

Shroyer, Shauna

From: Spir, Peter
Sent: Tuesday, November 29, 2016 2:46 PM
To: Shroyer, Shauna
Subject: FW: 1059 9th Street - Site Plan & permit questions
Attachments: MDA Calculation Summary Table.pdf; 5642 Site Plan.pdf; Summary 1059 Ninth Street pre-app.docx; zoning_rev_20102.pdf

Shauna

The attachments and this email are the applicant's resubmittal.

They address only a small fraction of the needed material.

Peter

From: Andrew Burton [mailto:aburton@creeksidehomes.net]
Sent: Tuesday, November 08, 2016 3:27 PM
To: Spir, Peter <pspir@westlinnoregon.gov>
Subject: FW: 1059 9th Street - Site Plan & permit questions

Andrew Burton



Fusing Beauty & Technology

503-560-0915

creeksidehomes.net

From: Frank Sottosanto [<mailto:sottosantof@aks-eng.com>]
Sent: Wednesday, October 26, 2016 8:22 AM
To: Andrew Burton <aburton@creeksidehomes.net>
Subject: 1059 9th Street - Site Plan & permit questions

Andrew,

Attached is the proposed lay out of the site, the setbacks were set by the West Zinn zoning requirements (we are zone R-10). Per the pre-application conference meeting summary notes (also attached), we can disturb up to a maximum of 5,000 square feet. We currently are disturbing **3,833 square feet**. Will any other developments be proposed? I have attached table 32-5 from the West Linn Municipal & Community Development code, which goes over the types of developments count towards the disturbance area, which includes **non-native landscaping**.

When reviewing the requirements for the WRA & WRG permit, a 1:1 vegetative mitigation plan is required. Have you looked into how we will be providing mitigation? Also, what else will you need from us for the permitting process.

Please give me a call so we can discuss this.

Thank You,

Frank Sottosanto, EI



AKS ENGINEERING & FORESTRY, LLC

12965 SW Herman Road, Suite 100 | Tualatin, OR 97062

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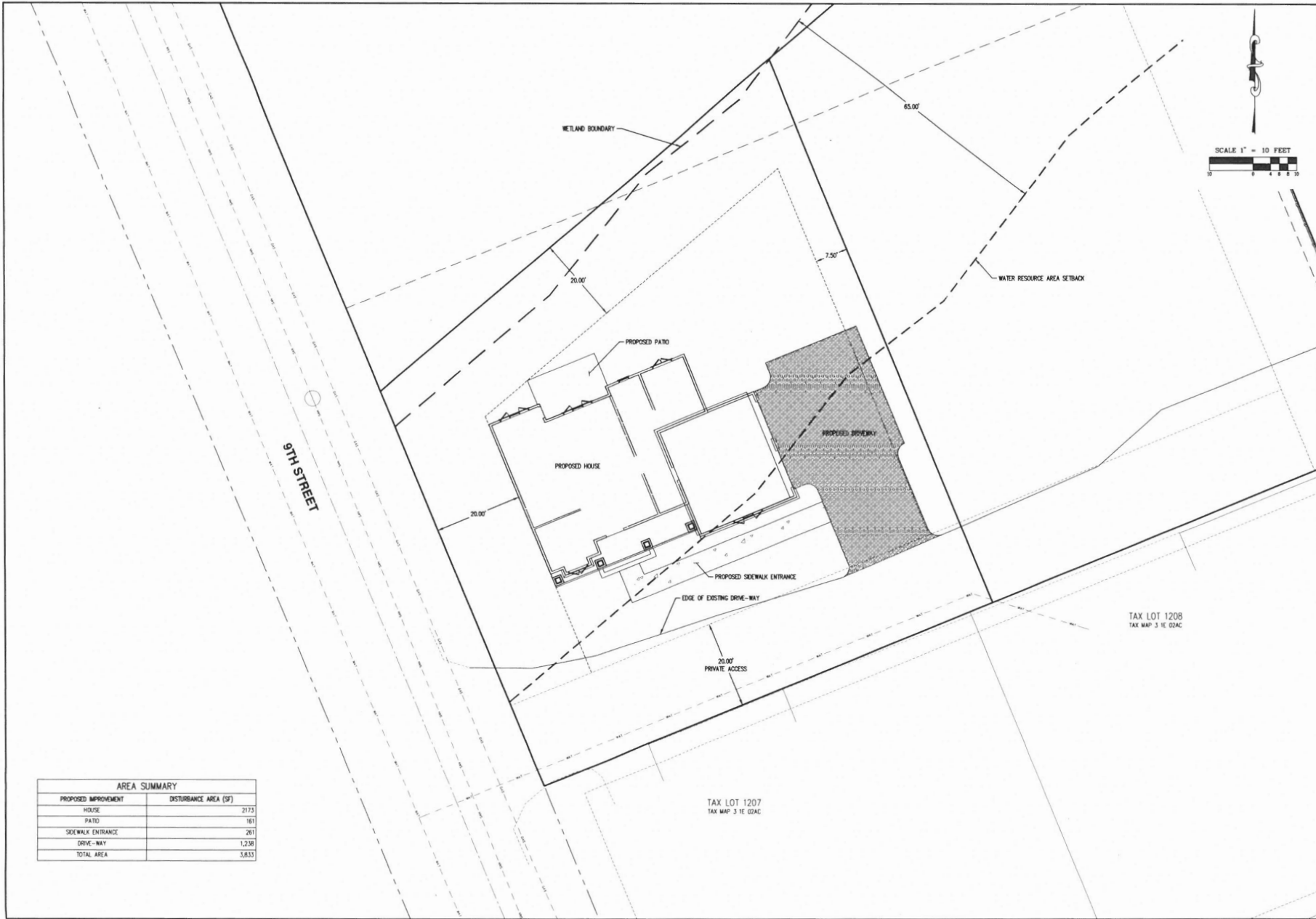
Offices in: Tualatin, OR | Salem-Keizer, OR | Vancouver, WA

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Table 32-5 MDA Calculation Summary

Type of Development	Square footage included in MDA calculation?
All structures	YES
Non-water permeable paved surfaces including driveways, parking lots, patios, and paths	YES
Approved water permeable paved surfaces including driveways, parking lots, patios, and paths	YES but at 75% of total water permeable surface square footage
TDAs/graded areas that are restored and re-vegetated with native vegetation	NO
TDAs/all utility trenches and buried utilities restored or re-vegetated with native vegetation	NO
PDAs that are built upon or developed as part of the application	YES
PDAs that are not built upon or developed as part of the application	NO
Storm water detention or treatment pond	YES
Rain garden or bioswale with the native plantings as part of re-vegetation plan	NO
Storm water outfall, energy dissipaters (at, or above, grade)	YES
Non-native landscaping	YES
Sharing an existing driveway	NO
Development of lands that are not within the WRA	NO

Figure 32-7



AREA SUMMARY	
PROPOSED IMPROVEMENT	DISTURBANCE AREA (SF)
HOUSE	2173
PATIO	161
SIDEWALK ENTRANCE	261
DRIVE-WAY	1,238
TOTAL AREA	3,833

AKS

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ENGINEERING - SURVEYING - NATURAL RESOURCES
 FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

1059 9TH STREET

WEST LINN

TAX LOT 1205

OREGON

CLATSOP COUNTY TAX MAP 3 1E 2AC

SITE PLAN

DESIGNED BY: _____

DRAWN BY: FJS

CHECKED BY: GFC

SCALE: AS NOTED

DATE: 10/25/2016

REVISIONS:

TAX LOT 1207
TAX MAP 3 1E 02AC

JOB NUMBER
5642

SHEET
1

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
September 15, 2016

SUBJECT: Proposed Water Resource Area (WRA) Permit, Flood Management Area (FMA) Permit, Willamette River Greenway (WRG) Permit (including Habitat Conservation Area (HCA)) for development of one home for tax lot 1205 of Assessor's Map 31E2AC

FILE: PA-16-24

ATTENDEES: Applicant: Andrew Burton, Creekside Homes
Staff: Peter Spir, Associate Planner

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

Site Information

Site Address: 1059 Ninth Street
Tax Not No.: Tax lot 1205 of Assessor's Map 31E2AC
Site Area: 12,947 square feet
Zoning: R-10 (Single-family residential, 10,000 sq. ft. minimum lot size)
Environmental Overlays: FMA, HCA and WRA

Project Details

The applicant proposes to build one single family home.

Discussion

The property is fully encompassed by the 100-year floodplain with an expected flood elevation of approximately 75.5 feet. The center of the lot has an approximate elevation of 72 feet. The house will have to be built so that all structural elements of the first habitable floor are one foot above the flood elevation. A Flood Management Area (FMA) permit is required.

A wetland delineation was done by AKS Engineering and Forestry LLC in 2015 with the Department of State Lands (DSL) issuing a letter of concurrence dated June 23, 2015 (WD#2015-0127). The wetland delineation map shows the wetland boundary running about 5-6 feet south (parallel) of the north property line. The proposed house footprint extends 69 feet north of the south property line meaning that the distance from the rear of the house to the wetland would be approximately 25 feet at minimum. The WRA setback extends 65 feet south of the wetland per CDC Chapter 32. A WRA permit is required.

Per the Metro Habitat Conservation Area (HCA) map, the entire property is in a "Moderate" HCA. HCAs are regulated under CDC Chapter 28: Willamette and Tualatin River Protection (WRG). A WRG permit is required.

Both the WRA and WRG chapters have hardship provisions that accommodate the construction of single family homes on lots of record (including those modified by lot line adjustment like this lot). CDC 28.110(E) allows "construction of 5,000 square feet of total impervious surface for sites in HCAs". CDC 32.110(B) allows the maximum disturbed area (MDA) of the WRA shall be determined on a per lot basis. The MDA shall be the greater of (1) Five thousand square feet of the WRA; or (2) Thirty percent of the total area of the WRA. The existing driveway would not count against the 5,000

square foot allowance (per 32.110(E) (3), while 28.110 (B) establishes limitations relating only to new development or construction, not existing facilities). Decks and patios will count against the 5,000 square feet (even cantilevered).

One option to consider: CDC 32.070/32.080 "ALTERNATE REVIEW PROCESS" establishes a review and approval process that applicants can use when there is reason to believe that the width of the WRA setback is larger than necessary to protect the functions and values of the water resource at a particular site. A qualified wetland or natural resource consultant would determine the WRA setback (e.g. 30 feet) that is needed to maintain those functions and values. This method could free up additional area, beyond the 5,000 square feet, for use. Similarly, the Metro HCA Map Verification process can be used to modify the HCA boundary per 28.070. (Ideally, both procedures (28.070 and 32.070) would be done concurrently.)

Engineering Division Comments

The applicant should contact Khoi Le of the Engineering Department to determine required improvements at Kle@westlinnoregon.gov. Contact Ty Darby of TVFR at ty.darby@tvfr.com for comments.

Process

For the WRA permit, address the submittal requirements of CDC Chapter 32.050 and respond to the approval criteria of 32.060 which is the standard process plus the hardship provisions of 32.110. The fee is \$2,600 plus a \$250 inspection fee. A 1:1 vegetative mitigation plan is required for any development within 65 feet of the wetland boundary per 32.090 and 32.100. Contact DSL for any additional permits.

For the FMA permit, address the submittal requirements of CDC Chapter 27.050 (including a topographic survey of the property) (scaled site plan with lineal scale showing house and driveway footprint) and respond to the criteria of 27.060 and 27.080. The deposit fee is \$1,050. Pre and post construction elevation certificates will be required. You should contact the Federal Emergency Management Agency (FEMA) regarding any additional permits.

For the WRG permit, address the submittal requirements of CDC Chapter 28.090 (28.120-28.150) and the approval criteria of 28.110. A 1:1 vegetative mitigation plan is required for any development within the HCA per 32.090 and 32.100. The deposit fee is \$1,700.

N/A is not an acceptable response to the approval criteria. The submittal requirements may be waived, but the applicant must first identify the specific submittal requirement and request, in letter form, that it be waived by the Planning Manager and must identify the specific grounds for that waiver.

Once the application and deposit/fee are submitted, the City has 30 days to determine if the application is complete or not. If the application is not complete, the applicant has 180 days to make it complete or provide written notice to staff that no other information will be provided.

Once the submittal is deemed complete, the staff will schedule a Planning Commission hearing. Staff will send out public notice of the Planning Commission hearing at least 20 days before it occurs. Notice will be published in the newspaper, a sign posted on the site, and the staff report released at least 10 days prior to the meeting. The Planning Commission's decision may be appealed to City Council by the applicant or anyone with standing.

Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required.

Typical land use applications can take 6-10 months from beginning to end.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application **or provide any assurance of potential outcomes**. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. **A new pre-application conference would have to be scheduled one that period lapses and these notes would no longer be valid. Any changes to the CDC standards may require a different design or submittal.**

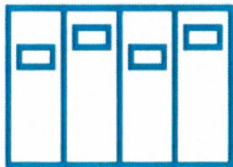


LOT SIZE SETBACK & HEIGHT REQUIREMENTS

MINIMUM RESIDENTIAL LOT SIZES (square feet)

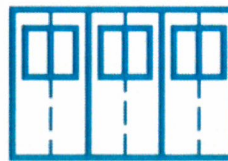
ZONE	SINGLE FAMILY DETACHED UNIT	SINGLE FAMILY ATTACHED UNITS	DUPLEX UNITS	MULTI-FAMILY UNITS
R2.1	4,000	2,700	7,000	2,100
R3	3,000	3,000	3,000	3,000
R4.5	4,500	4,000	8,000	N/A
R-5	5,000	4,500	9,000	N/A
R-7	7,000	5,500	N/A	N/A
R-10	10,000	N/A	N/A	N/A
R-15	15,000	N/A	N/A	N/A
R-20	20,000	N/A	N/A	N/A
R-40	40,000	N/A	N/A	N/A
MU	4,500	4,500	4,500	4,500*

*Maximum 10,000 sq. ft. unless an existing lot of record



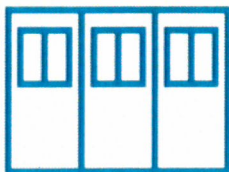
SINGLE-FAMILY DETACHED RESIDENTIAL UNIT

One dwelling unit, freestanding and structurally separated from other dwelling units or buildings, located on a lot.



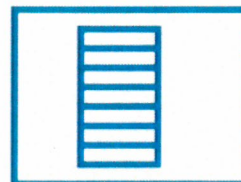
SINGLE-FAMILY ATTACHED RESIDENTIAL UNIT

Two dwelling units attached side-by-side with some structural parts in common at a common property line on separate lots.



DUPLEX RESIDENTIAL UNITS

Two dwelling units placed so that some structural parts are in common and are located on a single lot or development site.



MULTIPLE FAMILY RESIDENTIAL UNITS

A structure containing at least three dwelling units in and vertical or horizontal arrangement located on a lot.

DIMENSIONAL REQUIREMENTS BY ZONE

RESIDENTIAL

ZONE	FRONT	REAR	INT SIDE	ST SIDE	MAX BUILDING HEIGHT	MIN STREET FRONTAGE	FLOOR TO AREA RATIO	MAX LOT COVERAGE	LOT DIMENSION AVERAGE WID X DEP
R2.1	20'	20'	5'	15'	45ft (b)	35'	45% (SFR)	50%	50' x 90'
R3	15' (a)	15'	5'	15'	35ft (e)	35'	45% (SFR)	50%	75' Deep
R4.5	20'	20'	5'	15'	35ft (e)	35'	45%	40%	50' x 90'
R-5	20'	20'	5'	15'	35ft (e)	35'	45%	40%	50' x 90'
R-7	20'	20'	7.5'	15'	35ft (e)	35'	45%	35%	50' x 90'
R-10	20'	20'	7.5'	15'	35ft (e)	35'	45%	35%	50' x 90'
R-15	20'	20'	7.5'	15'	40ft (f)	45'	45%	30%	80' x 90'
R-20	20'	20'	7.5'	15'	40ft (f)	150'	45%	25%	150' x 90'
R-40	30'	30'	10'	30'	40ft (f)	150'	45%	25%	150' x 90'
MU	12' to 20'	20' (d)	7.5'	12'	2 Story or 35ft, whichever is less	35'	40%		50' x 90'

COMMERCIAL

NC	25'	25'	7.5'	15'	35ft	35'		50%	50' x 90'
GC	0' (c)	25'	7.5'	15'	35ft to 45ft (b)	35'		50%	50' x 90'
OBC	15'	15'	15'	15'	SAME AS GC	35'		50%	35' x 90' MIN

INDUSTRIAL

CI	15'	15'	15'	15'	2 Story (35ft) to 3.5 Story (45ft)	50'	70% to 100%	55%	VARIES
GI	VARIES				2 Story (35ft) to 3.5 Story (45ft)	50'		50%	50' x 90'

- (a) 20' for garage
- (b) Depends on location of building type
- (c) Maximum 20' when fronting an arterial roadway
- (d) Same as abutting residential district with at least 10' landscaped in addition to fence.
- (e) See CDC Ch. 41, R-3 thru R10 45 ft in steep lots
- (f) See CDC Ch. 41, R-3 thru R10 45 ft in steep lots

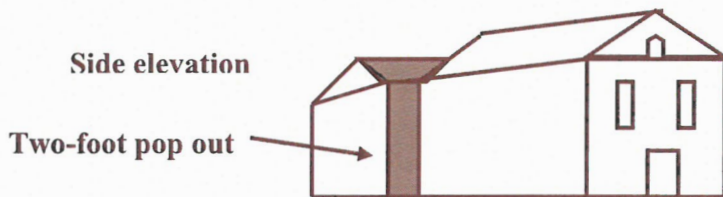
EXCEPTIONS

- Planned Unit Development (PUD) may provide developers with the opportunity to introduce a range of housing types; including multi-family, into a single-family residential zone.
- Lot dimension and setbacks may be modified if developed as a PUD.
- If there is a dwelling on one abutting lot with a front yard of less depth than the required depth for the zone, the front yard for the lot need not exceed a depth one-half between the depth of the abutting lot and the required front yard depth.
- If there are dwellings on both abutting lots with front yard depths less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots.
- On building site of over 25% grade, garages may be located within three feet of the front lot line according to Section 41.010 of the West Linn Community Development Code.
- Flag lots can be created where it can be shown that no other reasonable street access is possible. (See dimensional requirements in Section 85.200(B)7 of the CDC.)
- Decks, porches, balconies, bay windows and other kinds of structural features may project into yard areas. (See CDC Chapters 34 or 38 for details.)
- MU district has 5,000 sq. ft. maximum ground floor size and 6,000 sq. ft. total building size

SIDE YARD TRANSITIONS

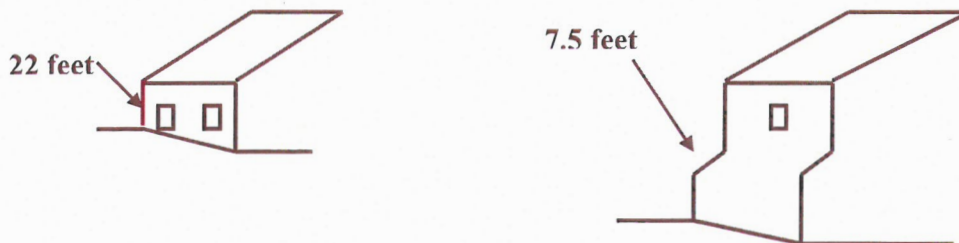
New house construction or remodels to the side wall of existing homes shall transition to homes on either side by one of two methods (A), (B) or satisfy one of the exemptions (C) (1-6) listed below:

- A. The side elevation of the house must be divided into smaller areas or planes to minimize the appearance of bulk when viewed from the neighboring properties or a side street. When the side elevation of the house is more than 700 square feet in area, the elevation must be divided into distinct planes of 700 square feet or less. For the purpose of the standard, a distinct plane is created when there is a recessed or projecting section of the structure, that projects or recedes a least two feet, for a length of at least six feet.



700 square foot of vertical space of elevation (any combination of height x width) requires a two-foot indentation or pop out.

- B. The height of the sidewall shall not exceed 22 feet measured from grade at the mid-point of the sidewall to the eaves. Sidewall can resume vertically after minimum 7.5' setback.



Sidewalls less than 22 feet high to eaves from average grade are exempt from popout/indentation requirement. Sidewall can resume vertically if set back 7.5 feet.

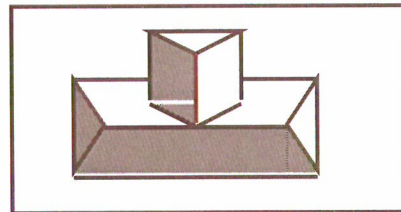
C. Exemptions

1. The side of homes that are built 20 feet or more from the side lot line.
2. Homes on steep lots where the peak of the roof would be more than 24 feet above the average street grade.
3. Homes on narrow lots 50 feet wide or less shall be allowed a minimum side-to-side width of 30 feet for floors above the first floor. The 30-foot wide floor shall be able to accommodate a nine-foot floor-to-ceiling measurement on the second floor.
4. Homes whose side yard are contiguous to an open space, unbuildable area, or non-residentially zoned lands are exempt. (No exemption if adjacent to a park.)
5. Houses that have the gable end facing the side lot line are exempt.
6. Replacement in kind of building materials on the sidewall of an existing house. For example, the replacement of siding would be exempt.

EXEMPTIONS FROM SIDE WALL STANDARD

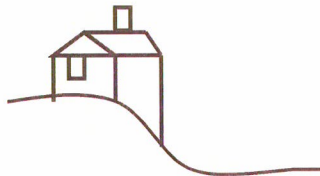
1.

Homes that are built 20' or more from the side lot line



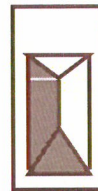
2.

Homes on steep lots where the roof would be no more than 24' above average grade



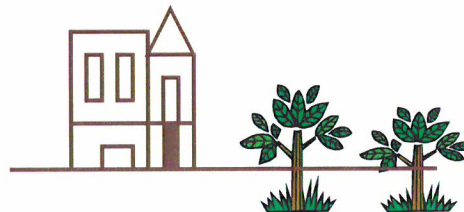
3.

Homes on lots 50' wide or less can have second floor width of at least 50 feet



4.

Home next to open space, etc.



5.

Homes with the gable end facing the side lot line

