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**STAFF REPORT  
PLANNING MANAGER DECISION**

DATE: August 23, 2016

FILE NO.: MIS-16-04

REQUEST: The applicant requests a Flood Management Area (FMA) permit to construct an addition to an existing house at 5688 River Street.

PLANNER: Jennifer Arnold, Associate Planner

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Planning Manager *QAB*

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## GENERAL INFORMATION

- OWNER:** David Eraut, 5688 River Street, West Linn, OR. 97068
- APPLICANT:** David Eraut, Attn: 5688 River Street, West Linn, OR. 97214
- SITE LOCATION:** 5688 River Street
- SITE SIZE:** 18,877 square feet
- LEGAL DESCRIPTION:** Assessor's Map 22E-30AC Tax Lot 1605
- COMP PLAN DESIGNATION:** Low Density Residential
- ZONING:** R-10, Single-Family Residential Detached (10,000 square foot minimum lot size)
- APPROVAL CRITERIA:** Community Development Code (CDC) Chapter 27 Flood Management Area (FMA) and Chapter 11 (R-10)
- 120-DAY RULE:** The application became complete on August 1, 2016. The 120-day period therefore ends on November 28, 2016.
- PUBLIC NOTICE:** Notice was mailed to property owners within 300 feet of the subject property and all neighborhood associations on August 4, 2016. A sign was placed on the property on August 8, 2016. The notice was also posted on the City's website. Therefore, public notice requirements of CDC Chapter 99 have been met.

## EXECUTIVE SUMMARY

The property at 5688 River Street is currently occupied by a single family home which is located within the 100-year floodplain. The applicant proposes to add onto the existing house and above the existing attached garage. A FMA permit is required; primarily to demonstrate that the new addition to the house will not adversely modify floodwaters and to ensure that the home's first habitable floor is at least one foot above the 100-year flood elevation.

### **Public comments:**

Staff has not received any public comments.

## DECISION

The Planning Manager (designee) approves this application (MIS-16-04), 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. With these findings, the applicable approval criteria are met. The following conditions of approval shall apply:

1. Elevation Certificate. The applicant's engineer or Surveyor shall submit a signed post construction Elevation Certificate to the Planning Department to demonstrate that all the structural elements of the finished habitable floor are at least one foot above the base flood elevation specified on the pre-construction elevation certificate, and in substantial conformance with pages 12, 13, and 14 of the applicant's submitted plans. **See staff finding 10 and 11.**
2. Flood Openings. The applicant's Engineer or Surveyor shall demonstrate on the post construction Elevation Certificate that there are enough flood vent openings/louvers to allow for the conveyance of floodwater and to equalize hydrostatic flood force on the exterior walls, and are in substantial conformance with pages 12, 13, and 14 of the applicant's submitted plans. **See staff findings 5, 10, 11, and 12.**
3. Mechanicals. All mechanicals (HVAC etc.) must be elevated above the Base Flood Elevation (BFE). **See staff finding 13.**
4. Standards. The applicant/builder will comply with applicable state, federal and local standards regarding construction and building elements below the BFE and any flood proofing requirements within the floodplain. **See staff finding 13.**

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

  
Jennifer Arnold, Associate Planner

August 23, 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 23<sup>rd</sup> day of August, 2016.

Therefore, the 14-day appeal period ends at 5 p.m., on September 6, 2016.

**ADDENDUM:  
STAFF FINDINGS IN RESPONSE TO APPROVAL CRITERIA**

**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.*

**Staff Finding 1: The applicant proposes an addition to an existing single-family detached residential home which is permitted per this criteria. The criterion is met.**

*11.070 Dimensional Requirements, Uses Permitted Outright and Uses Permitted Under Prescribed Conditions*

*Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:*

- 1. The minimum lot size shall be 10,000 square feet for a single-family detached unit.  
(...)*
- 5. Except as specified in CDC 25.070(C) (1) through (4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback area from the lot line shall be:*
  - a. For the front yard, 20 feet; except for steeply sloped lots where the provisions of CDC 41.010 shall apply.*
  - b. For an interior side yard, seven and one-half feet.*
  - c. For a side yard abutting a street, 15 feet.*
  - d. For a rear yard, 20 feet.*

**Staff Finding 2: The property comprises 18,887 square feet which exceeds the minimum lot size of the R-10 zone. The applicant proposes to construct an addition to the existing home which meets the existing front yard setback of 20 feet. The proposal will not encroach closer to River Street. The side setbacks will be 11 and 16 feet which exceed the required 7.5 foot setback. The rear of the house is 112 feet from the rear lot line which exceeds the required 20 foot rear setback. The criteria are met.**

- 6. The maximum building height shall be 35 feet, except for steeply sloped lots in which case the provisions of Chapter 41 CDC shall apply.*

**Staff Finding 3: The proposed house will be between 25 feet and 35 feet tall from grade which meets the 35 foot height requirements of the R-10 zone. The criteria is met.**

*7. The maximum lot coverage shall be 35 percent.*

*9. The floor area ratio shall be 0.45.*

*10. The sidewall provisions of Chapter 43 CDC shall apply.*

**Staff Finding 4: The lot is 18,876 square feet. The existing house has a footprint of 1,962 square feet and the proposed addition will add 266 square feet of added footprint. This will bring the lot coverage to 11.8 percent, which is below the maximum 35 percent allowed. The FAR is 31 percent which is below the 45 percent allowed FAR. The sidewall transitions are met with two foot pop outs for every 700 square feet of elevation area. The subsequent building permit review process will provide confirmation of the applicant's ability to meet the dimensional and design standards of the R-10 zone. The criterion is met.**

*(...)*

## **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 house will have finished floor elevations more than one foot above the BFE of 47.8 feet as required by the CDC 27.080 (A). The foundations for the proposed addition are below the BFE. The perimeter foundation wall will contain the required openings/louvers to allow for the conveyance of floodwater and to equalize hydrostatic flood force on the exterior walls. Conditions of approval 1 and 2 reinforces the requirement that louvers and openings will be no more than one foot above grade. The applicant's submittal included stamped and signed concurrence with the foundation plans which will be equipped with screens, louvers or other covers that allow for the automatic entry and exit of floodwaters. The proposal is not expected to have any impact on the flood storage capacity or increase design flood elevations. This criterion is met by conditions of approval 1, 2 and 4. (Please see also Staff Findings 10 and 11.)**

*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: There is no proposed fill with this application. 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: There is no fill or significant excavation associated with this application. This criterion is met.**

(...)

*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.*

**Staff Finding 8: The proposed addition to an existing house is located in the Special Flood Hazard Area (100-year floodplain), but outside of the floodway. This criteria does not apply.**

*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 9: The applicant's proposal included stamped and signed plans with the proposed improvements in the floodplain. The elevation pre-certificate was stamped by Harold Salo, Land Surveyor and structural plans were stamped by Gabriella Miller, Engineer. These plans indicate the flood vent/openings to equalize the hydrostatic pressure and not increase the base flood elevation. This criterion is met.**

27.070 Construction Materials and Methods

(...)

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.*

**Staff Finding 10: The proposed house will have all structural elements of the finished floor at least one foot above the base flood elevation of 47.8 feet. The applicant shall submit a post construction elevation certificate showing substantial conformance with pages 12, 13, and 14 of the submitted plans. The louvers/openings must be on at least two wall sides. This criterion is met by conditions of approval 1 and 2.**

*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 be certified by either a professional civil engineer or an 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.*

**Staff Finding 11: The applicant's proposal provided stamped and signed concurrence that the plans will meet this criteria. The perimeter foundation envelopes 333 square feet. This translates into a requirement for a minimum of 333 square inches in openings. The openings may be equipped with screens, louvers or other covers that allow for the automatic entry and exit of floodwaters. The louvers/openings must be on at least two wall sides. By satisfaction of Conditions of approval 1 and 2, this criteria is met.**

*2. The bottom of all openings shall be no higher than one foot above grade.*

**Staff Finding 12: According to the applicant's response, the bottom of all openings shall be no higher than one foot above grade. This criterion is met.**

(...)

*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.*

*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 one square inch for each square foot of enclosed area. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade. For guidance on flood openings, see FEMA Technical Bulletin 1-93, Openings in Foundation Walls.*

(....)

**Staff Finding 13: The applicant will comply with applicable state, federal and local standards regarding construction and building elements within the BFE. HVAC and similar equipment shall be above the BFE. The criteria is met by conditions 3 and 4.**