (CDC 28.160).*

Comment: This narrative addresses the criterial of CDC 28.110. A site plan is attached and shows HCA boundaries. No site grading is proposed. No architectural drawings or landscape plan are required.

*D. The applicant shall pay the requisite fees.*

Comment: The required fees have been paid.

*E. The applicant shall be responsible for, and shall apply for, all applicable State and/or federal permits.*

Comment: The DSL and Corps of Engineer permits have been filed and are in process of being reviewed.

*F. The applicant shall include a map, approved or acknowledged by DSL, of the preference rights and authorized areas if a water surface structure is proposed. (Ord. 1576, 2008; Ord. 1622 § 11, 2014)*

Comment: The applicant will provide a copy of the DSL approval once it is obtained.

## **28.110 APPROVAL CRITERIA**

*No application for development on property within the protection area shall be approved unless the decision-making authority finds that the following standards have been met or can be met by conditions of approval. The development shall comply with the following criteria as applicable:*

*A. Development: All sites.*

*1. Sites shall first be reviewed using the HCA Map to determine if the site is buildable or what portion of the site is buildable. HCAs shall be verified by the Planning Director per CDC 28.070 and site visit. Also, "tree canopy only" HCAs shall not constitute a development limitation and may be exempted per CDC 28.070(A). The municipal code protection for trees and Chapters 55 and 85 CDC tree protection shall still apply.*

Comment: One shore piling and the access ramp will be placed within the HCA. These are the only structures proposed within the HCA.

*2. HCAs shall be avoided to the greatest degree possible and development activity shall instead be directed to the areas designated "Habitat and Impact Areas Not Designated as HCAs," consistent with subsection (A)(3) of this section.*

Comment: The disturbance of the HCA will be minimal. The shore piling will be placed from the river surface via barge and the ramp will be lifted into place with a crane from the river.

*3. If the subject property contains no lands designated "Habitat and Impact Areas Not Designated as HCAs" and development within HCA land is the only option it shall be directed towards the low HCA areas first, then medium HCA areas and then to high HCA as the last choice. The goal is to, at best, avoid or, at least, minimize disturbance of the HCAs. (Water-dependent uses are exempt from this provision.)*

Comment: The placement of the access ramp within the HCA is the only viable means of providing access to the dock.

4. *All development, including exempted activities of CDC 28.040, shall have approved erosion control measures per Clackamas County Erosion Prevention and Sediment Control Planning and Design Manual, rev. 2008, in place prior to site disturbance and be subject to the requirements of CDC 32.070 and 32.080 as deemed applicable by the Planning Director.*

Comment: Because of the means of placement of the shore piling and dock, there will be no disturbance of site vegetation that might otherwise require erosion control measures.

F. Access and property rights.

1. *Private lands within the protection area shall be recognized and respected.*
2. *Where a legal public access to the river or elsewhere in the protection area exists, that legal public right shall be recognized and respected.*
3. *To construct a water-dependent structure such as a dock, ramp, or gangway shall require that all pre-existing legal public access or similar legal rights in the protection area be recognized and respected. Where pre-existing legal public access, such as below the OLW, is to be obstructed by, for example, a ramp, the applicant shall provide a reasonable alternate route around, over or under the obstruction. The alternate route shall be as direct as possible. The proposed route, to include appropriate height clearances under ramps/docks and specifications for safe passage over or around ramps and docks, shall be reviewed and approved by the Planning Director for adequacy.*
4. *Any public or private water-dependent use or facility shall be within established DSL-authorized areas.*
5. *Legal access to, and along, the riverfront in single-family residential zoned areas shall be encouraged and pursued especially when there are reasonable expectations that a continuous trail system can be facilitated. The City recognizes the potential need for compensation where nexus and proportionality tests are not met. Fee simple ownership by the City shall be preferred. The trail should be dimensioned and designed appropriate to the terrain it traverses and the user group(s) it can reasonably expect to attract. The City shall be responsible for signing the trail and delineating the boundary between private and public lands or access easements.*

Comment: Access to the proposed dock will be from the access ramp placed on the subject property. No public access to the dock or access ramp is proposed.

I. Docks and other water-dependent structures.

1. *Once the preference rights area is established by DSL, the property owner identifies where the water-dependent use will be located within the authorized portion of the preference rights area. The water-dependent use should be centered or in the middle of the preference rights/authorized area or meet the side yard setbacks of the underlying zone.*

*Private and public non-commercial docks are permitted where dredging is required so long as all applicable federal and State permits are obtained. Dredging is encouraged if deposits silt up under an existing dock. Dredging is seen as preferable to the construction of longer docks/ramps.*

Comment: The proposed dock is centered in the area that has been requested for approval by DSL. Documentation of DSL approval will be provided to the City prior to construction of the dock.

*2. Both joint and single use docks shall not extend into the water any further than necessary to provide four feet between the ship's keel or fixed propeller/rudder and the bottom of the water at any time during the water's lowest point.*

Comment: As shown on the site plan, the proposed dock does not extend further from the shore than necessary to meet this standard.

*3. In no case except as provided in this section shall a private ramp and private dock extend more than 100 feet from OLW towards the center of the river or slough. In the case of L-shaped docks, the 100 feet shall be measured from the OLW to the furthest part of the private dock closest to the center of the river.*

Comment: The proposed dock does not extend more than 100 feet from OLW.

*4. Docks on sloughs and similar channels shall not extend more than 30 percent of the distance between two land masses at OHW, such as between the mainland and an island or peninsula, measured in a lineal manner at right angle to the dominant shoreline. In no way shall a dock impede existing public usage or block navigation of a channel.*

Comment: Not applicable. The site is not on a slough or similar channel.

*5. Boat storage associated with a rail launch facility shall be located above the OHW, either vertically raised above the ordinary high water line or set back behind the OHW. Such boat storage structure will be natural wood colors or similar earth tones. Private railed launch facilities are permitted for individual boat owners. The onshore setback of the storage structure is equal distance on both sides as extended perpendicular to the thread of the stream, or seven and one-half feet, whichever is the greater setback.*

Comment: Not applicable. No rail launch facility is proposed.

*6. The width of each deck section shall be no more than 12 feet wide.*

Comment: The proposed dock complies with this requirement. The dock is proposed to be 10 feet wide.

*7. For only single-user and joint-user docks, pilings shall not exceed a maximum height of eight feet above the 100-year flood elevation.*

Comment: The proposed piling will comply with this requirement.

*8. A single user non-commercial dock shall not exceed 400 square feet in deck area. The boat slip is not included in the calculation of this square footage limitation.*

Comment: The proposed dock is approximately 350 sq. ft. in deck area.

*9. Private non-commercial boat houses are allowed but only if they are within 50 feet of OLW and/or in locations sufficiently screened from view so that they do not have a significant visual impact on views from adjacent and nearby homes. Building and roof colors shall be brown, gray, beige, natural or similar earth tones. Non-commercial boat houses shall not exceed 12 feet in height measured from the boat house deck level to the roof peak. The size of the boat house shall be sized to accommodate one boat only and shall not exceed a footprint greater than 500 square feet. Boatlifts are permitted within the boat house. The above provisions also apply to open-walled boat shelters with or without boatlifts.*

Comment: Not applicable. No boat house is proposed in conjunction with the dock.

*J. Joint docks.*

Comment: Not applicable. No joint use of the dock is proposed.

*K. Non-conforming docks and other water-related structures. Pre-existing non-conforming structures, including docks, ramps, boat houses, etc., as defined in this chapter may remain in place. Replacement in kind (e.g., replacement of decking and other materials) will be allowed provided the replacement meets the standards of this chapter. However, if any non-conforming structure that is damaged and destroyed or otherwise to be replaced to the extent that the rebuilding or replacing (including replacement in kind) would exceed 50 percent of the current replacement cost of the entire structure, the owner shall be required to meet all the standards of this chapter.*

Comment: Not applicable. There are no non-conforming docks or other water-related structures on the property or the adjoining river area.

*L. Roads, driveways, utilities, or passive use recreation facilities. Roads, driveways, utilities, public paths, or passive use recreation facilities may be built in those portions of HCAs that include wetlands, riparian areas, and water resource areas when no other practical alternative exists but shall use water-permeable materials unless City engineering standards do not allow that. 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.*

Comment: Not applicable.

*M. Structures. All buildings and structures in HCAs and riparian areas, including all exterior mechanical equipment, should be screened, colored, or surfaced so as to blend with the riparian environment. Surfaces shall be non-polished/reflective or at least expected to lose their luster within a year. In addition to the specific standards and criteria applicable to water-dependent uses (docks), all other provisions of this chapter shall apply to water dependent uses, and any structure shall be no larger than necessary to accommodate the use.*

Comment: The ramp will be non-polished aluminum. The piling will be earth-tone.

*N. Water-permeable materials for hardscapes. The use of water-permeable materials for parking lots, driveways, patios, and paths as well as flow-through planters, box filters, bioswales and drought tolerant plants are strongly encouraged in all "a" and "b" land classifications and shall be required in all "c" and "d" land classifications. The only exception in the "c" and "d" classifications would be where it is demonstrated that water-permeable driveways/hardscapes could not structurally support the axle weight of vehicles or equipment/storage load using those areas. Flow through planters, box filters, bioswales, drought tolerant plants and other measures of treating and/or detaining runoff would still be required in these areas.*

Comment: Not applicable.

*O. Signs and graphics. No sign or graphic display inconsistent with the purposes of the protection area shall have a display surface oriented toward or visible from the Willamette or Tualatin River. A limited number of signs may be allowed to direct public access along legal routes in the protection area.*

Comment: Not applicable. No signs or graphics are proposed.

*P. Lighting. Lighting shall not be focused or oriented onto the surface of the river except as required by the Coast Guard. Lighting elsewhere in the protection area shall be the minimum necessary and shall not create off-site glare or be omni-directional. Screens and covers will be required.*

Comment: Not applicable. No lighting is proposed.

*Q. Parking. Parking and unenclosed storage areas located within or adjacent to the protection area boundary shall be screened from the river in accordance with Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas. The use of water-permeable material to construct the parking lot is either encouraged or required depending on HCA classification per CDC 28.110(N)(4).*

Comment: Not applicable. No parking is proposed in conjunction with the dock.

R. Views. Significant views of the Willamette and Tualatin Rivers shall be protected as much as possible as seen from the following public viewpoints: Mary S. Young Park, Willamette Park, Cedar Oak Park, Burnside Park, Maddox Park, Cedar Island, the Oregon City Bridge, Willamette Park, and Fields Bridge Park.

Where options exist in the placement of ramps and docks, the applicant shall select the least visually intrusive location as seen from a public viewpoint. However, if no options exist, then the ramp, pilings and dock shall be allowed at the originally proposed location.

Comment: Not applicable. No significant view of the Willamette River would be impacted by the proposed dock and access ramp.

S. Aggregate deposits. Extraction of aggregate deposits or dredging shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise and safety, and to promote necessary reclamation.

Comment: Not applicable. No extraction of aggregate or dredging is proposed.

T. Changing the landscape/grading.

Comment: No changing of the landscape or grading is proposed.

U. Protect riparian and adjacent vegetation. Vegetative ground cover and trees upon the site shall be preserved, conserved, and maintained according to the following provisions:

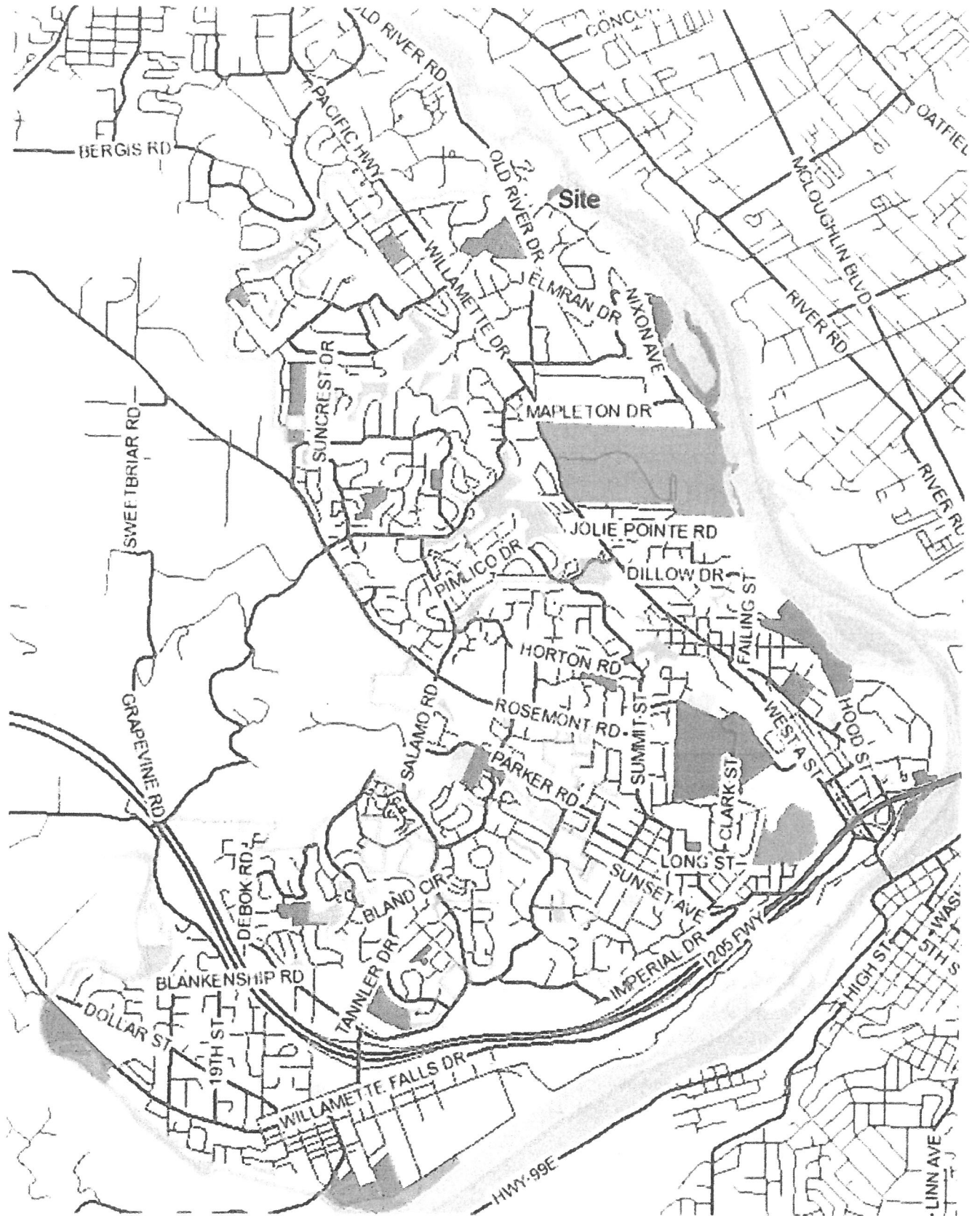
Comment: As discussed previously, the ramp, dock and piling will all be brought to the site via barge from the river. Piling and the access ramp will be placed from the river via crane. Using this method will minimize the disturbance of the riparian area to only the immediate site of the shore piling and access ramp.

## **28.160 MITIGATION PLAN**

*If any HCA is permanently disturbed as a result of the proposed development of any uses or structures, the applicant shall prepare and implement a revegetation and mitigation plan pursuant to the provisions of CDC 32.070 and 32.080. (Ord. 1576, 2008)*

Comment: Because the ramp and piling will be brought and placed via barge and crane from the river, there will be negligible impact to the HCA. As a result, no mitigation plan is required.

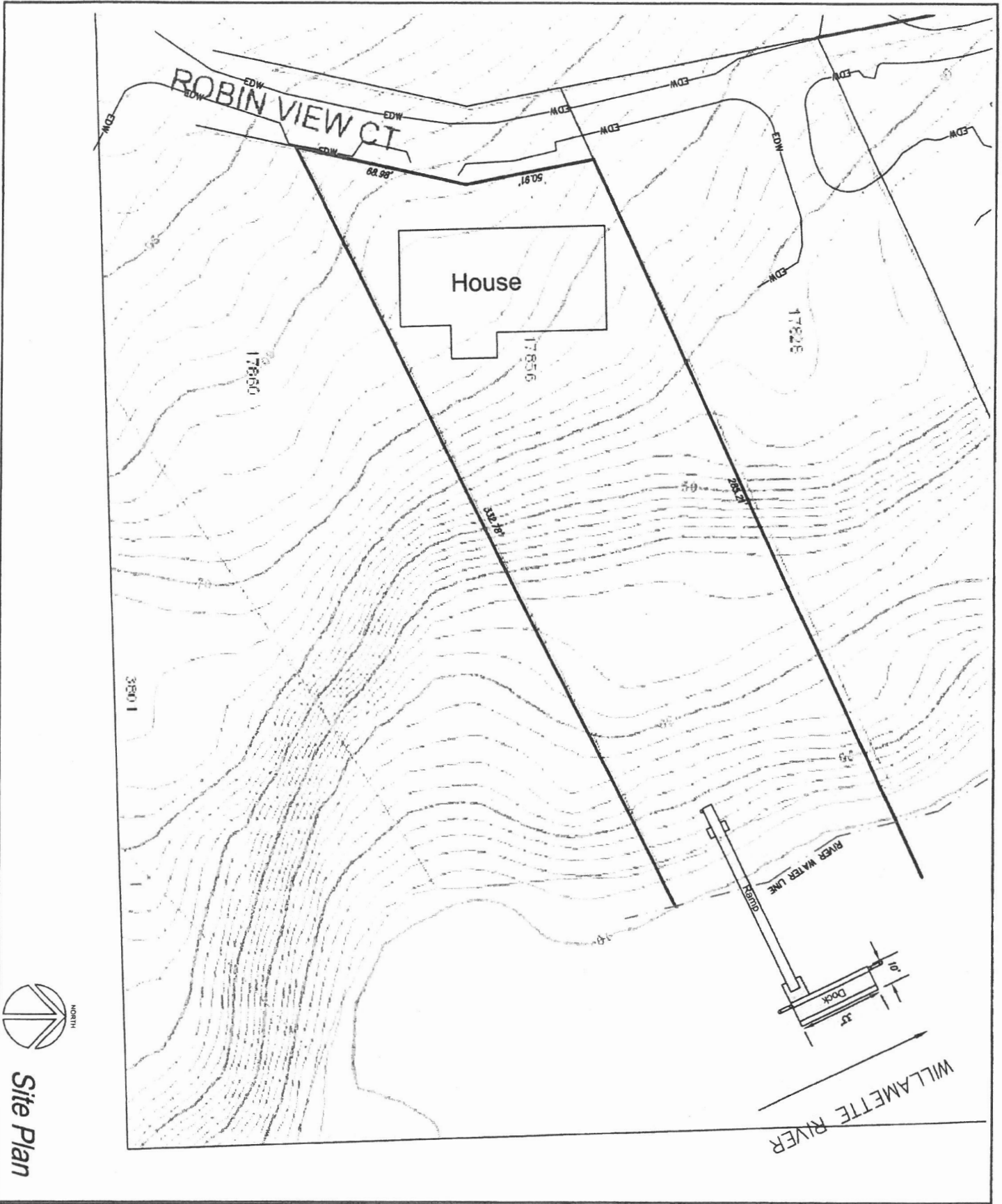




Vicinity Map



**VICINITY MAP**  
 17856 Robin View Ct.

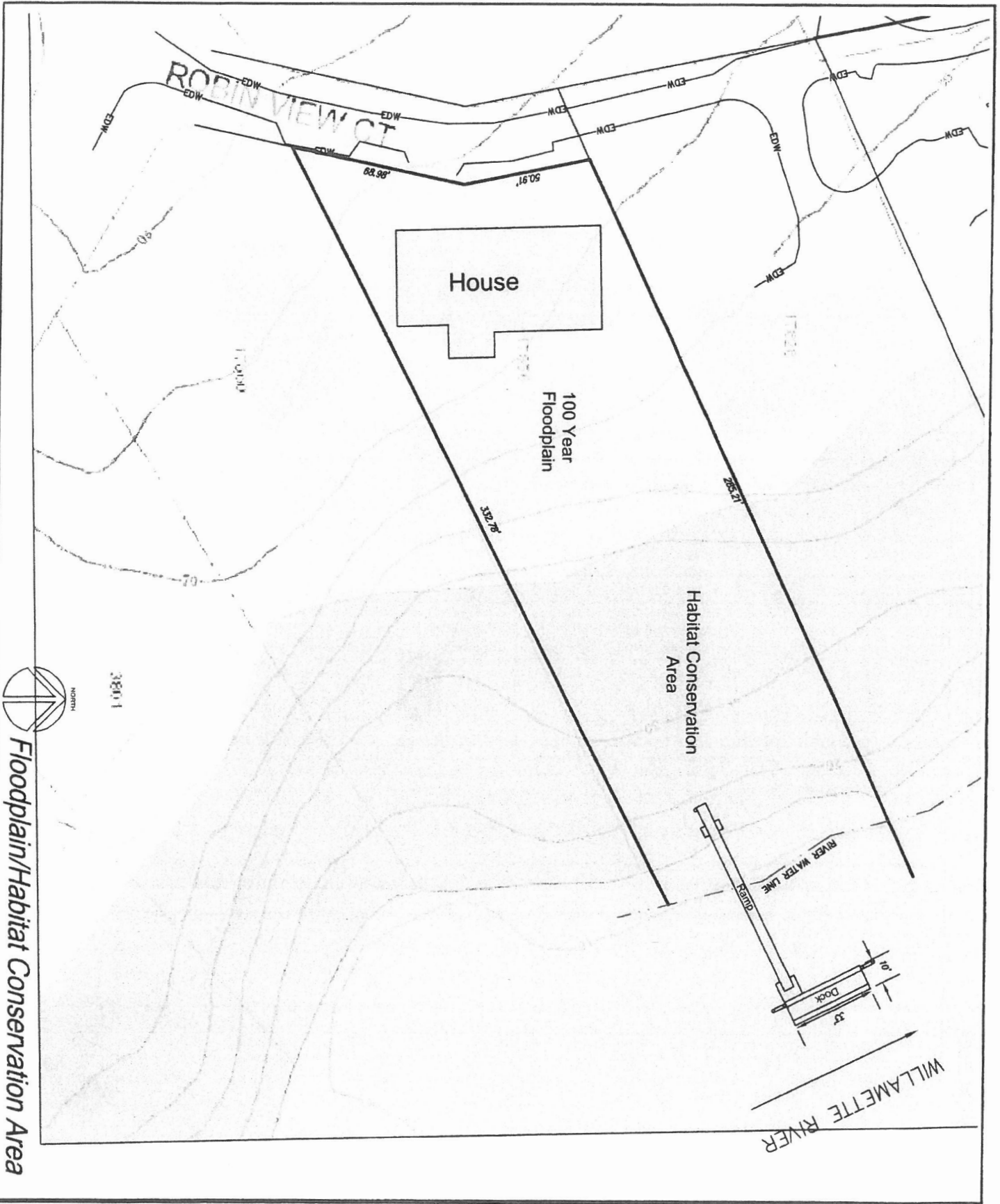


Site Plan

Richard E. Givens, Planning Consultant  
 18680 Sunblaze Dr.  
 Oregon City, Oregon 97045  
 PH: (503) 479-02097

SCALE 1" = 50'  
 DATE: Nov. 2015  
 PROJECT 15-DYE-106

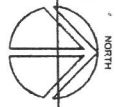
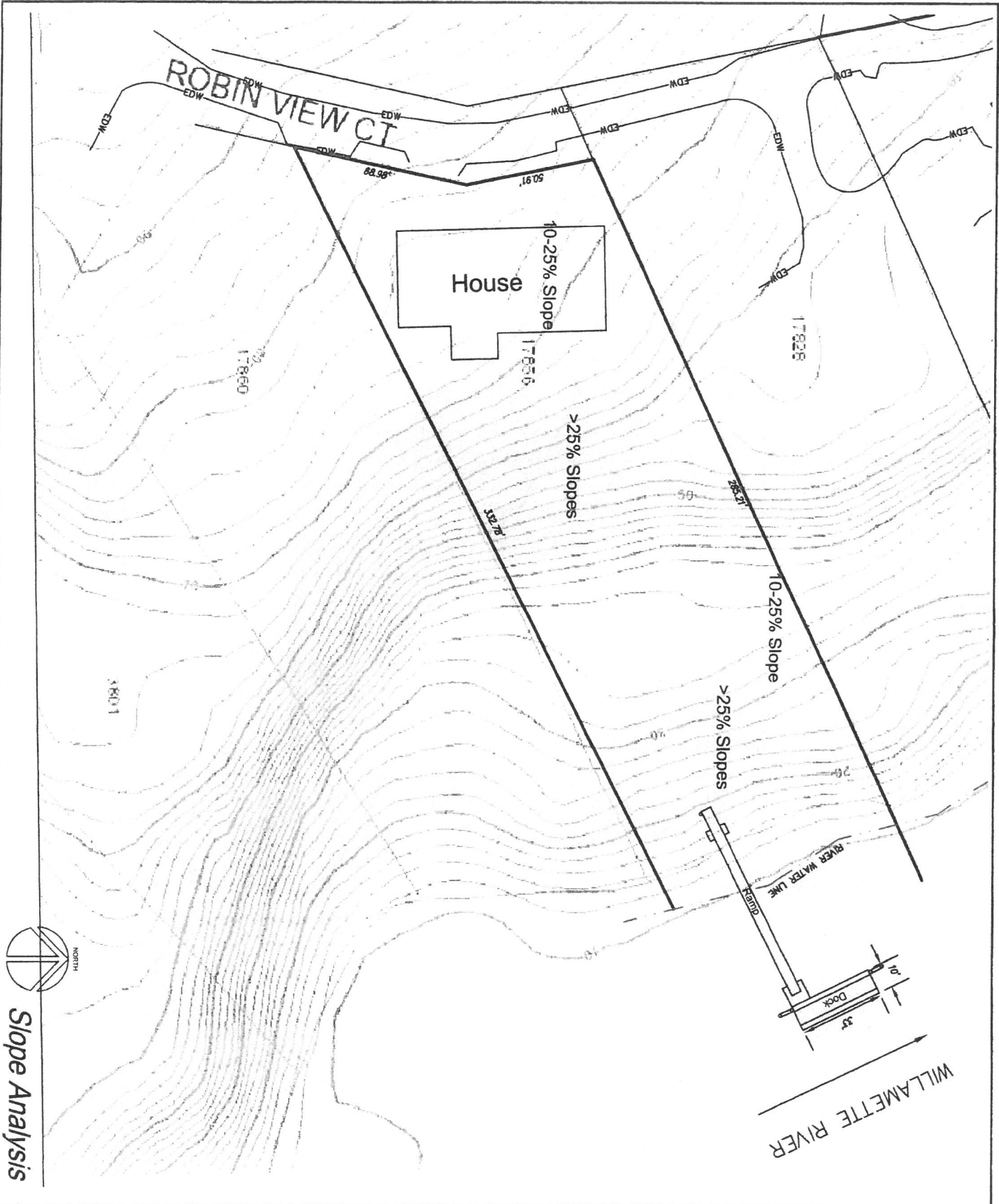
**Boat Dock**  
 17856 Robin View Ct.  
 Joe and Pam Wilhelm



Richard E. Givens, Planning Consultant  
 18680 Sunblaze Dr.  
 Oregon City, Oregon 97045  
 PH: (503) 479-02097

SCALE 1" = 50'  
 DATE: Nov. 2015  
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**Boat Dock**  
 17856 Robin View Ct.  
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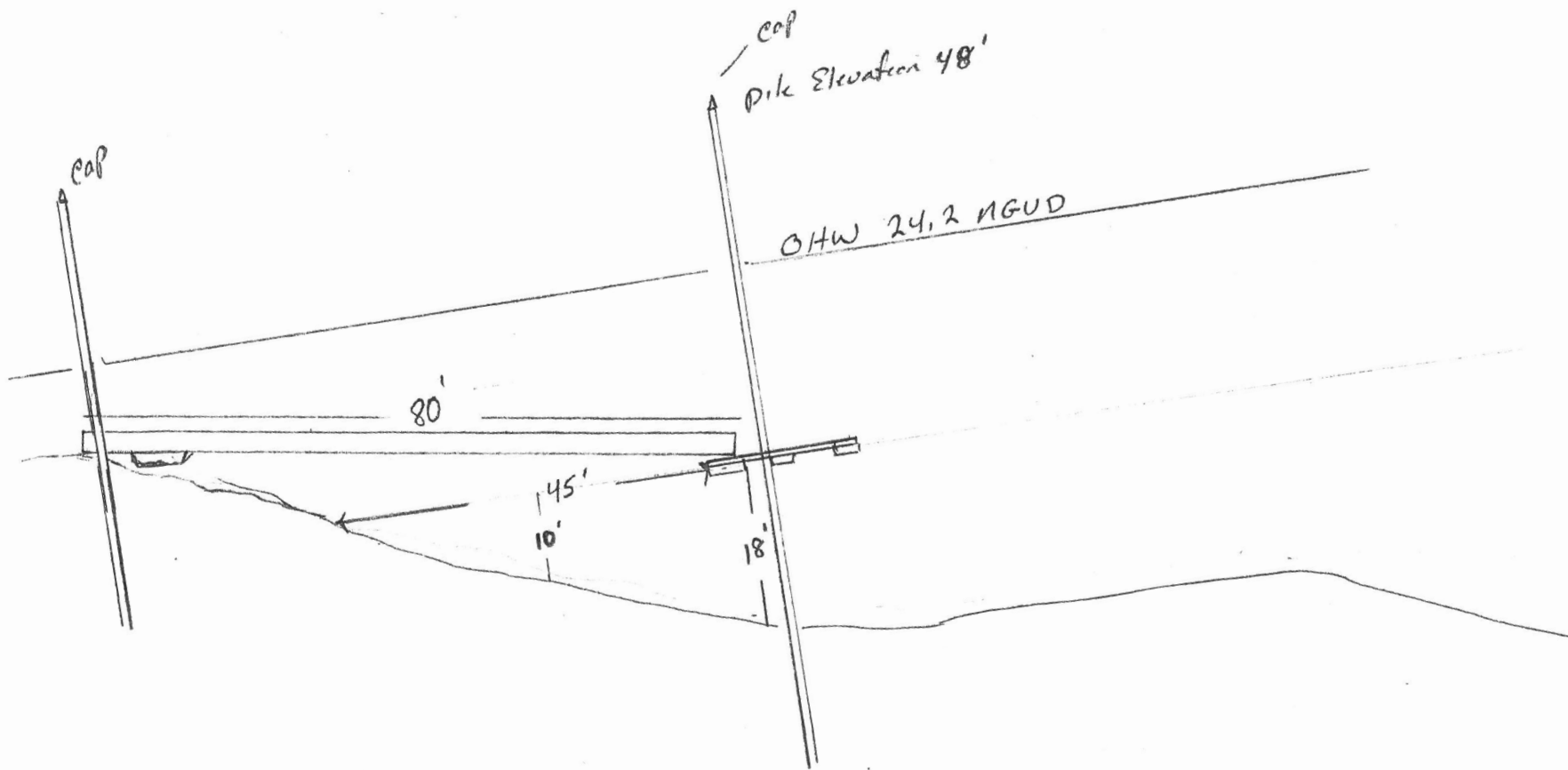


Slope Analysis

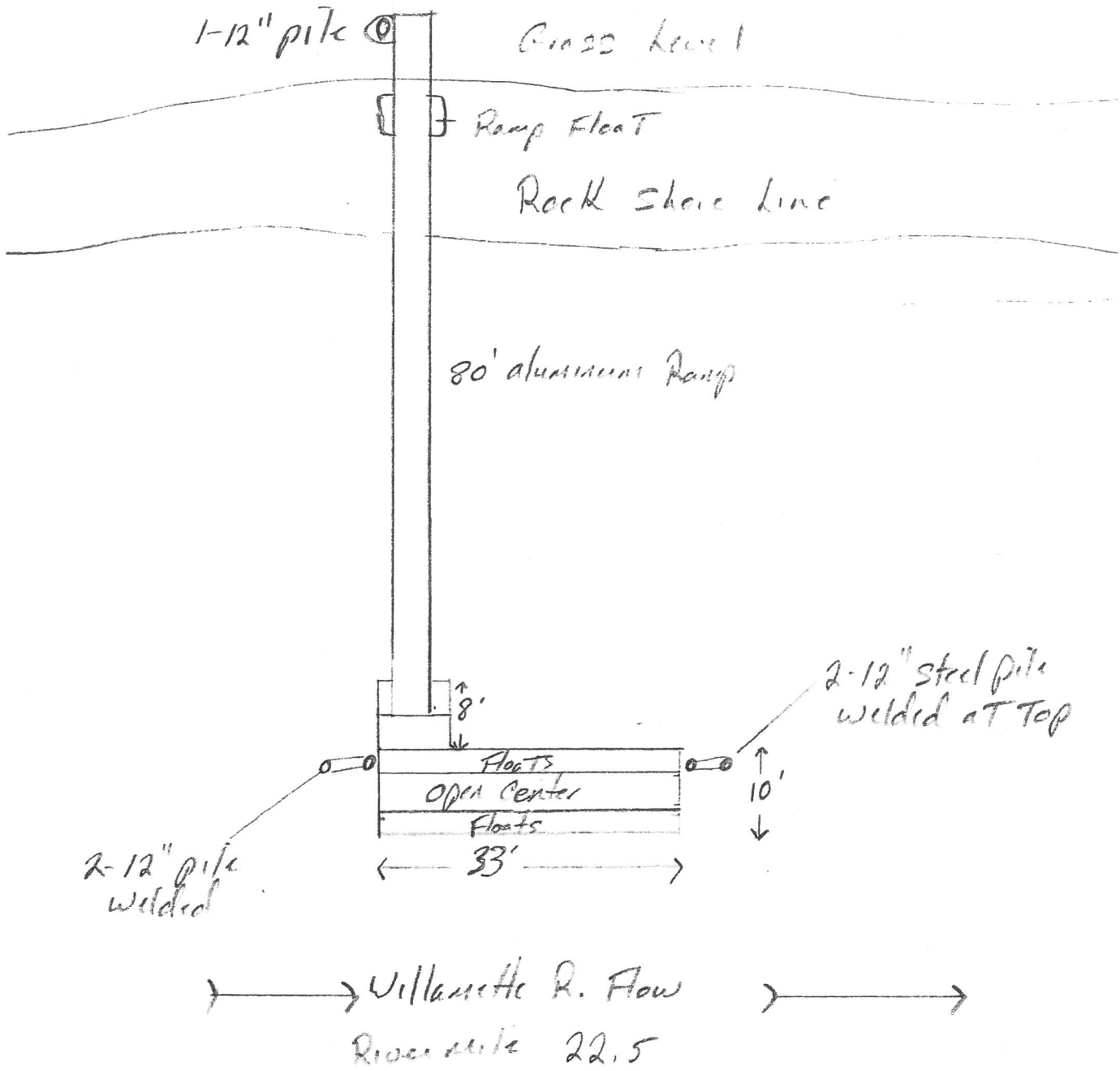
Richard E. Givens, Planning Consultant  
 18680 Sunblaze Dr.  
 Oregon City, Oregon 97045  
 PH: (503) 479-02097

SCALE 1" = 50'  
 DATE: Nov. 2015  
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**Boat Dock**  
 17856 Robin View Ct.  
 Joe and Pam Wilhelm

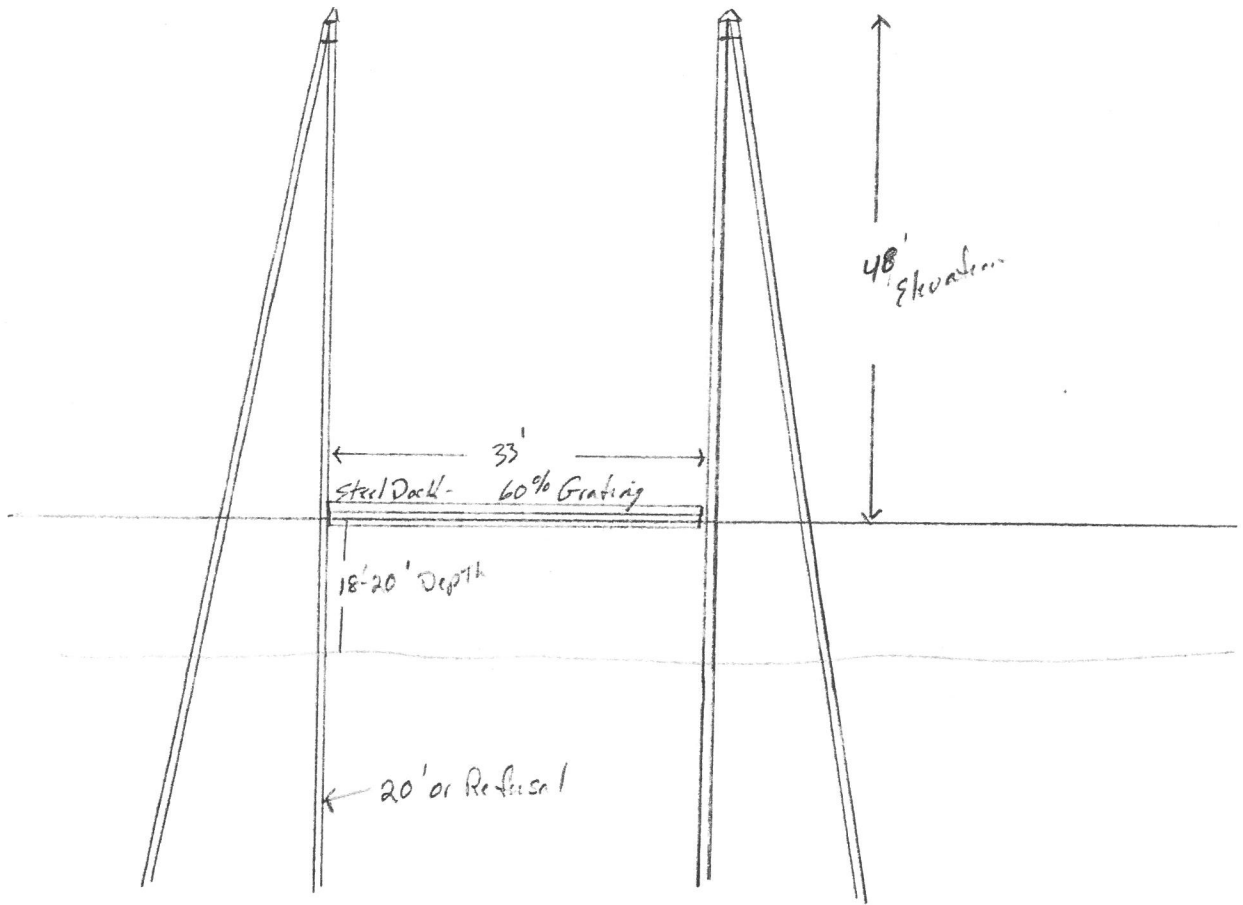


Cross Section  
Scale: 1" = 20'



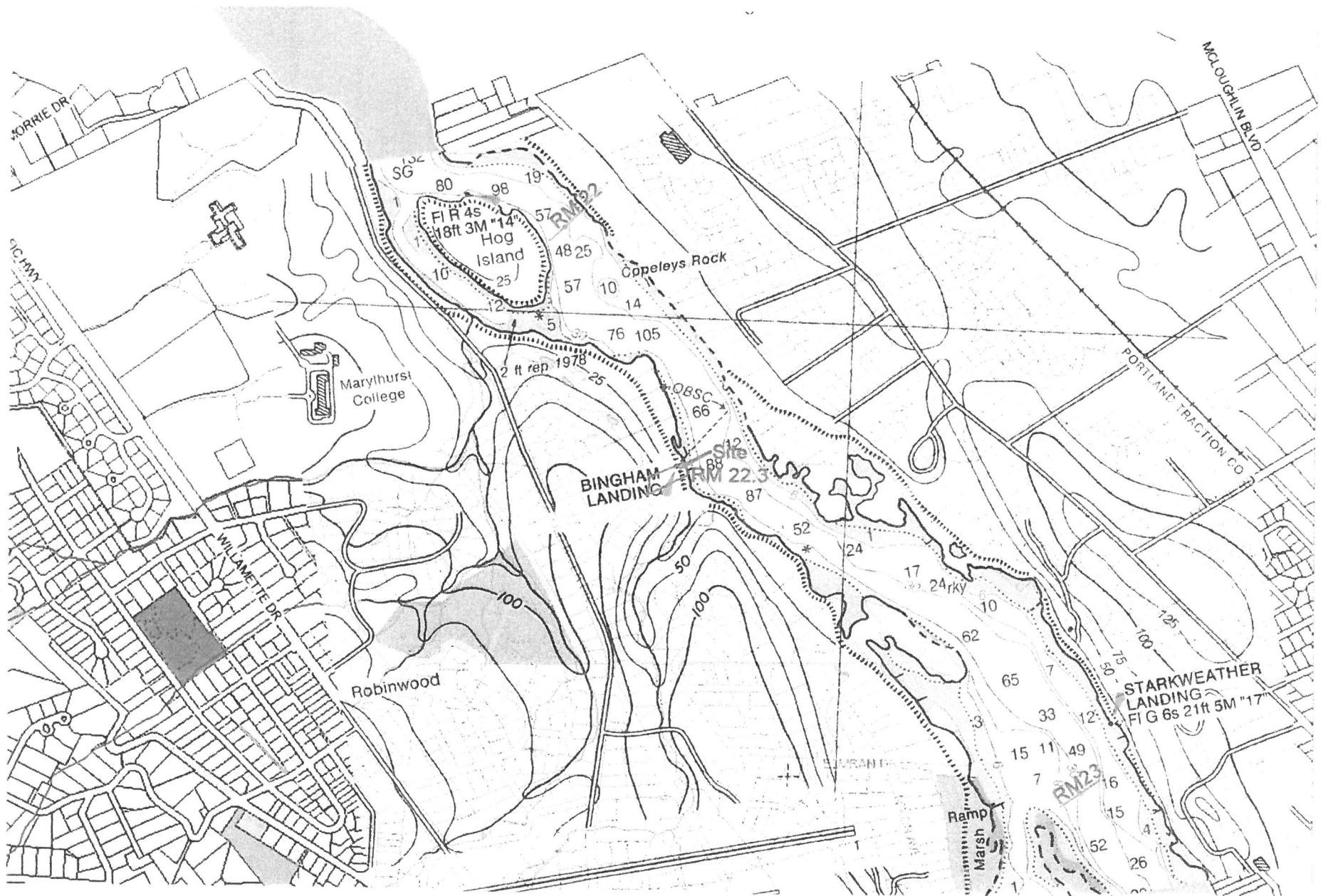
**Plan View**

Scale: 1/16" = 1'



**Front Elevation**  
Scale: 1/16" = 1'





Willamette River Mile Location

**PD-5 PUBLIC COMMENTS**

## Spir, Peter

---

**From:** Dan Shear <dannyshear@gmail.com>  
**Sent:** Monday, January 11, 2016 10:31 PM  
**To:** Spir, Peter; Brenda Kent Shear  
**Subject:** Re: Dock and ramp permit application for 17856 Robin View Court. Wr-15-06/ MI 15-13

Thanks Peter,

Ramp and dock located 26 feet from the property line is fine with me even if there are few feet ambiguity in the location of the property line.

I just would like to see it spelled out if possible not just implied from the drawing. Is it spelled out on the application somewhere and I missed it?

On Mon, Jan 11, 2016 at 8:10 AM, Spir, Peter <[Pspir@westlinnoregon.gov](mailto:Pspir@westlinnoregon.gov)> wrote:

Brenda and Dan Shear

Thank you for your comments.

For docks, the minimum setback is 7.5 feet from the side property line.

The applicant's submittal shows that the dock and ramp would be 26 feet from the side property line that you share.

Best regards

Peter

**From:** Dan Shear [mailto:[dannyshear@gmail.com](mailto:dannyshear@gmail.com)]  
**Sent:** Friday, January 08, 2016 2:09 PM  
**To:** Spir, Peter <[Pspir@westlinnoregon.gov](mailto:Pspir@westlinnoregon.gov)>; Brenda Kent Shear <[brendashear@gmail.com](mailto:brendashear@gmail.com)>  
**Subject:** Dock and ramp permit application for 17856 Robin View Court. Wr-15-06/ MI 15-13

To: Mr. Spir, West-Linn city planner

FR: Brenda and Dan Shear

RE: Dock and ramp permit application for 17856 Robin View Court. Wr-15-06/ MI 15-13

<https://westlinnoregon.gov/planning/17856-robin-view-court-willamette-river-greenway-and-flood-management-permit-construct-boat>

DT: January 8, 2016.

The boundary between lots of 17856 Robin View Court (Wilhelms) and 17860 Robin View Court (Shears) is not definite because of survey, riparian and recording issues and there are about 3 to 4 feet of ambiguity on some parts of the boundary line.

The permit application does not spell out the location of the ramp and dock. The drawings in the permit suggest but do not specify the ramp and dock will be about 28 feet from the property line as drawn by rough estimate.

I do not know the set-back requirements for this kind of projects but it seems proper that the ramp and dock should be close to the center of the water front of the lot to prevent interference with neighbors water access and enjoyment as much as possible. As such we request that the distance from the boundary will be spelled out and the dock should be centered at the lot. That will bring the ramp close to be about 32.5 feet from our property line.

Thank you for you consideration.

**Peter Spir**

*Associate Planner*  
22500 Salamo Rd.  
West Linn, Oregon 97068  
[Pspir@westlinnoregon.gov](mailto:Pspir@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone (503) 723-2539



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## Spir, Peter

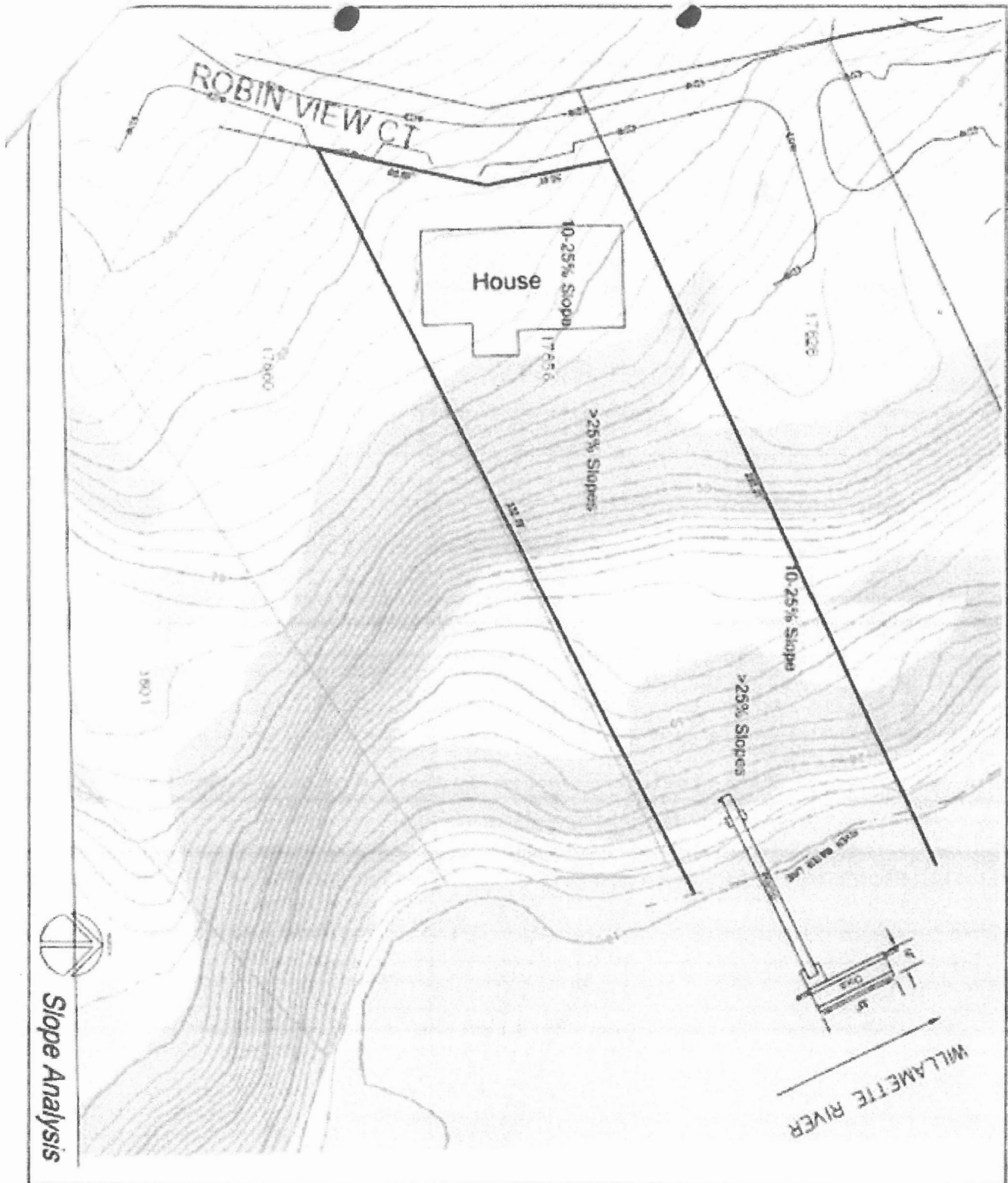
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**From:** Spir, Peter  
**Sent:** Tuesday, January 12, 2016 9:16 AM  
**To:** 'Dan Shear'  
**Subject:** RE: Dock and ramp permit application for 17856 Robin View Court. Wr-15-06/ MI 15-13

Dan

Here is the scaled map that was part of the applicant's submittal. They will be required to build per this map.

Peter



Slope Analysis

Richard E. Givens, Planning Consultant  
 18680 Sunblaze Dr.  
 Oregon City, Oregon 97045  
 PH: (503) 479-02097

SCALE 1" = 50'  
 DATE: Nov. 2015  
 PROJECT 15-DYE-106

**Boat Dock**  
 17856 Robin View Ct  
 Joe and Pam Wilhelm

From: Dan Shear [mailto:dannyshear@gmail.com]  
 Sent: Monday, January 11, 2016 10:31 PM

**To:** Spir, Peter <Pspir@westlinnoregon.gov>; Brenda Kent Shear <brendashear@gmail.com>  
**Subject:** Re: Dock and ramp permit application for 17856 Robin View Court. Wr-15-06/ MI 15-13

Thanks Peter,

Ramp and dock located 26 feet from the property line is fine with me even if there are few feet ambiguity in the location of the property line.

I just would like to see it spelled out if possible not just implied from the drawing. Is it spelled out on the application somewhere and I missed it?

On Mon, Jan 11, 2016 at 8:10 AM, Spir, Peter <Pspir@westlinnoregon.gov> wrote:

Brenda and Dan Shear

Thank you for your comments.

For docks, the minimum setback is 7.5 feet from the side property line.

The applicant's submittal shows that the dock and ramp would be 26 feet from the side property line that you share.

Best regards

Peter

**From:** Dan Shear [mailto:dannyshear@gmail.com]

**Sent:** Friday, January 08, 2016 2:09 PM

**To:** Spir, Peter <Pspir@westlinnoregon.gov>; Brenda Kent Shear <brendashear@gmail.com>

**Subject:** Dock and ramp permit application for 17856 Robin View Court. Wr-15-06/ MI 15-13

To: Mr. Spir, West-Linn city planner

FR: Brenda and Dan Shear

RE: Dock and ramp permit application for 17856 Robin View Court. Wr-15-06/ MI 15-13

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## Spir, Peter

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**From:** Rick Givens <rickgivens@gmail.com>  
**Sent:** Tuesday, February 02, 2016 1:39 PM  
**To:** Spir, Peter  
**Subject:** Re: WR-15-06 Wilhelm

Hi Peter,

As we discussed in our phone conversation today, Eric Dye is working on getting the response from the Corps that you have requested. Since this may take a bit of time to work through, we are granting a 21 day extension to the 120 day rule so that you may wait on issuing your decision until we are able to get the necessary response from the Corps into the record.

Thanks,

Rick Givens  
Planning Consultant  
18680 Sunblaze Dr.  
Oregon City, OR 97045  
(503) 479-0097  
Cell: (503) 351-8204  
rickgivens@gmail.com

**From:** [Spir, Peter](#)  
**Sent:** Tuesday, February 02, 2016 8:42 AM  
**To:** [rickgivens@gmail.com](mailto:rickgivens@gmail.com)  
**Subject:** WR-15-06 Wilhelm

Hi Rick

I spoke with John and he reiterated his conversation with you regarding the need to have a definitive finding from USACE or DSL (etc.) that says the dock must be in 20 (+/-) feet of water.

We can hold off on issuing the Planning Manager's decision until Monday Feb 8 but would need those findings ASAP so we can review them. (We are closed this Friday.)

Peter

**Peter Spir**  
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