



PLANNING MANAGER DECISION

DATE: April 19, 2017

FILE NO.: WRG-16-08/WAP-16-10/MISC-16-06

REQUEST: Request for a Water Resource Area (WRA) permit, Flood Management Area (FMA) permit and Willamette and Tualatin River Protection (WRG) permit to build a single family detached home at 1059 Ninth Street.

PLANNER: Peter Spir, Associate Planner

 Planning Manager

TABLE OF CONTENTS

	<u>Page</u>
STAFF ANALYSIS AND RECOMMENDATION	
GENERAL INFORMATION	2
EXECUTIVE SUMMARY.....	3
PUBLIC COMMENTS	3
DECISION	3-5
ADDENDUM: APPROVAL CRITERIA AND FINDINGS	6-36
EXHIBITS	
PD-1 AFFADAVIT OF NOTICE.....	37-38
PD-2 NOTICE MAILING PACKET	39-41
PD-3 COMPLETENESS LETTER.....	42-43
PD-4 APPLICANT’S SUBMITTAL.....	44-101
PD-5 PUBLIC COMMENTS.....	102-134

GENERAL INFORMATION

APPLICANT: Andrew Burton
Creekside Homes
219 NE Hwy 99 W
McMinnville, OR 97128

OWNER: Ann Miller
1009 Ninth Street
West Linn, OR 97068

SITE LOCATION: 1059 Ninth Street

SITE SIZE: 12,947 square feet

LEGAL DESCRIPTION: Assessor's Maps and Tax Lot – 31E02AC 1205

COMP PLAN DESIGNATION: Low Density Residential

ZONING: R-10, Single-Family Residential Detached

APPROVAL CRITERIA: Community Development Code (CDC) Chapters 11, 27, 28 and 32

120-DAY RULE: The application was declared complete on March 10, 2017. The 120-day period ends on July 8, 2017.

PUBLIC NOTICE: Notice was mailed to property owners within 500 feet of the subject property and all Neighborhood Associations on March 20, 2017. A sign was placed on the property on March 21, 2017. The notice was also posted on the City's website. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

All of the property is located in the 100-year flood plain; therefore, an FMA permit is required per CDC Chapter 27. A WRG permit is also required, per CDC Chapter 28, because all of the property is designated as a "Moderate" Habitat Conservation Area (HCA). (HCAs are regulated under the WRG chapter and permitting process.) A WRA permit is also required, per CDC Chapter 32, because 968 square feet of the north edge of the property have been delineated as wetland and acknowledged as such by the Oregon Department of State Lands. The WRA setbacks extend 65 feet south from the wetland boundary to the extent that 6,977 square feet or 53 percent of the property is defined as a WRA. The property is zoned R-10.

The proposed two story house comprises a footprint of 2,160 square feet. The house, plus other impervious surfaces and non-native vegetation, comprise 3,935 square feet which is under the allowable 5,000 square foot hardship provisions associated with the WRA and WRG permits.

The applicant has provided an elevation certificate for the proposed building footprint and will provide another, once the building is in place, to demonstrate that the finished floor will be at least one foot above the 75.1 foot base flood elevation as determined by the applicant's engineer.

The applicable CDC Chapters include:

- Chapter 11, Single-Family Residential Detached R-10
- Chapter 27, FMA
- Chapter 28, WRG
- Chapter 32, WRA
- Chapter 96, Street Improvement Construction

Public comments:

Staff received comments from Laurel Bradford, Mike Hill, Greg Smith and Brandon Blondheim.

DECISION

The Planning Manager (designee) approves this application (WRG-16-08/WAP-16-10/MISC-16-06), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum below, and 3) the addition of conditions of approval below. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. Elevation Certificate. The applicant shall submit a revised Pre-Construction "Elevation Certificate" to demonstrate that all mechanical and electrical service equipment will be above the base flood elevation and all structural elements of the finished habitable floor will be at least one foot above the base flood elevation. Prior to the certificate of occupancy, the applicant shall submit a signed Post Construction "Elevation Certificate".
2. Floodplain Displacement and Foundation Wall Design. The applicant shall construct the foundation per Bruce Kenny, Registered Professional Engineer's stamped plan (dated March 2017) (Figure 9 and 10) with approved flood venting (e.g. automatic vents, open vents, etc.) to equalize flood levels so that development in the floodplain will not result in an increase in the flood levels. Any modifications to meet condition 1 above shall require revised Engineer stamped plans.
3. Ninth Street Improvements. The applicant shall comply with CDC Chapter 96 provisions to make improvements to Ninth Street, abutting this property, or pay fees in lieu if allowed by the Public Works Director.
4. Wetland Protection and Erosion Control. Prior to, and during site preparation and construction, the applicant shall install fencing along the delineated wetland. No development or temporary storage of materials or fill is allowed in the wetland. All erosion control measures and silt fencing, as required by the Building Official, shall be in place prior to any site work.
5. Water Permeable Driveway. The northern portion of the driveway adjacent to the garage that is within the WRA boundary, as shown in Figure 4, must be constructed of water permeable material.
6. Mitigation and Re-Vegetation. On-site mitigation and revegetation shall be per the AKS "Natural Resource Assessment" Appendix D: WRA Mitigation Enhancement Planting Specifications dated January 16, 2017.
7. Foundation Wall Building Material. The perimeter foundation wall below the base flood elevation will be unfinished and constructed of materials resistant to flood damage.

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

Peter Spir

Peter Spir, Associate Planner

April 20, 2017

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 20th day of April, 2017.

Therefore, the 14-day appeal period ends at 4 p.m., on May 4, 2017.

**ADDENDUM
APPROVAL CRITERIA AND FINDINGS
WRG-16-08/WAP-16-10/MISC-16-06**

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.*

Staff Finding 1: The applicant proposes to build one single-family detached residential home which is a permitted use. 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 12,947 square feet which exceeds the 10,000 square foot minimum lot size of the R-10 zone.

The applicant proposes to place the house 15 feet north of the 20 foot wide access and utility easement on the south edge of the property. Adding the 15 foot setback to the 20 foot driveway width yields a net front yard setback of 35 feet. This meets the front setback of 20 feet. The required side street setback of 15 feet towards Ninth Street is met with a proposed setback of 20 feet. The interior side yard setback of 7.5 feet is met with a setback of 29 feet. The required 20 foot rear yard setback is met with a setback of 28 feet. The criteria is 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 34.4 feet high 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.*

Staff Finding 4: The lot is 12,947 square feet. The house and garage will occupy 2,188 square feet for a lot coverage of 16.8 percent, which is below the maximum 35 percent allowed. The criteria is met.

(...)

9. *The floor area ratio shall be 0.45. Type I and II lands shall not be counted toward lot area when determining allowable floor area ratio, except that a minimum floor area ratio of 0.30 shall be allowed regardless of the classification of lands within the property. That 30 percent shall be based upon the entire property including Type I and II lands. Existing residences in excess of this standard may be replaced to their prior dimensions when damaged without the requirement that the homeowner obtain a non-conforming structures permit under Chapter 66 CDC.*

(...)

Staff Finding 5: The lot is 12,947 square feet so the maximum allowed Floor Area Ratio (FAR) is 5,826 square feet (12,947 X .45). The habitable space of the house (not counting the garage, which is exempt) will comprise 3,200 square feet which is below the maximum allowable FAR. 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 6: The proposed house will have a finished floor elevation more than one foot above the base flood elevation (BFE) identified on the applicant's pre-construction elevation certificate, as required by the CDC 27.080.(A). The foundations for the proposed house are below the BFE. The foundation is designed to provide a minimum of two walls with automatic venting that allow for the conveyance of floodwater and to equalize hydrostatic flood force on the exterior walls. The applicant has provided engineered foundation plans (see Figures 9 and 10). Per condition of approval 2, the foundation and house will be constructed per the engineer's stamped plans to ensure adequate flood venting (e.g. automatic vents, open vents, etc.) that equalizes flood levels so that development in the floodplain will not result in an increase in the flood levels. The criterion is met by condition of approval 1 and 2.

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 7: No additional fill is proposed. Please see staff finding 6. This criteria is met by the condition of approval 2.

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 8: Per Condition of Approval 1, the applicant shall submit a revised Pre-Construction "Elevation Certificate", as required by the CDC 27.080 (A), to demonstrate that all mechanical and electrical service equipment will be above the base flood elevation and all structural elements of the finished habitable floor will be at least one foot above the base flood elevation. Prior to the certificate of occupancy, the applicant shall submit a signed Post Construction "Elevation Certificate".

The foundations for the proposed house are below the BFE. The foundation is designed to provide a minimum of two walls with automatic venting that allow for the conveyance of floodwater and to equalize hydrostatic flood force on the exterior walls. The applicant has provided engineered foundation plans (see Figures 9 and 10) that utilizes approved flood venting (e.g. automatic vents, open vents, etc.) that equalizes flood levels so that encroachment into the floodplain will not result in an increase in the flood levels. Thus, the proposed house and development will not increase flood impacts for surrounding properties. This criterion is met by condition of approval 2.

(...)

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 9: The subject property and proposed additions are located in the Special Flood Hazard Area (100-year floodplain), but outside of the floodway adjacent to the Willamette River. 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 10: The stamped and signed venting plans for the crawl space enclosure have been designed by Bruce Kenny, an Oregon licensed professional civil engineer (see Figures 9 and 10). This criterion is met. See also condition of approval 2.

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 11: Per Condition of Approval 1, the applicant shall submit a revised Pre-Construction “Elevation Certificate”, as required by the CDC 27.080 (A), to demonstrate that all mechanical and electrical service equipment will be above the base flood elevation and all structural elements of the finished habitable floor will be at least one foot above the base flood elevation. Prior to the certificate of occupancy, the applicant shall submit a signed Post Construction “Elevation Certificate”.

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 12: Bruce Kenny, an Oregon licensed professional civil engineer, provided stamped and signed foundation plans for the house crawl space enclosure (see Figures 9 and 10). The crawl space area comprises 1,293 square feet. 1,293 square inches of venting is required which translates into 13 vents for the house crawl space. The 531 square foot garage will require an additional five vents. This amount meets the required standard. The openings/vents will be equipped with screens, louvers or other covers that allow for the automatic entry and exit of floodwaters. The criteria is met by condition of approval 2.

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

Staff Finding 13: According to the engineer’s foundation plans, the bottom of all openings shall be no higher than six inches above grade (see Figure 9). This criterion is met.

3. *Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry or exit of floodwaters.*

Staff Finding 14: The openings/vents will be equipped with screens, louvers or other covers that allow for the automatic entry and exit of floodwaters (see Figure 9). The criteria is met by condition of approval 2.

4. *Fully enclosed areas below the base flood elevation shall only be used for parking, access, and limited storage.*

Staff Finding 15: The only enclosed areas below the base flood elevation will be the garage for parking and the crawlspace. All areas will have openings/be vented (see Figure 9). The criteria is met by condition of approval 2.

5. *Service equipment (e.g., furnaces, water heaters, washer/dryers, etc.) is not permitted below the base flood elevation.*

Staff Finding 16: Per Condition of Approval 1, the applicant shall submit a revised Pre-Construction "Elevation Certificate", as required by the CDC 27.080 (A), to demonstrate that all mechanical and electrical service equipment will be above the base flood elevation and all structural elements of the finished habitable floor will be at least one foot above the base flood elevation. Prior to the certificate of occupancy, the applicant shall submit a signed Post Construction "Elevation Certificate".

6. *All walls, floors, and ceiling materials located below the base flood elevation must be unfinished and constructed of materials resistant to flood damage.*

Staff Finding 17: The perimeter foundation wall below the base flood elevation will be unfinished and constructed of materials resistant to flood damage per condition of approval 8. The criteria is met by condition.

Chapter 28

WILLAMETTE AND TUALATIN RIVER PROTECTION

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.

Staff Finding 18: All lands on this property are classed as Medium-Moderate ("c") HCA. There is no opportunity to direct development to lesser HCA classifications. Therefore criteria (A) (1-3) does not apply. All erosion control measures and silt fencing, as required by the Building Official, shall be in place prior to any site work, per condition of approval 4.

B. *Single-family or attached residential. Development of single-family homes or attached housing shall be permitted on the following HCA designations and in the following order of preference with "a" being the most appropriate and "d" being the least appropriate:*

- a "Habitat and Impact Areas Not Designated as HCAs"
- b Low HCA
- c Moderate HCA
- d High HCA

1. Development of land classifications in "b," "c" and "d" shall not be permitted if at least a 5,000-square-foot area of buildable land ("a") exists for home construction, and associated impermeable surfaces (driveways, patios, etc.).

2. If 5,000 square feet of buildable land ("a") are not available for home construction, and associated impermeable surfaces (driveways, patios, etc.) then combinations of land classifications ("a," "b" and "c") totaling a maximum of 5,000 square feet shall be used to avoid intrusion into high HCA lands. Development shall emphasize area "a" prior to extending construction into area "b," then "c" lands.

3. The underlying zone FAR shall also apply as well as allowable lot coverage.

4. Development may occur on legal lots and non-conforming lots of record located completely within the HCA areas or that have the majority of the lot in the HCA to the extent that the applicant has less than 5,000 square feet of non-HCA land.

Development shall disturb the minimum necessary area to allow the proposed use or activity, shall direct development to any available non-HCA lands and in any situation shall create no more than 5,000 square feet of impervious surface. (Driveways, paths, patios, etc., that are constructed of approved water-permeable materials will not count in calculating the 5,000-square-foot lot coverage.) The underlying zone FAR and allowable lot coverage shall also apply and may result in less than 5,000 square feet of lot coverage.

When only HCA land is available then the structure shall be placed as far away from the water resource area or river as possible. To facilitate this, the front setback of the structure or that side which is furthest away from the water resource or river may be reduced to a five-foot setback from the front property line without a variance. Any attached garage must provide a 20-foot by 20-foot parking pad or driveway so as to provide off-street parking exclusive of the garage. The setbacks of subsection C of this section shall still apply.

(...)

Staff Finding 19: All of this property is within the same Medium-Moderate (“c”) HCA. The applicant proposes to use 3,935 square feet of the HCA for the house, adjacent hardscapes and non-native plantings. That amount falls within the maximum allowable 5,000 square feet. (The existing driveway along the south edge of the property is within an access and utility easement and also serves two houses to the south. The existing driveway does not count towards the 5,000 square foot area that is available for this application.) Therefore, the criteria is met.

C. Setbacks from top of bank.

1. Development of single-family homes or attached housing on lands designated as “Habitat and Impact Areas Not Designated as HCAs” shall require a structural setback of 15 feet from any top of bank that represents the edge of the land designated as “Habitat and Impact Areas Not Designated as HCAs.”

(...)

Staff Finding 20: The criteria applies to properties adjacent to the Willamette River. This property is 575 feet from the river and therefore the criteria does not apply.

(...)

E. Hardship provisions and non-conforming structures.

1. For the purpose of this chapter, non-conforming structures are existing structures whose building footprint is completely or partially on HCA lands.

(...)

Staff Finding 21: There are no non-conforming existing structures on this property. These criteria do not apply.

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 22: The criteria applies to properties with adjacent to, or that can provide access to and along, the Willamette River. The property is 575 feet north of the river and therefore the criteria does not apply.

H. Partitions, subdivisions and incentives.

- 1. When dividing a property into lots or parcels, an applicant shall verify the boundaries of the HCA on the property.*
- 2. Applicant shall partition or subdivide the site so that all lots or parcels have a buildable site or envelope available for home construction located on non-HCA land or areas designated "Habitat and Impact Areas Not Designated as HCAs" per the HCA Map.*

(....)

Staff Finding 23: No subdivision or partition is proposed so this criteria is not applicable.

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.*

(....)

Staff Finding 24: No dock is proposed, so this criteria does not apply.

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 25: Regarding "roads", CDC Chapter 96.010 (A) requires street improvements (e.g. curb, sidewalks, etc.) along the Ninth Street frontage. The City Engineer has the authority to allow 'fees in lieu' in certain circumstances due to natural constraints and/or where the area is characterized by a lack of sidewalks with no prospect of developing sidewalk continuity. The City Engineer has determined that no street improvements since it would displace wetlands and floodplain areas. Therefore, no roads will be constructed and the applicant will pay fees in lieu per condition of approval 3.

Regarding “driveways”, the existing non-permeable driveway was constructed in 2009 (prior to this chapter being applied to upland HCAs) to serve the two homes on the south side of the driveway as well as provide access to any development on this property and the adjoining property to the east. The majority of the new driveway from the existing driveway to the garage is outside the WRA boundary. Therefore, the water permeable requirement does not apply to that area. However, approximately 270 square feet of the north portion of the driveway is within the WRA boundary and must be constructed of water permeable material per condition of approval 6. This criteria is met by condition.

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 26: This criteria was written to address buildings and docks adjacent to the Willamette River. The building site is 575 feet from the Willamette River. Nonetheless, the house is expected to be painted with earth tones similar to other homes in the area. The criteria is met.

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.

Staff Finding 27: The applicant is required by condition to provide a water permeable driveway surface for the area within the WRA boundary. The applicant is also required to address storm water runoff by directed drains into a bioswale/rain garden. The criteria is met.

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.

Staff Finding 28: This criteria was written to address buildings and docks adjacent to the Willamette River. The building site is 575 feet from the Willamette River. No signs are proposed. The criteria does not apply.

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 29: This criteria was written to address lighting directed to the Willamette River. The building site is 575 feet from the Willamette River and not visible from the river. The criteria does not apply.

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\(N\)\(4\)](#).

Staff Finding 30: This criteria was written to address parking areas adjacent to the Willamette River. The building site is 575 feet from the Willamette River and not visible from the river. The criteria does not apply.

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 31: This criteria was written to address the potential visual impact of docks and dock pilings on the Willamette River. The building site is 575 feet from the Willamette River and not visible from the river. No docks are proposed. The criteria does not apply.

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.

Staff Finding 32: This criteria relates to aggregate deposit extraction in, and adjacent to, the Willamette River. No aggregate extraction is proposed. The criteria does not apply.

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. (...)

4. Prior to any grading or development, that portion of the HCA that includes wetlands, creeks, riparian areas and water resource area shall be protected with an anchored chain link fence (or approved equivalent) at its perimeter and shall remain undisturbed except as specifically allowed by an approved Willamette and Tualatin River Protection and/or water resource area (WRA) permit. Such fencing shall be maintained until construction is complete.

5. Full erosion control measures shall be in place and approved by the City Engineer prior to any grading, development or site clearing.

Staff Finding 33: This criteria (T) (1) relates to shoreline development for water dependent uses. The building site is 575 feet from the Willamette River. The criteria does not apply. Criteria (T) (4) and (5) apply. The applicant is required by condition to install fencing to delineate the wetland boundary and will also provide erosion control measures during site development. The criteria met by condition of approval 4.

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:

1. Riparian vegetation below OHW removed during development shall be replaced with indigenous vegetation, which shall be compatible with and enhance the riparian environment and approved by the approval authority as part of the application.

Staff Finding 34: This criteria relates to vegetation adjacent to the Willamette River and below the ordinary high water mark (OHW). The building area is 575 feet from the river and the OHW; therefore this criteria does not apply.

Chapter 32

WATER RESOURCE AREA PROTECTION

32.060 APPROVAL CRITERIA (STANDARD PROCESS)

No application for development on property containing a WRA shall be approved unless the approval authority finds that the proposed development is consistent with the following approval criteria, or can satisfy the criteria by conditions of approval:

- A. WRA protection/minimizing impacts.
 - 1. Development shall be conducted in a manner that will avoid or, if avoidance is not possible, minimize adverse impact on WRAs.
 - 2. Mitigation and re-vegetation of disturbed WRAs shall be completed per CDC [32.090](#) and [32.100](#), respectively.

Staff Finding 35: The site is heavily constrained by the delineated wetlands and the associated WRA boundary. Specifically, 968 square feet of the north edge of the property have been delineated as wetland and acknowledged as such by the Oregon Department of State Lands. The WRA setbacks extend 65 feet south from the wetland boundary to the extent that 6,977 square feet or 53 percent of the property is defined as a WRA. A further 2,237 square feet is occupied by a 20 foot wide access and utility easement that accommodates a driveway.

Given these limitations, the applicant is using the hardship provisions of CDC 32.110 which allows a buildable area of up to 5,000 square feet. In this case, the house, plus other impervious surfaces and non-native vegetation, comprise 3,935 square feet which is under the allowable 5,000 square feet. The applicant is also minimizing the impact on the WRA by pushing the house to the south portion of the property which meets the minimum required setback of 15 feet from the delineated wetland (see Figure 4). On-site mitigation and revegetation is required by Condition of Approval 6 and shall be per the AKS "Natural Resource Assessment" Appendix D: WRA Mitigation Enhancement Planting Specifications dated January 16, 2017. The criteria is met.

- B. Storm water and storm water facilities.
 - 1. Proposed developments shall be designed to maintain the existing WRAs and utilize them as the primary method of storm water conveyance through the project site unless:
 - a. The surface water management plan calls for alternate configurations (culverts, piping, etc.); or
 - b. Under CDC [32.070](#), the applicant demonstrates that the relocation of the water resource will not adversely impact the function of the WRA including, but not limited to, circumstances where the WRA is poorly defined or not clearly channelized.

Re-vegetation, enhancement and/or mitigation of the re-aligned water resource shall be required as applicable.

2. Public and private storm water detention, storm water treatment facilities and storm water outfall or energy dissipaters (e.g., rip rap) may encroach into the WRA if:

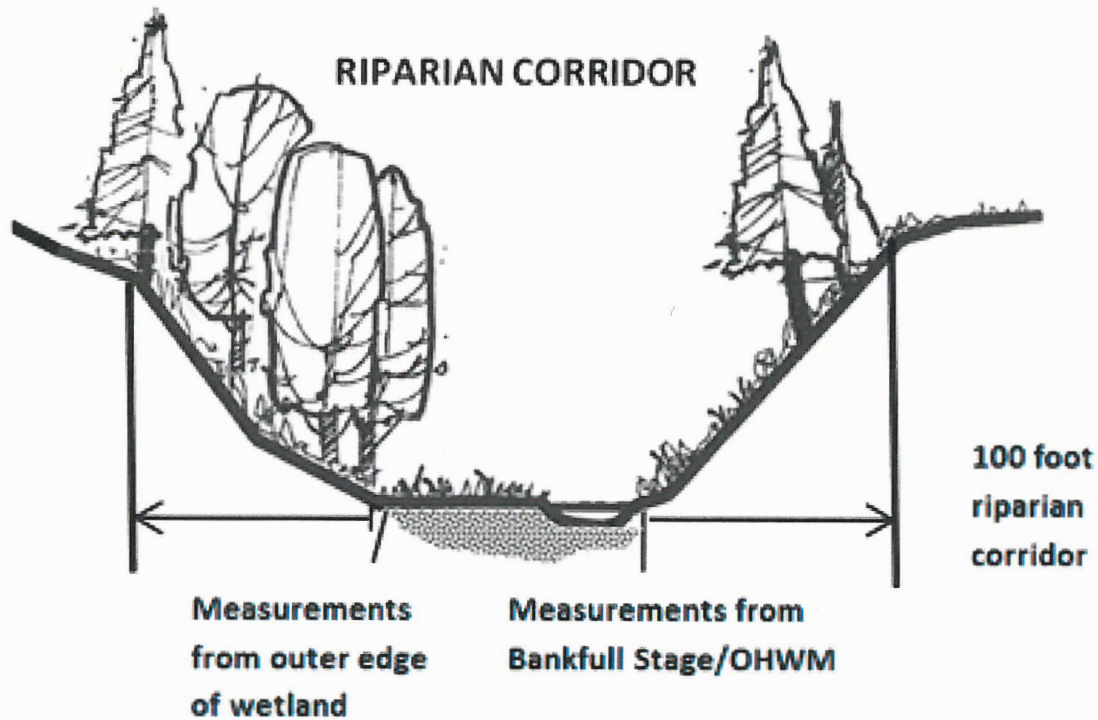
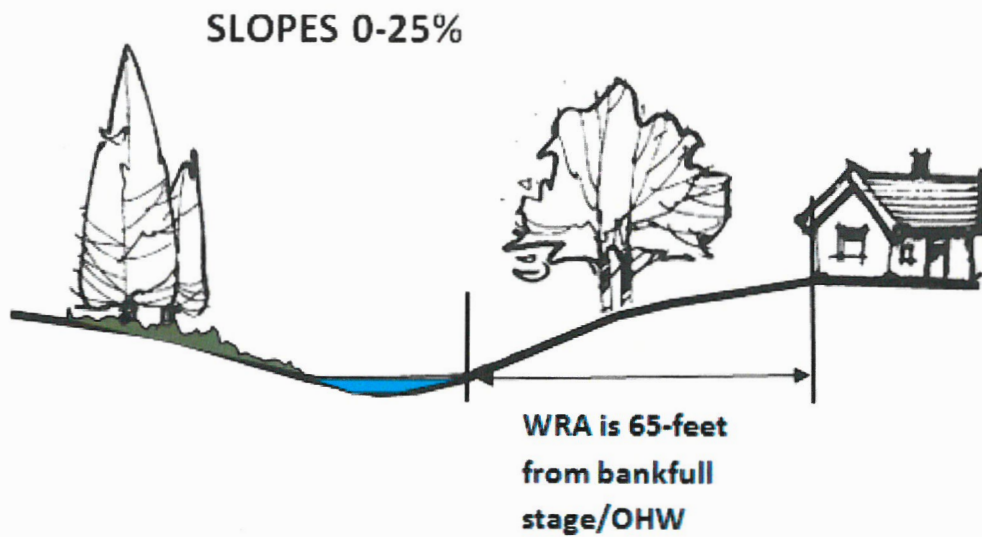
- a. Accepted engineering practice requires it;
- b. Encroachment on significant trees shall be avoided when possible, and any tree loss shall be consistent with the City’s Tree Technical Manual and mitigated per CDC [32.090](#);
- c. There shall be no direct outfall into the water resource, and any resulting outfall shall not have an erosive effect on the WRA or diminish the stability of slopes; and (...)

Staff Finding 36: Storm water from impervious surfaces are required to be collected and treated on-site. The applicant will do this by constructing a rain garden/vegetated swale. There will be no direct discharge into the wetland (water resource). The wetland (water resource) is not being modified since the nearest portion of the house (patio) is 15 feet from the wetlands (see Figure 4). The criteria is met.

D. WRA width. Except for the exemptions in CDC [32.040](#), applications that are using the alternate review process of CDC [32.070](#), or as authorized by the approval authority consistent with the provisions of this chapter, all development is prohibited in the WRA as established in Table 32-2 below:

Table 32-2. Required Width of WRA

Protected WRA Resource (see Chapter 2 CDC, Definitions)	Slope Adjacent to Protected Water Resource ^{1, 3}	Starting Point for Measurements from Water Resource ^{1, 3}	Width of WRA on Each Side of the Water Resource
A. Water Resource	0% - 25%	OHW or delineated edge of wetland	65 feet
D. Riparian Corridor	Any	OHW	100 feet



Staff Finding 37: Slopes extending from the wetland are in the 0-5 percent range therefore the 65 foot setback indicated on Table 32-2: "A. Water Resource" applies. Also, there is a "D. Riparian Corridor" associated with the stream on the property to the north which has a 100 foot setback. These two WRA categories and associated setbacks cover the majority of the site. The criteria is met.

E. Roads, driveways and utilities.

1. New roads, driveways, or utilities shall avoid WRAs unless the applicant demonstrates that no other practical alternative exists. In that case, road design and construction techniques shall minimize impacts and disturbance to the WRA by the following methods:

a. New roads and utilities crossing riparian habitat areas or streams shall be aligned as close to perpendicular to the channel as possible.

b. Roads and driveways traversing WRAs shall be of the minimum width possible to comply with applicable road standards and protect public safety. The footprint of grading and site clearing to accommodate the road shall be minimized.

Staff Finding 38: The applicant will build a new driveway from the existing driveway to access the garage. No alternative exists given that the majority of the property is within the WRA boundary. The applicant is required by condition of approval 6 to minimize impacts by using water permeable driveway material for that portion within the WRA boundary (see also Figure 4). The criteria is met.

H. The following habitat friendly development practices shall be incorporated into the design of any improvements or projects in the WRA to the degree possible:

1. Restore disturbed soils to original or higher level of porosity to regain infiltration and storm water storage capacity.

2. Apply a treatment train or series of storm water treatment measures to provide multiple opportunities for storm water treatment and reduce the possibility of system failure.

(....)

11. Use shared driveways.

12. Reduce width of residential streets and driveways, especially at WRA crossings.

13. Reduce street length, primarily in residential areas, by encouraging clustering.

14. Reduce cul-de-sac radii and use pervious and/or vegetated islands in center to minimize impervious surfaces.

15. Use previously developed areas (PDAs) when given an option of developing PDA versus non-PDA land.

16. Minimize the building, hardscape and disturbance footprint.

17. Consider multi-story construction over a bigger footprint.

Staff Finding 39: The applicant will use a variety of habitat friendly development practices including restoring disturbed soils after the house is built and installing storm water treatment (e.g.: rain garden). Access will be via an existing shared driveway, which represents a Previously Disturbed Area (PDA), which is eventually expected to serve four homes. Condition of approval 6 will require that the driveway leading into the garage be constructed using water permeable materials (see Figure 4). The applicant proposes to minimize the footprint by using 3,935 square feet of the HCA for the house, adjacent hardscapes and non-native plantings. That amount is less than the maximum allowable 5,000 square feet. The house is multi-story. The criteria is met.

32.110 HARDSHIP PROVISIONS

The purpose of this section is to ensure that compliance with this chapter does not deprive an owner of reasonable use of land. To avoid such instances, the requirements of this chapter may be reduced. The decision-making authority may impose such conditions as are deemed necessary to limit any adverse impacts that may result from granting relief. The burden shall be on the applicant to demonstrate that the standards of this chapter, including Table 32-2, Required Width of WRA, will deny the applicant "reasonable use" of his/her property.

A. The right to obtain a hardship allowance is based on the existence of a lot of record recorded with the County Assessor's Office on, or before, January 1, 2006. The lot of record may have been, subsequent to that date, modified from its original platted configuration but must meet the minimum lot size and dimensional standards of the base zone.

B. For lots described in subsection A of this section that are located completely or partially inside the WRA, development is permitted, consistent with this section. 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.

C. The MDA shall be located as follows:

1. In areas where the development will result in the least square footage encroachment into the WRA.

2. The applicant shall demonstrate, through site and building design, that the proposed development is the maximum practical distance from the water resource based on the functional needs of the proposed use.

3. The minimum distance from a water resource shall be 15 feet.

(....)

Staff Finding 40: The applicant proposes to minimize the footprint by using 3,935 square feet of the HCA for the house, adjacent hardscapes and non-native plantings. That amount falls within the allowed 5,000 square feet. The closest portion of the development (patio) meets the minimum 15 foot setback from the wetland (see Figure 4). The house will have an 18.7 foot setback to the wetland. The criteria is met.

Figure 1: LOCATION



Figure 2: DETAIL: Parcel 1 (tax lot 1205) of a three lot Lot Line Adjustment (PP 2016-015) approved by the City, accepted by the Clackamas County Surveyors Office, recorded with the County Recorder's Office and shown in the County Assessor's Map below:

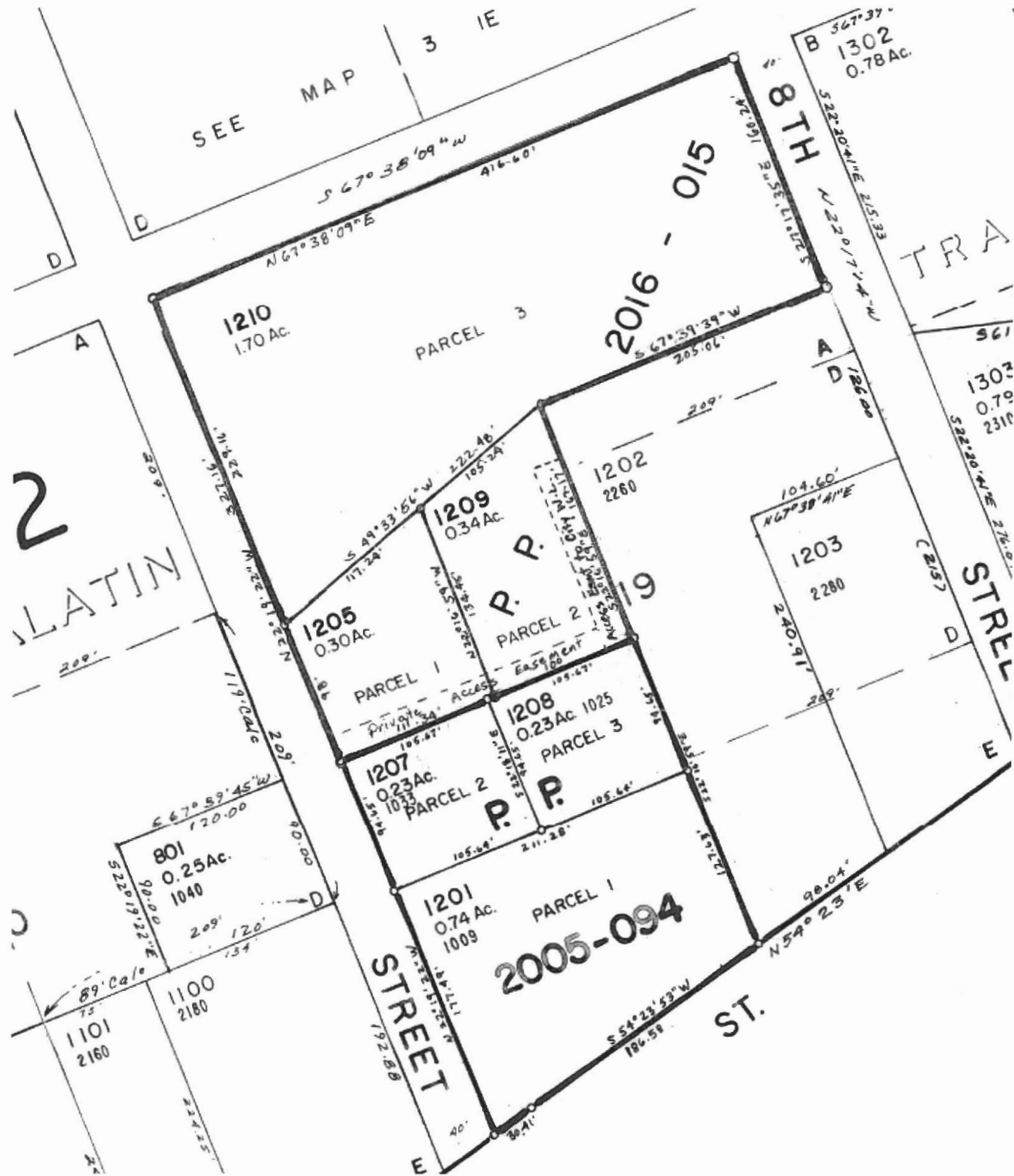


Figure 3: ZONING: R-10 (10,000 square foot minimum lot size, single family detached residential housing)

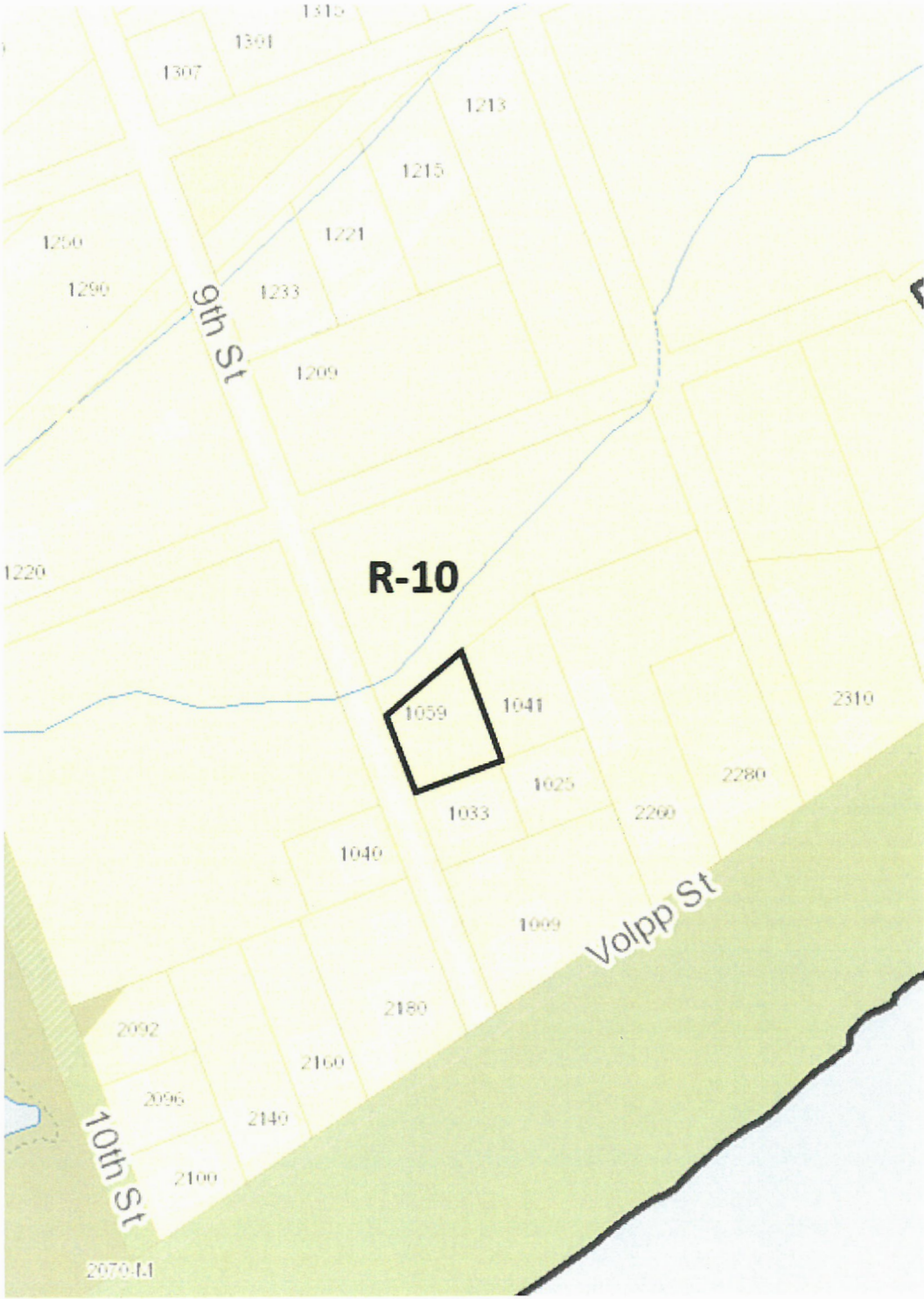


Figure 4: APPROVED PLAN/BUILDING ENVELOPE

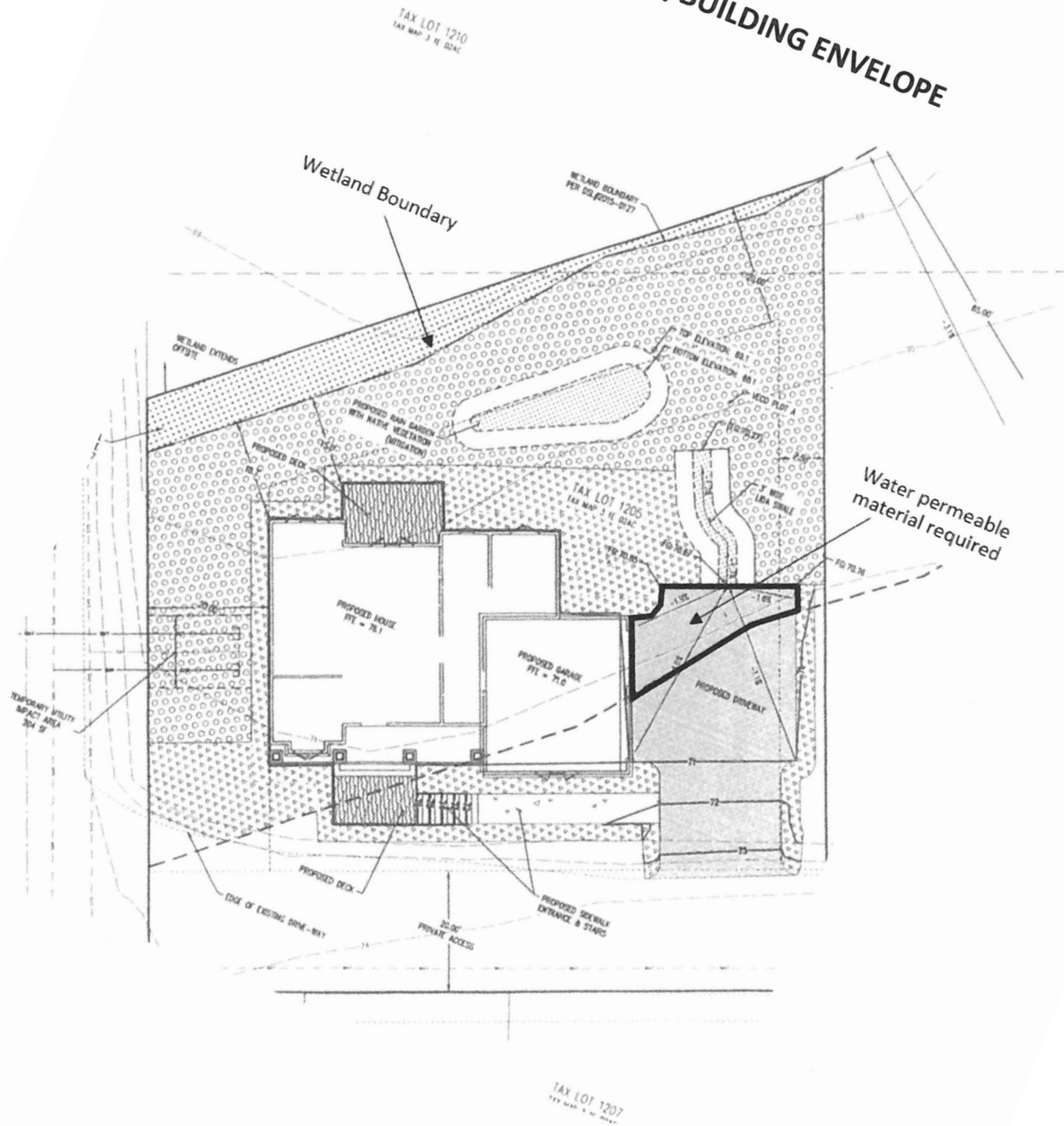
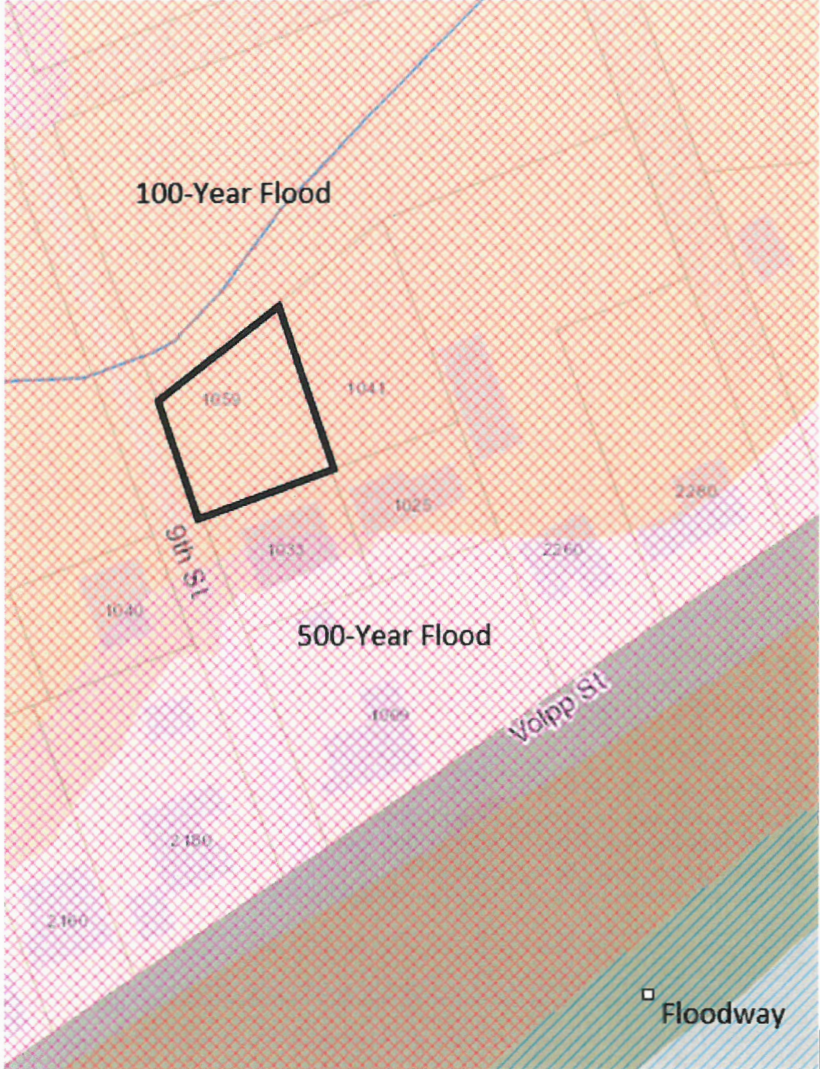


Figure 5: FLOODPLAIN



-  FIRM Flood Areas
-  Floodway
-  Special Flood Hazard Areas 100-year
-  Other Flood Areas 500-year

Figure 6: HABITAT CONSERVATION AREAS (HCAs)

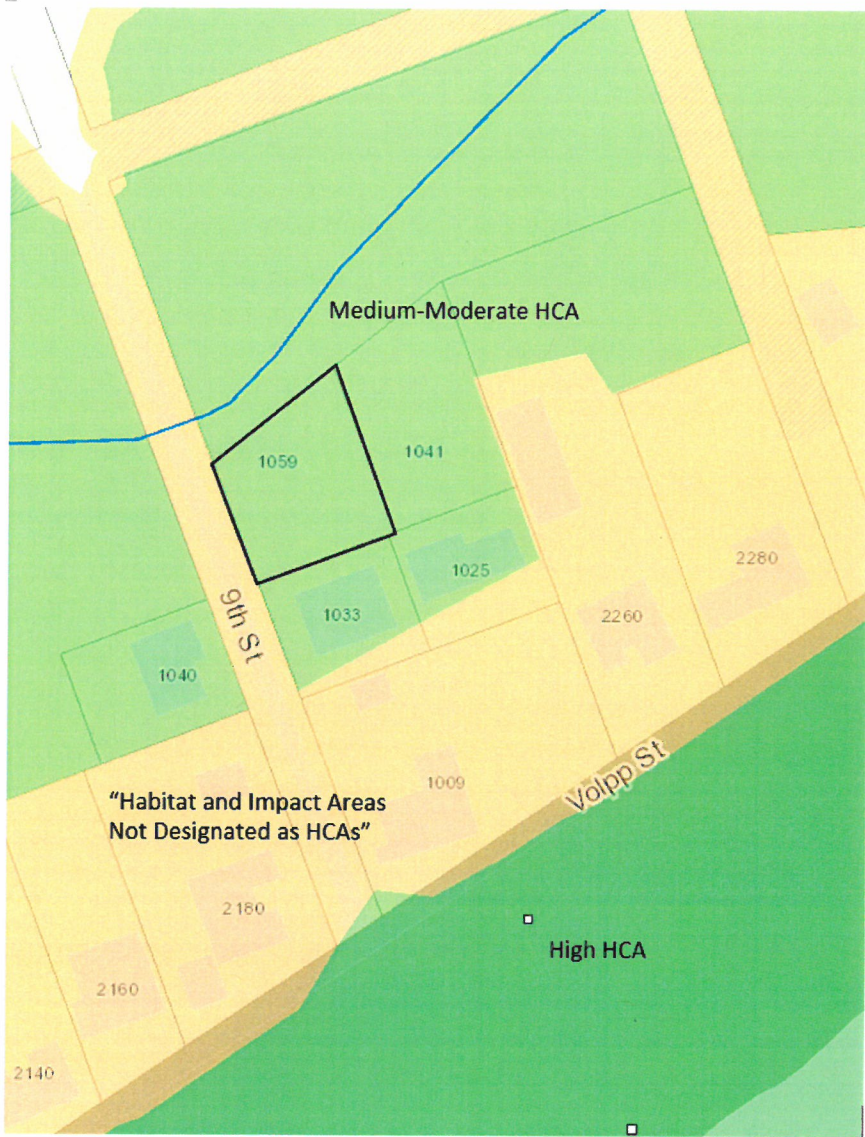


Figure 7: WATER RESOURCE AREAS (WRA)

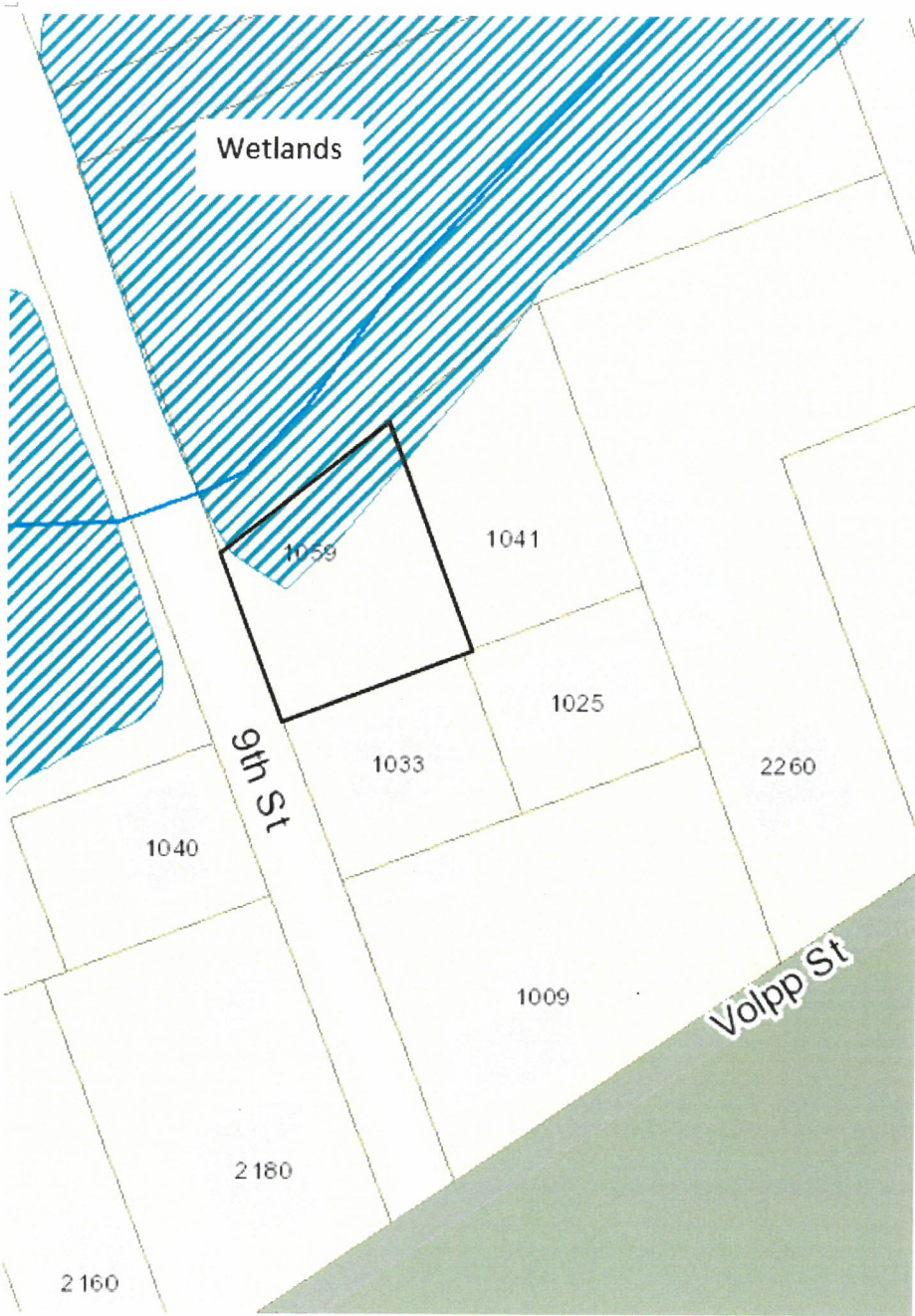


Figure 8: STAMPED SURVEYED ELEVATION CERTIFICATE

U.S. DEPARTMENT OF HOMELAND SECURITY
 Federal Emergency Management Agency
 National Flood Insurance Program

OMB No. 1660-0008
 Expiration Date: November 30, 2018

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

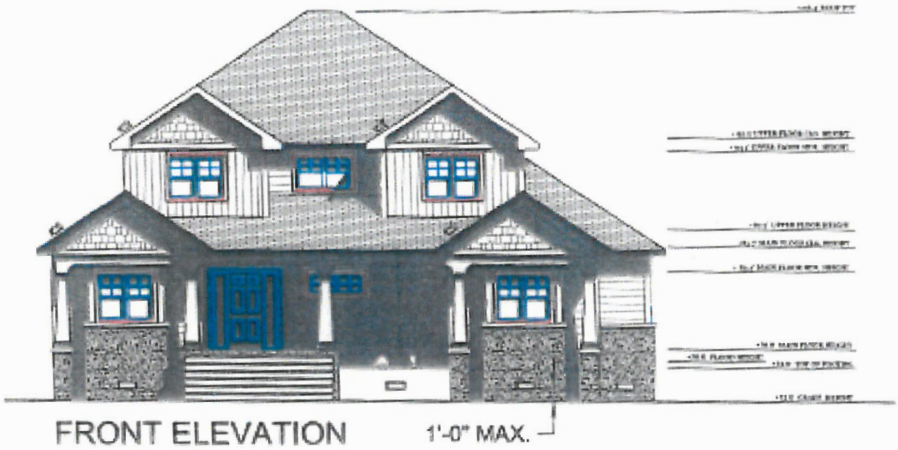
Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A - PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name Creskside Homes				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1059 9th Street				Company NAIC Number:	
City West Linn		State Oregon		ZIP Code 97068	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Parcel 1, Partition Plat No. 2016-015, Clackamas County Plat Records, City of West Linn, Oregon					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) Residential					
A5. Latitude/Longitude: Lat. 45.34157 Long -122.64653 Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number 8					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) 1,336 sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade 19					
c) Total net area of flood openings in A8.b 1,367 sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
A9. For a building with an attached garage:					
a) Square footage of attached garage 624 sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade 9					
c) Total net area of flood openings in A9.b 666 sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number CLACKAMAS COUNTY 415568			B2. County Name Clackamas		B3. State Oregon
B4. Map/Panel Number 41005C0259	B5. Suffix D	B6. FIRM Index Date	B7. FIRM Panel Effective/ Revised Date 06/16/2008	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 75.1
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input checked="" type="checkbox"/> FIS Profile <input type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

Figure 8: STAMPED SURVEYED ELEVATION CERTIFICATE (CONT.)

ELEVATION CERTIFICATE			OMB No. 1660-0038 Expiration Date: November 30, 2018
IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1059 9th Street			Policy Number:
City West Linn	State Oregon	ZIP Code 97068	Company NAIC Number
SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)			
C1. Building elevations are based on: <input checked="" type="checkbox"/> Construction Drawings* <input type="checkbox"/> Building Under Construction* <input type="checkbox"/> Finished Construction *A new Elevation Certificate will be required when construction of the building is complete.			
C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, ARIA, ARIA/E, ARIA1-A30, ARIA/H, ARIA/O Complete items C2 a-h below according to the building diagram specified in item A7. In Puerto Rico only, enter meters Benchmark Utilized: <u>NGS #RD1501</u> Vertical Datum: <u>NAVD 88</u>			
Indicate elevation datum used for the elevations in items a) through h) below. <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____			
Datum used for building elevations must be the same as that used for the BFE.			
			Check the measurement used
a) Top of bottom floor (including basement, crawlspace, or enclosure floor)	<u>71.2</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters	
b) Top of the next higher floor	<u>76.1</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters	
c) Bottom of the lowest horizontal structural member (V Zones only)	_____	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters	
d) Attached garage (top of slab)	<u>71.0</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters	
e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments)	<u>71.0</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters	
f) Lowest adjacent (finished) grade next to building (LAG)	<u>69.8</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters	
g) Highest adjacent (finished) grade next to building (HAG)	<u>71.5</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters	
h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support	<u>71.1</u>	<input checked="" type="checkbox"/> feet <input type="checkbox"/> meters	
SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION			
This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.			
Were latitude and longitude in Section A provided by a licensed land surveyor? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Check here if attachments			
Certifier's Name ROB RETTIG		License Number 60124LS	
Title LAND SURVEYOR		<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> REGISTERED PROFESSIONAL LAND SURVEYOR OREGON JANUARY 11, 2005 ROBERT D. RETTIG 60124LS RENEWS: 12/31/18 </div>	
Company Name AKS ENGINEERING & FORESTRY, LLC.			
Address 12965 SW HERMAN ROAD, SUITE 100			
City TUALATIN	State Oregon	ZIP Code 97062	
Signature 	Date 01/16/2017	Telephone (503) 563-6151	
Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner			
Comments (including type of equipment and location, per C2(e), if applicable) Elevation listed for item C2(e) refers to a water heater at garage floor level. Flood vents to be installed are standard plastic vents with a net opening of 73 square inches per vent, per Non-engineered Opening Guide, Vol. 2/November 2015.			

Figure 9: ENGINEER STAMPED FOUNDATION
WALL DESIGN WITH VENTING



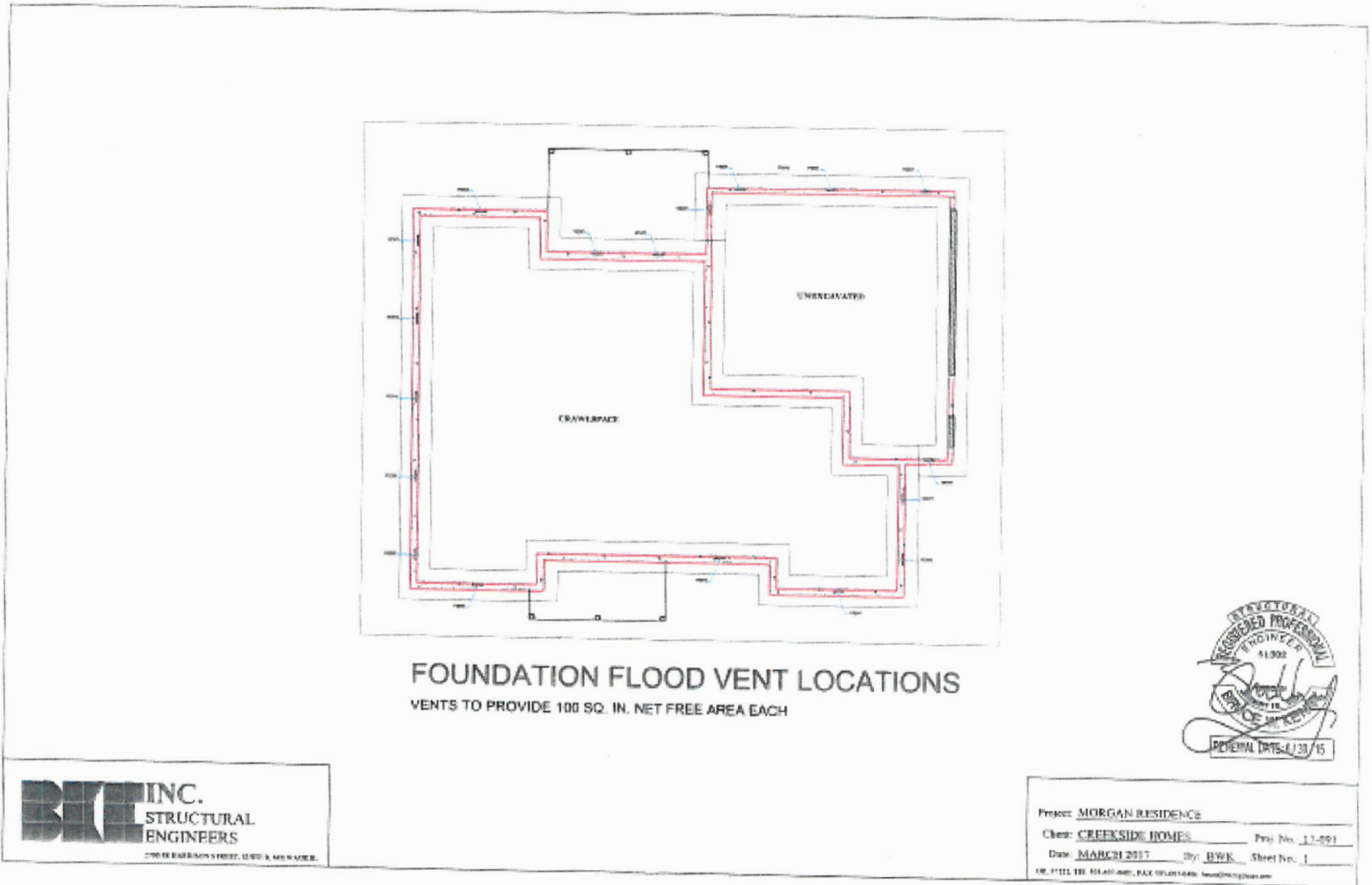
mark
3/6/17



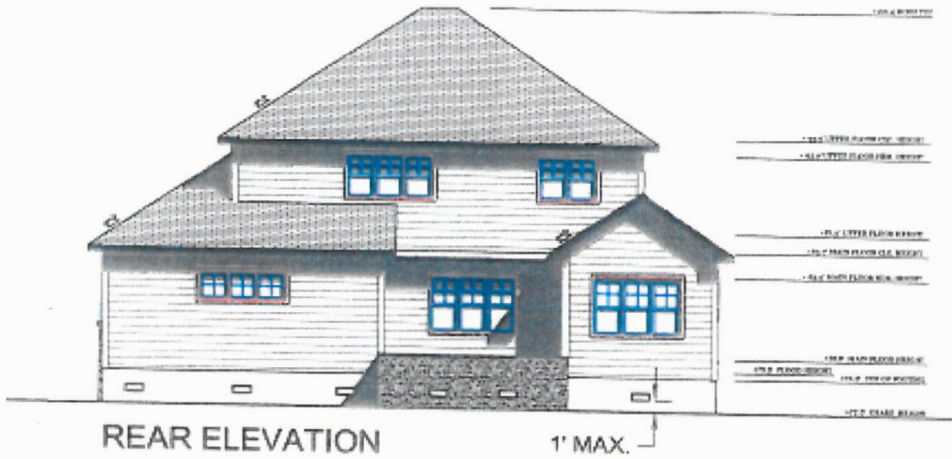
BKE INC.
STRUCTURAL
ENGINEERS
2700 12TH AVENUE STREET, SUITE 100, WILMINGTON, KY 40390

Project: MORGAN RESIDENCE
Client: CREEKSIDE HOMES Proj No: 17-091
Date: MARCH 2017 By: B.W.K. Sheet No: 2
1001 17TH STREET, SUITE 1000, WILMINGTON, KY 40390-1700 Email: bke@bkeinc.com

Figure 9: ENGINEER STAMPED FOUNDATION
WALL DESIGN WITH VENTING (CONT.)



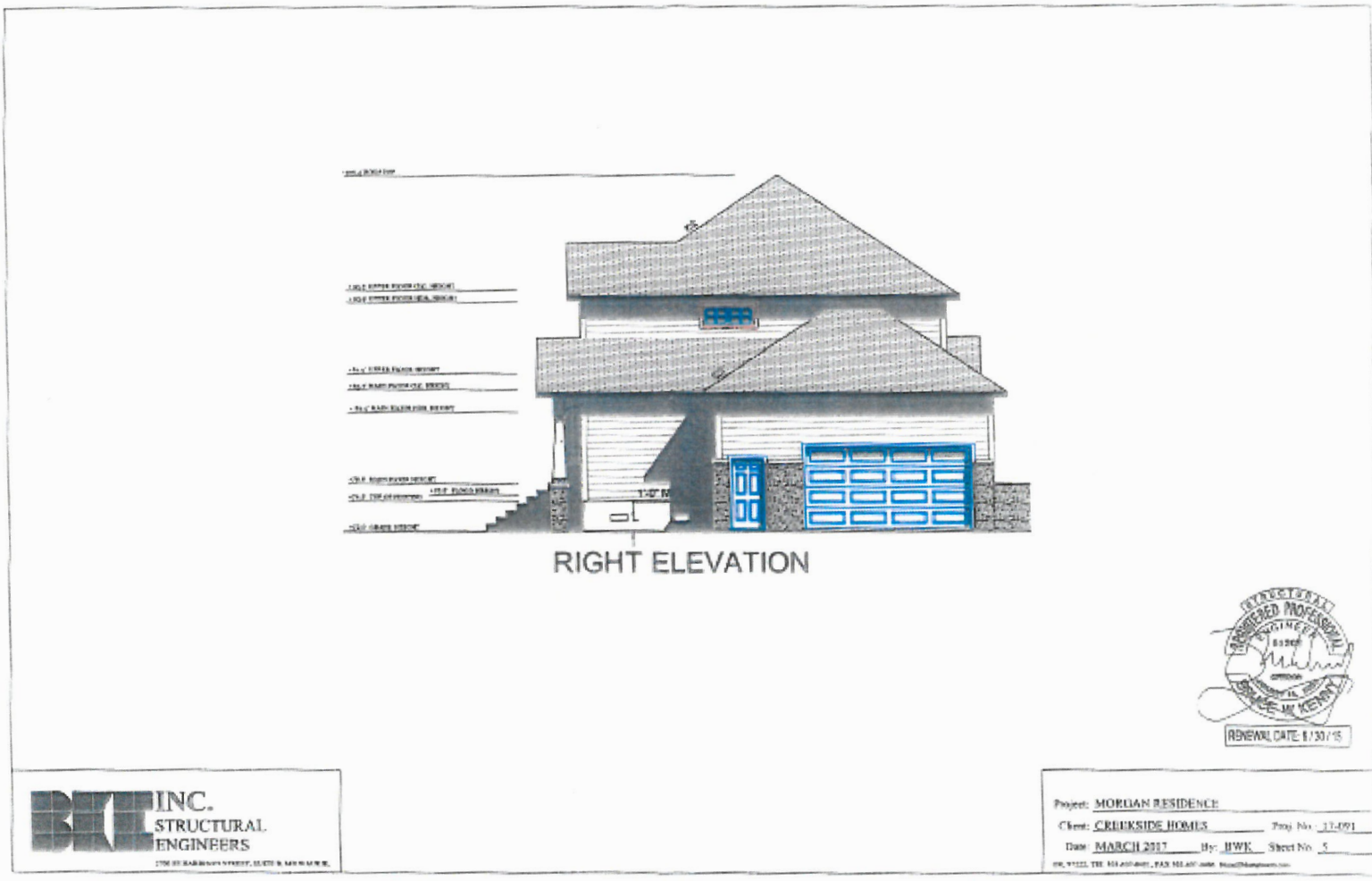
**Figure 9: ENGINEER STAMPED FOUNDATION
WALL DESIGN WITH VENTING (CONT.)**



BEI INC.
STRUCTURAL
ENGINEERS
2706 W. PARKWAY STREET, SUITE 100, DALLAS, TEXAS 75244

Project: MORGAN RESIDENCE
 Client: CREEKSIDE HOMES Proj. No.: 17-001
 Date: MARCH 2017 By: JHWK Sheet No.: 4
FOR FEES, FEEL FOR ACH/BAU, FAX 214-487-4146, WWW.BEIENGINEERS.COM

**Figure 9: ENGINEER STAMPED FOUNDATION
WALL DESIGN WITH VENTING (CONT.)**



**Figure 9: ENGINEER STAMPED FOUNDATION
WALL DESIGN WITH VENTING (CONT.)**

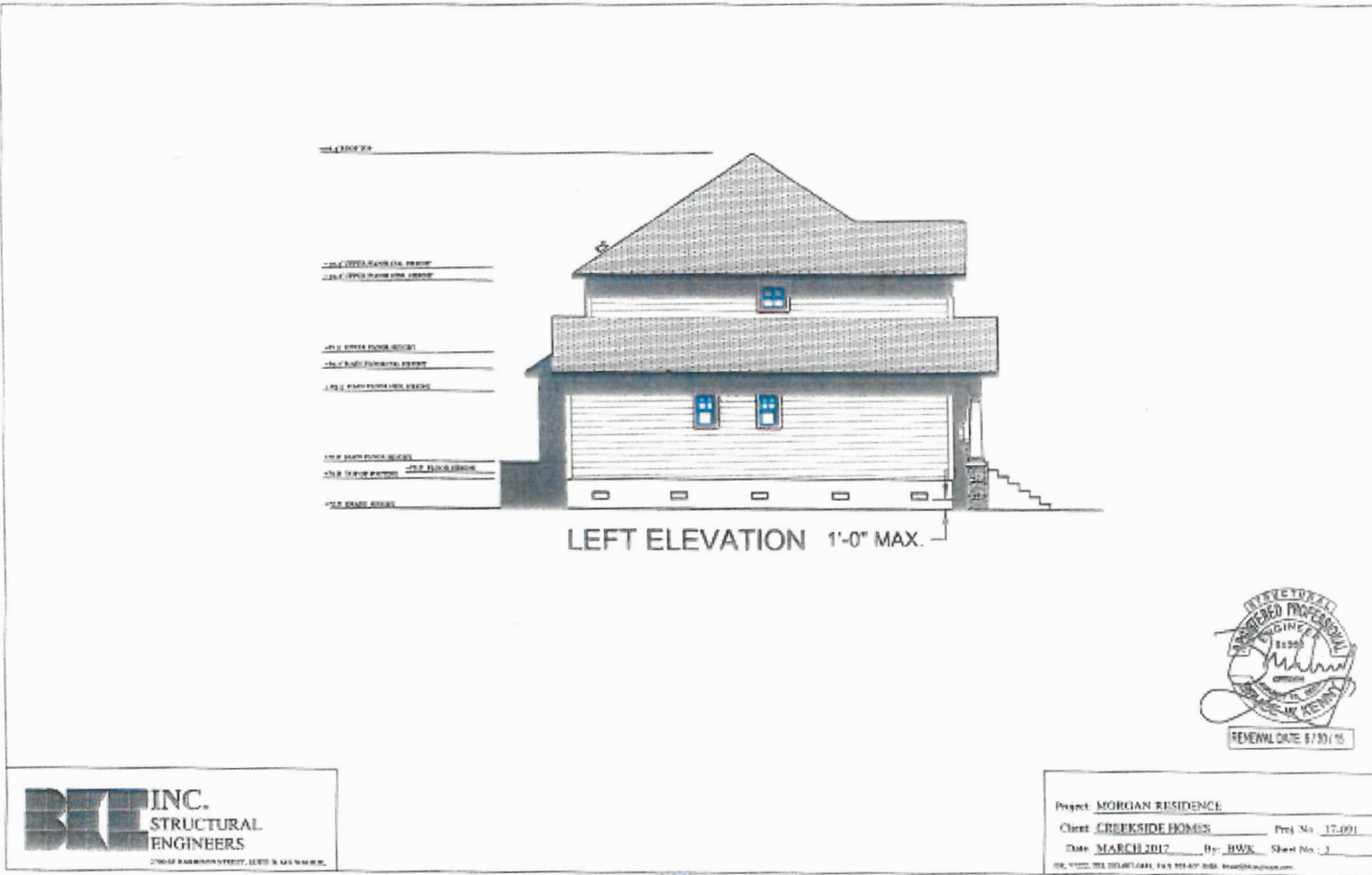

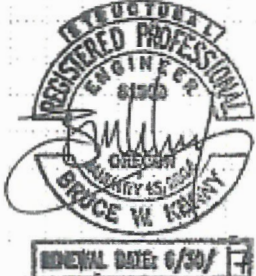


Figure 10: ENGINEER STAMPED FLOOD VENT AREA CALCULATIONS

	RECEIVED MAR 09 2017		2700 SE HARRISON STREET SUITE B, MILWAUKIE, OR 97222 TEL (503) 607-0481 FAX (503) 607-0486 bme@bmeengineers.com
	PROJECT: <u>MERCHANT RESIDENTIAL</u> SUBJECT: <u>FLOOD VENT AREA</u>	PLANNING & BUILDINGS DIVISION	
<input type="checkbox"/> Conference <input type="checkbox"/> Phone <input type="checkbox"/> Field <input type="checkbox"/> Memo <input type="checkbox"/> Job Observation	Project: _____ Subject: _____ With: _____ To: <u>ANDREW</u> Weather Condition: _____	Job No.: <u>17-091</u> Date: <u>MAR 2017</u> Time: _____ By: <u>BWK</u>	Distribution: <u>CREEKSIDE HOUSE</u>
<p>BASEMENT AREA 1293 S.F.</p> <p>FLOOD VENT REQUIREMENT 150 IN / 100 FT AREA</p> <p>∴ 1293 SQ IN VENT REQ'D.</p> <p>STD 7 1/2 x 15 1/2 VENT PROVIDES 100 SQ IN NET FLOOR AREA. $n = 1293 / 100 = 12.93$</p> <p>∴ CRAWL SPACE REQUIRES 13 VENTS</p> <p>GARAGE AREA 531 S.F.</p> <p>$n = 531 / 100 = 5.3$</p> <p>∴ GARAGE REQUIRES MIN. 5 VENTS</p>			
<div style="text-align: right;">  </div>			

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-16-08 / WAP-16-10 / MISC-16-06 Applicant's Name Andrew Burton - Creekside Homes
Development Name _____
Scheduled Meeting / Decision Date 4-10-17

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) 3-20-17 (signed) S. Shroyer
- B. Affected property owners (date) 3-20-17 (signed) S. Shroyer
- C. School District/ Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) 3-20-17 (signed) S. Shroyer
- E. Affected neighborhood assns. (date) 3-20-17 (AU) (signed) S. Shroyer
- 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) N/A (signed) S. Shroyer
City's website (posted date) 3-20-17 (signed) S. Shroyer

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) 3-21-17 (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) 4-20-17 (signed) S. Shroyer

PD-2 NOTICE MAILING PACKET

**CITY OF WEST LINN
NOTICE OF UPCOMING
PLANNING MANAGER DECISION
FILE NO. WRG-16-08/WAP-16-10/MISC-16-06**

The West Linn Planning Manager is considering a request for a Willamette River Greenway permit, a Water Resource Area permit and a Flood Management Area permit to construct a single family home at 1059 Ninth Street.

The decision will be based on the approval criteria in Chapters 11, 27, 28 and 32 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 1205 of Clackamas County Assessor's Map 31E 2AC) 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/1059-9th-street-willamette-river-greenway-permit-water-resource-area-permit-and-flood> 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 April 10, 2017. 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.

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.



CITY OF West Linn

CITY OF WEST LINN NOTICE OF UPCOMING PLANNING MANAGER DECISION

**PROJECT # WRG-16-08/WAP-16-10/MISC-16-06
MAIL: 3/20/17 TIDINGS: N/A**

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets, land use application notice, and to address the worries of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.

PD-3 COMPLETENESS LETTER



City of
West Linn

March 10, 2017

Andrew Burton
Creekside Homes
219 NE Hwy 99 W
McMinnville, OR 97128

SUBJECT: Determination of Completeness WRG-16-08 at 1059 Ninth Street

Dear Andrew:

You resubmitted this application on March 9, 2017. The Planning Department has now deemed this application **complete**. The City has 120 days to exhaust all local review; that period ends July 8, 2017.

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 Manager to render a decision on your proposal.

A 20-day public notice will be prepared and mailed. This notice will identify the earliest potential decision date. Please contact me at 503-723-2539, or by email at 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

<small>For Office Use Only</small>		
STAFF CONTACT <i>Peter Spiv</i>	PROJECT NO(S). <i>WRG-16-08 / WAP-16-10 / MISC-16-06</i>	
NON-REFUNDABLE FEE(S) <i>2600-</i>	REFUNDABLE DEPOSIT(S) <i>1050 + 1700-</i>	TOTAL <i>5350-</i>

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 checked="" 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"/> Habitat Conservation Area section _____ |
| | | <input type="checkbox"/> Zone Change |

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.

Site Location/Address: <i>1059 9th St</i>	Assessor's Map No.:
	Tax Lot(s):
	Total Land Area:

Brief Description of Proposal:

NSFR

Applicant Name: <i>CREATIVE HOMES</i> <small>(please print)</small>	Phone: <i>503 560 0915</i>
Address: <i>219 NE HWY 99W</i>	Email: <i>ABURTON@CREATIVEHOMES.NET</i>
City State Zip: <i>McMinnville, OR 97128</i>	

Owner Name (required): <i>MAX MORSEAN / ANN MILLER</i> <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

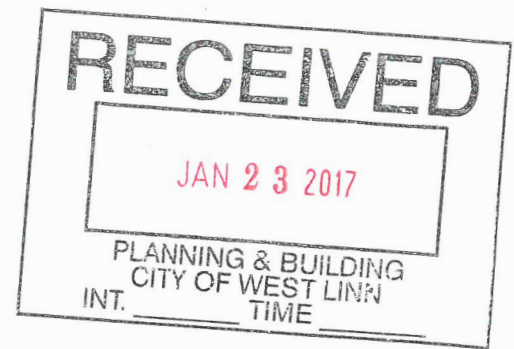
Consultant Name: <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

- 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.

	<i>10/1</i>	DocuSigned by: <i>Ann Miller</i>	<i>10/10/2016</i>
Applicant's signature	Date	Owner's signature (required)	Date



1059 Ninth Street West Linn, Oregon Natural Resource Assessment

Date: January 16, 2017

Prepared for: Creekside Homes, LLC
P.O. Box 315
McMinnville, OR 97128

Prepared By: Lindsey Obermiller
Natural Resource Specialist
AKS Engineering & Forestry, LLC

Assessor's Information: Clackamas County Tax Map 3 1E 02AC;
Tax Lot 1205



12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151

Table of Contents

Introduction and Background.....	1
Existing Site Conditions	1
Existing Protected Water Features	2
Extent of WRA	2
Table 1. Summary of Protected WRA Resource and Associated Width of WRA	2
Existing Condition of the WRA	2
Project	3
Impact Evaluation	3
WRA Impact Analysis	3
Hardship Provisions	3
WRA	3
HCA.....	4
Mitigation.....	4
WRA Enhancement Mitigation.....	4
Summary	5
List of Preparers.....	5

Tables

Table 1. Summary of Protected WRA Resource and Associated Width of WRA	2
--	---

Figures

- Figure 1. Vicinity Map
- Figure 2. Tax Map (Map 3 1E 2AC)
- Figure 3. Soil Survey Map
- Figure 4. Local Wetland Inventory Map (LWI)
- Figure 5. City of West Linn WRA Map
- Figure 6. City of West Linn HCA Map
- Figure 7. Site Plan Map

Appendices

- Appendix A: DSL Concurrence Letter WD#2015-0127
 - Appendix B: VECO Data Sheet (VECO Plot A)
 - Appendix C: Representative Photographs
 - Appendix D: WRA Mitigation Enhancement Planting Specifications
-

Introduction and Background

AKS Engineering & Forestry, LLC, (AKS) was contracted by Creekside Homes, LLC, to conduct a Natural Resource Assessment on Tax Lot 1205 of Tax Map 3 1E 02AC, located in West Linn, Clackamas County, Oregon (see Figures 1 and 2). The total study area boundary is approximately 0.30 acres and abuts Ninth Street.

This report describes the results of the on-site portions of a previous delineation of one palustrine emergent (PEM) wetland and associated 65-foot buffer within the Willamette River watershed. In addition, Moderate Value Title 13 Habitat Conservation Area (HCA) is mapped extending throughout the entire site. The project (referred to as 1059 Ninth Street) consists of the development of a single-family home on one existing lot of record. The construction of the home will require unavoidable impacts into Water Resource Area (WRA) and HCA, requiring mitigation in accordance with West Linn Community Development Code (CDC) Section 32.90. The WRA and HCA provisions of the CDC provide unreasonable use of the site. Therefore, the applicant is applying for a Hardship Variance in accordance with Sections 32.110 and 28.110 of the West Linn CDC.

On-site enhancement mitigation will mitigate for the unavoidable WRA/HCA encroachment, which will meet the required 1:1 mitigation ratio.

This report has been prepared to meet City of West Linn CDC Chapter 28, Willamette and Tualatin River Protection, and Chapter 32, Water Resource Area Protection.

Existing Site Conditions

The site is vacant and consists of an open field dominant in the non-native grasses and forbs field meadow-foxtail (*Alopecurus pratensis*), tall false rye grass (*Schedonorus arundinaceus*), and colonial bent grass (*Agrostis capillaris*), with ox-eye daisy (*Leucanthemum vulgare*), Canadian thistle (*Cirsium arvense*), and Queen Anne's-lace (*Daucus carota*). A 20-foot paved private access easement is located along the southern boundary of the project site. A small portion of a larger wetland is present within the project area and extends off site to the north. Topography on the site is generally flat (less than 3% slope), with a gradual slope to the north towards the wetland. Surrounding land use is residential, with the Willamette River located nearby to the south.

According to the Clackamas County hydric soils list and the Natural Resources Conservation Service's (NRCS') Soil Survey Map for Clackamas County, the following soil units are mapped within the study area (Figure 3):

- Unit 67 – Newberg fine sandy loam, non-hydric
- Unit 84 – Wapato silty clay loam, hydric

According to the City of West Linn's Local Wetland Inventory (LWI) map, one Field Verified Wetlands is mapped on the project site in the north (Figure 4). Our study agrees with the location and mapping of natural resources. The City also maintains a Water Resource Areas map that illustrates the approximate boundary of a wetland in the vicinity of LWI- and field-confirmed wetland and the adjacent riparian corridor (Figure 5). In addition to these maps, the City maintains a Habitat Conservation Area (HCA) map that shows HCA mapped over the entirety of the project site (Figure 6).

Existing Protected Water Features

AKS submitted a wetland delineation report to the Oregon Department of State Lands (DSL) for the on-site portions of the wetland (referred to as Wetland A) as well as property immediately north and east, which were previously one tax lot. The delineation received concurrence on June 23, 2015, under DSL File No. WD#2015-0127 (the DSL concurrence letter is included in Appendix A).

The wetland is located in the northern portion of the project site and extends off site to the north and northeast. Approximately 531 square feet of the PEM wetland was determined within the project site. Ninth Street borders the site to the west. Wetland A is dominated by reed canary grass (*Phalaris arundinacea*), tall false rye grass, bent grass (*Agrostis* species), creeping buttercup (*Ranunculus repens*), and field meadow-foxtail. The boundary of the DSL-concurred wetland boundary is shown on Figure 7, Site Plan.

Extent of WRA

According to Table 32-2, Required Width of WRA, in Chapter 32, Water Resource Area Protection, of the City of West Linn's CDC, the width of the WRA setback varies dependent on the type of feature (wetland, water, type of water, and riparian corridor) and slope adjacent to each Protected WRA Resource. Based on the City's criteria, the table below summarizes the WRA setback widths associated with wetland delineated on the project site. The WRA setback surrounding the Protected WRA Resource is shown on the attached Site Plan Map (Figure 7).

Table 1. Summary of Protected WRA Resource and Associated Width of WRA

Protected WRA Resource	Slope Adjacent to Protected WRA Resource	Width of WRA Setback (feet)
Water Resource (Wetland)	< 25%	65

The total area of the on-site WRA is 7,802 square feet (0.18 acres). The setback extends from the edge of the delineated wetland boundary.

Existing Condition of the WRA

AKS Natural Resource Specialist Lindsey Obermiller conducted a site visit on December 19, 2016, to document the existing conditions of the WRA adjacent to the on-site portions of Wetland A. The existing condition of the on-site WRA was determined based on the presence of tree canopy and percent cover of native trees, shrubs, and groundcovers, consistent with City CDC Section 32.050.F. The existing condition of the on-site WRA is described by a single vegetation community, documented at VECO Plot A. In general, the WRA within the project boundaries consists of non-native open grassland, with some invasive species cover.

The vegetation community documented at VECO Plot A represents the vegetation across the project site, as only one community is present. The dominant vegetation includes field meadow-foxtail, tall false rye grass, colonial bent grass, ox-eye daisy, Canadian thistle, Queen Anne's-lace, scattered shoots of Himalayan blackberry (*Rubus armeniacus*), and one beaked hazelnut (*Corylus cornuta*) shrub. Due to the lack of native tree canopy cover and dominance in non-native grasses, the vegetation community associated with VECO Plot A is determined to be in *degraded* condition.

The data sheet of VECO Plot A is included in Appendix B, and the plot location is shown on the Site Plan Map, Figure 7. Representative photos documenting the existing condition of the on-site WRA are included in Appendix C.

Project

The project involves building a new single-family residence on the site. The home design is modest, yet comparable to homes in the surrounding neighborhood, with the total impervious home footprint being approximately 2,200 square feet. Due to the extent of the on-site WRA, unavoidable permanent impacts to 3,935 square feet of the WRA are necessary to accommodate the home and associated amenities (deck, driveway, and non-native landscape/lawn). A total of 5,739 square feet of Maximum Development Area (MDA) will occur for the entire project, which is located within HCA. The Site Plan is included as Figure 7. The section below describes the impact analysis, mitigation plan, and hardship provisions.

Habitat friendly development practices (Section 32.060.H in the City's CDC) are incorporated with the planned construction of a raingarden located behind the home, adjacent to the wetland. Roof downspouts will be piped to allow stormwater to flow freely into the raingarden for filtration and retention. Per Table 32-5, MDA Calculation Summary, of the City's CDC, the footprint of the raingarden does not count towards MDA within WRA. Temporarily disturbed soils to construct the raingarden will be planted with native vegetation to restore WRA/HCA. The raingarden will be located near the home to allow infiltration of stormwater runoff from the roof of the home, yet in a location with adequate distance from the wetland. Grading to construct the raingarden will not result in wetland impact. Best management erosion and sediment control practices will be implemented to ensure no wetland impact. Erosion control measure details are shown in the land use submittal construction documents.

The width of the planned driveway has been reduced and a low-impact development (LIDA) vegetated swale will treat runoff from the driveway prior to discharge into the WRA. Both the raingarden and LIDA swale will be planted with native vegetation.

Impact Evaluation

WRA Impact Analysis

The project will result in a total of approximately 3,935 square feet of unavoidable permanent encroachment (MDA) into on-site WRA for a new home, including a front and backyard staircase deck, a driveway allowing for turnaround capacity, a non-native lawn in the front and backyards, and perimeter landscaping of the applicant's choice. The existing condition of the WRA is *degraded*, dominant in non-native herbaceous vegetation and lacking native tree and shrub canopy cover. Due to the lack of tree and shrub canopy, only a single beaked hazelnut shrub will be removed for the development of the home, as it is the only existing woody vegetation on site. The existing WRA provides low-quality buffer function to the wetland, and, therefore, WRA impacts for the development of the home are expected to have a minimal effect on the adjacent wetland. In addition, temporary encroachments will occur into a section immediately west of the home for the installation of sanitary, gas, and water service lines. All temporary impacts will be restored to pre-project contours and planted with native vegetation per the attached planting plan (Appendix D). The project will avoid wetland impact. All MDA and non-MDA items are consistent with Table 32-5, MDA Calculation Summary, of the City's CDC.

Hardship Provisions

WRA

The project site contains a small amount of a PEM wetland, requiring a protective buffer and WRA to extend throughout the majority of the site. According to Section 32.110, Hardship Provisions, of the CDC, if a property is located on a lot of record and partially or completely within WRA, development is

permitted consistent with Section 32.110 requirements. The project meets all of the hardship provisions listed in Section 32.110. The total on-site MDA within WRA is less than 5,000 square feet and comprises less than 30% of the total WRA. Careful consideration was given to the footprint of the home, ensuring development activities are at least 15 feet away from the wetland boundary while meeting the minimum setback requirements and utilizing the existing private access road. Only a portion of the deck will be located within 15 feet of the wetland boundary. The home will be located at least 16.7 feet from the wetland. The home cannot be located farther away from the wetland boundary due to setback requirements from Ninth Street and the private access easement to the south. The home footprint is modestly sized and compatible with the footprints of the other homes in the neighborhood.

Additionally, the majority of the access driveway is located outside of the WRA, requiring the least amount of impact to WRA, and is the minimum permitted width. Adjacent development is not currently present, and, therefore, the opportunity to share use of a driveway between neighbors is not possible at this time.

HCA

The entire tax lot is within City/Metro-mapped Moderate/Medium HCA (not "Non-HCA" or "Habitat and Impact Areas Not Designated as HCA"). There are no High HCA lands mapped on the property. Therefore, according to Section 28.110, Approval Criteria, of the City's CDC, when only HCA land is available to build upon, the project must meet all requirements under this Section. The total impervious surface of this project is 3,819 square feet (house, garage, deck, sidewalk, and driveway), which is less than 5,000 square feet, meeting the minimum impervious surface disturbance area requirement listed under Section 28.110.B.2. The home and additional MDA surfaces are located the greatest distance and no closer than 15 feet from Wetland A. The front set back was reduced to 5 feet. An attached garage is planned, with a driveway providing off-street parking and meeting the minimum dimension requirements.

Mitigation

WRA Enhancement Mitigation

To mitigate for the unavoidable permanent WRA impacts, the Site Plan incorporates a total of approximately 0.09 acres (3,968 square feet) of enhancement mitigation area located within the remaining 65-foot WRA buffer adjacent to Wetland A. The raingarden and LIDA swale areas are included in the total mitigation area, as these areas will be densely planted with native vegetation and significantly improve the site's ecological functions and values. According to Section 32.090.C, Amount of Mitigation, of the City's CDC, the amount of mitigation required is based on the square footage of the permanent disturbance area, where 1 foot of created, enhancement, or restored area is required for every foot disturbed. The proposed mitigation meets the minimum 1:1 enhancement ratio. The locations of the proposed replacement mitigation areas are shown on attached Figure 7.

The mitigation is expected to improve the ecological functions described in Table 32-4, Ecological Functions of WRA, of the City's CDC for the site. The site's WRA is currently in *degraded* condition, lacks native canopy cover, and is dominant in non-native grasses and forbs. The native tree and shrub plantings will provide an overall significant increase in canopy cover, slowing and retaining stormwater, and wildlife habitat, increasing the sites ecological functions and values. The plant species and quantities, excluding the raingarden and LIDA swale areas, are included in the WRA Mitigation Enhancement Planting Specifications (Appendix D), which is consistent with Section 32.100, Re-Vegetation Plan Requirements, of the City's CDC.

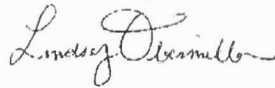
Summary

A total of approximately 0.18 acres (7,802 square feet) of WRA buffer is present on the site, which is currently in *degraded* condition. The project will require approximately 0.09 (3,935 square feet) of impacts to WRA. The Site Plan avoids impacts to on-site wetland.

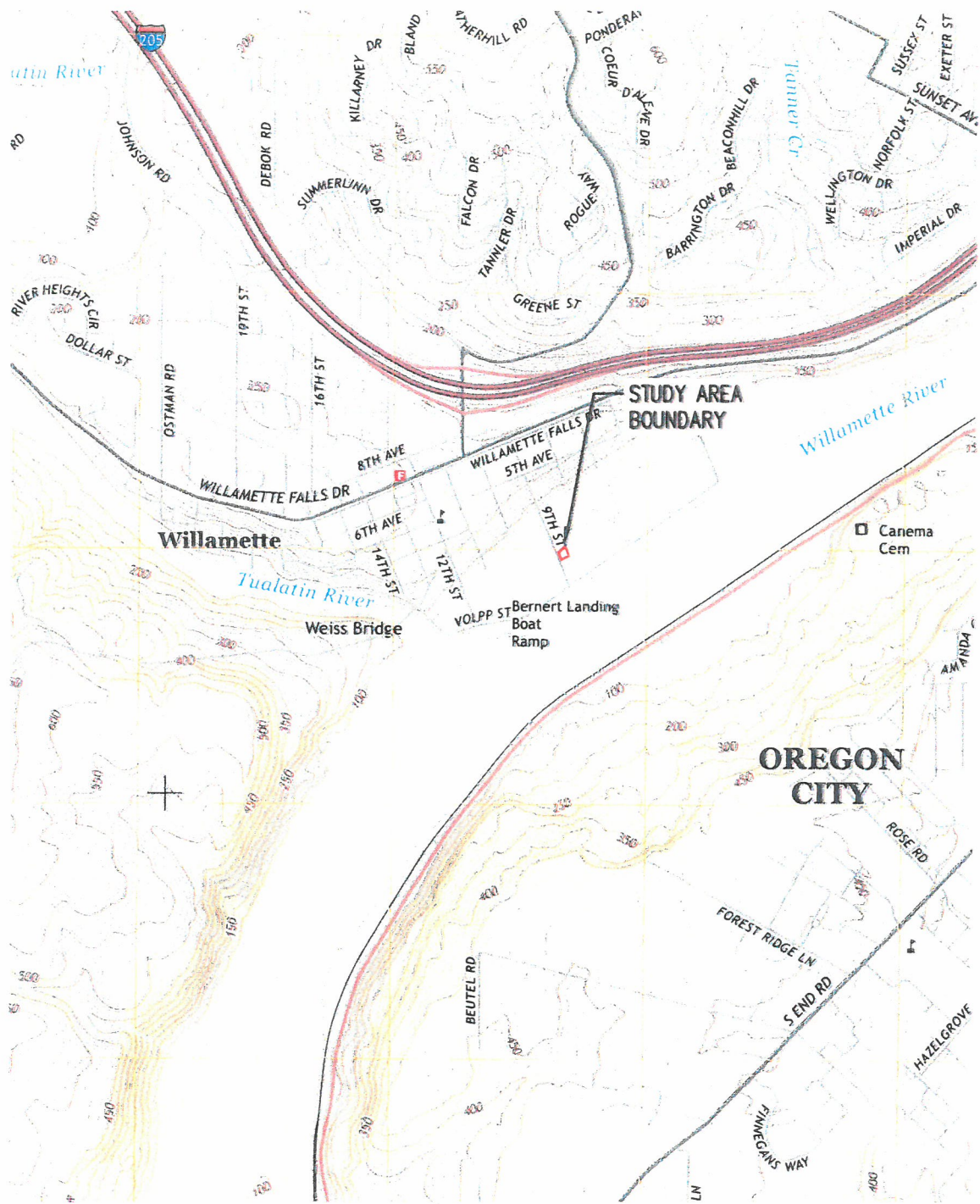
To mitigate for the WRA impacts, the project includes a minimum of 0.09 acres (3,968 square feet) of on-site enhancement mitigation, including two habitat friendly stormwater facilities (raingarden and LIDA swale), to provide a water quality benefit. The on-site enhancement mitigation meets the City's 1:1 mitigation ratio requirement.

Hardship provisions are required due to the extent of WRA and HCA on the project site. All construction plans have carefully considered the City's criteria for development within such areas. The Site Plan will result in 3,698 square feet of native shrub and tree plantings, significantly improving the site's wildlife and ecological functions and values.

List of Preparers

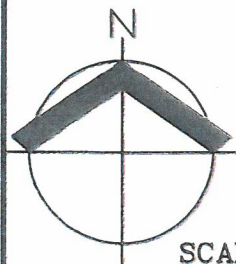


Lindsey Obermiller
Natural Resource Specialist
Fieldwork and Report Preparation

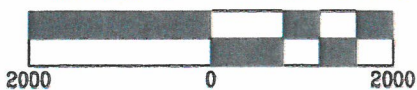


USGS 7.5' TOPOGRAPHIC SERIES
 QUADRANGLE: CANBY, OR (2014)

DATE: 01/02/2017



SCALE 1" = 2000 FEET



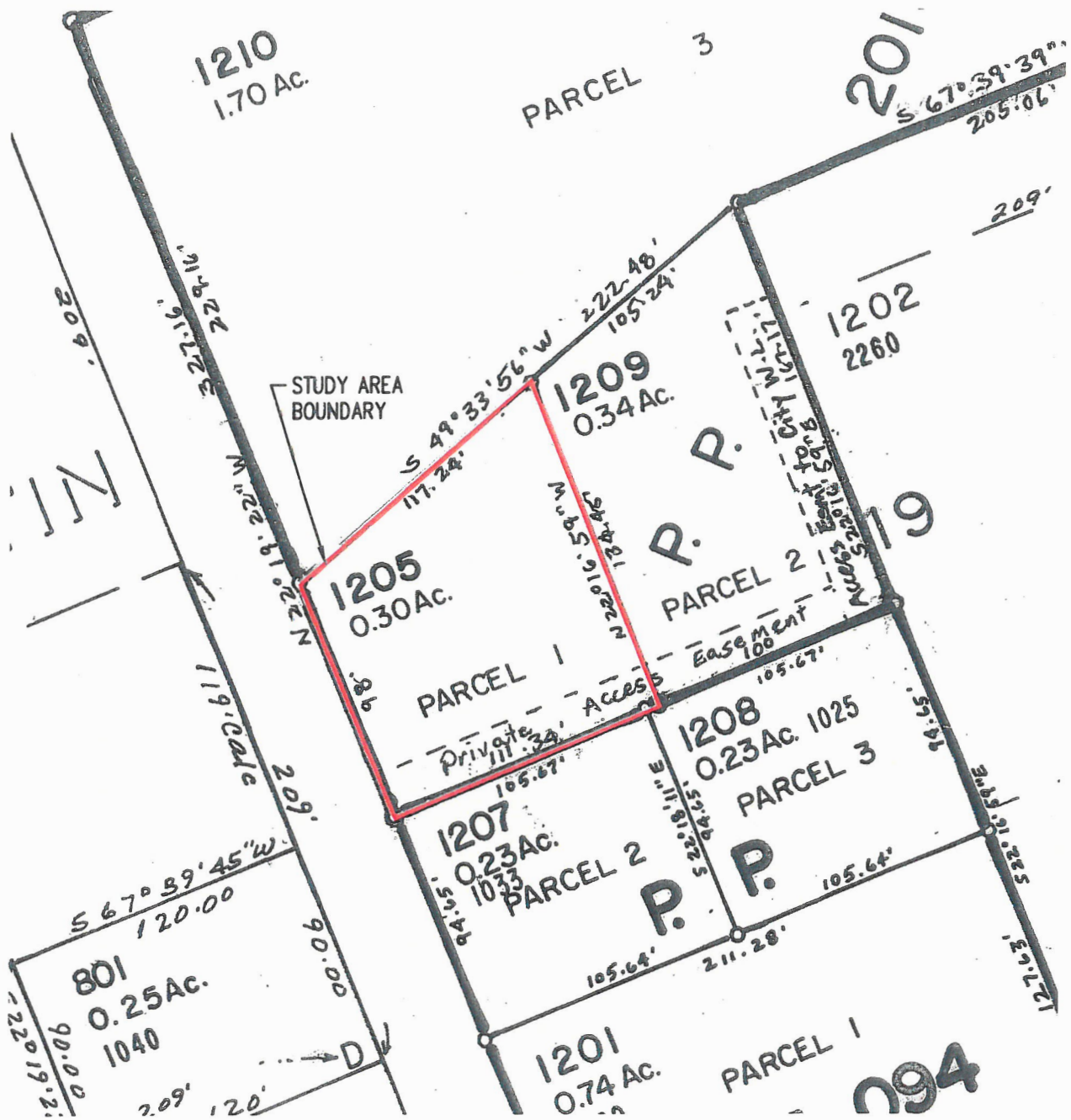
VICINITY MAP
1059 9TH STREET NATURAL RESOURCE ASSESSMENT

AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD SUITE 100
 TUALATIN, OR 97062 www.aks-eng.com
 PHONE: 503.563.6151 FAX: 503.563.6152

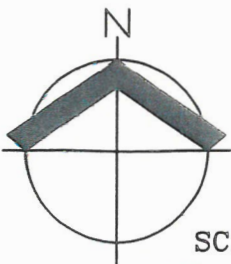


FIGURE
1

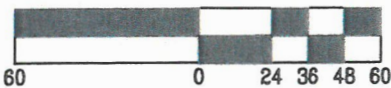
DRWN: KMK
 CHKD: LO
 AKS JOB:
5642



TAX LOT 1205
TAX MAP 3 1E 2AC
WEST LINN



SCALE 1" = 60 FEET



DATE: 01/02/2017

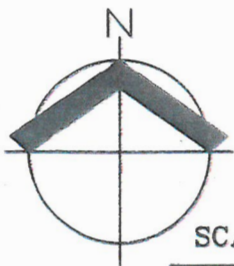
TAX MAP (MAP 3 1E 2AC)		FIGURE
1059 9TH STREET NATURAL RESOURCE ASSESSMENT		2
AKS ENGINEERING & FORESTRY, LLC	SUITE 100	DRWN: KMK
12965 SW HERMAN RD	TUALATIN, OR 97062	CHKD: LO
PHONE: 503.563.6151	FAX: 503.563.6152	AKS JOB: 5642



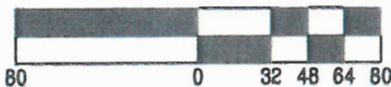


MAP UNIT SYMBOL	MAP UNIT NAME
67	NEWBERG FINE SANDY LOAM; NON-HYDRIC
84	WAPATO SILTY CLAY LOAM; HYDRIC

NRCS WEB SOIL SURVEY FOR
CLACKAMAS COUNTY



SCALE 1" = 80 FEET



DATE: 01/02/2017

SOIL SURVEY MAP		FIGURE 3
1059 9TH STREET NATURAL RESOURCE ASSESSMENT		
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD SUITE 100 TUALATIN, OR 97062 www.aks-eng.com PHONE: 503.563.6151 FAX: 503.563.6152		DRWN: KMK CHKD: LO AKS JOB: 5642



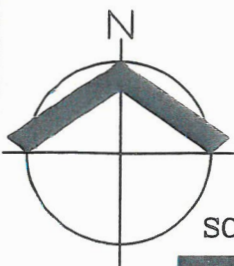
L



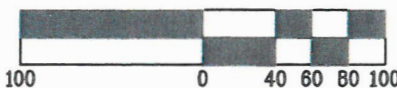
CITY OF WEST LINN
LOCAL WETLAND INVENTORY, 2004

Legend

- Wetlands, Winterbrook Planning 2002
- Field Verified Wetlands, Winterbrook Planning 2002
- Possible Wetlands, Winterbrook Planning 2002
- Wetland Sample Plots, Winterbrook Planning 2002
- Potential Jurisdictional Drainages, West Linn GIS 2002
- Potential Jurisdictional Waters, West Linn GIS 2002
- Taxlot COGO, West Linn GIS 2002
- Basin Boundaries, Winterbrook Planning 2002

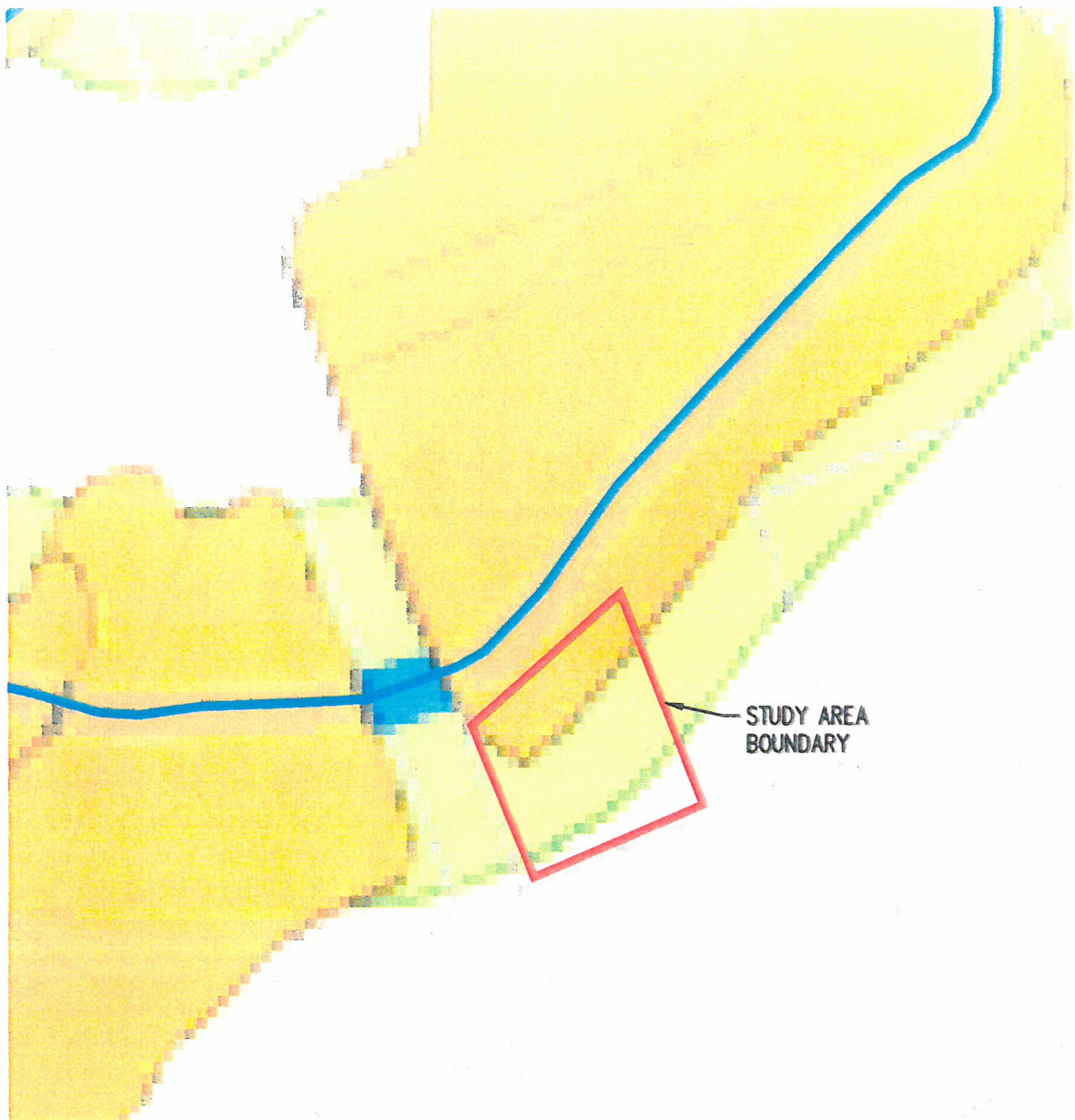


SCALE 1" = 100 FEET



DATE: 01/02/2017

LOCAL WETLAND INVENTORY MAP (LWI)		FIGURE 4
1059 9TH STREET NATURAL RESOURCE ASSESSMENT		
AKS ENGINEERING & FORESTRY, LLC		AKS
12965 SW HERMAN RD	SUITE 100	
TUALATIN, OR 97062	www.aks-eng.com	
PHONE: 503.563.6151	FAX: 503.563.6152	
		DRWN: KMK
		CHKD: LO
		AKS JOB: 5642



Goal 5 Significant Riparian Corridors*

- Significant Riparian Corridors
- Streams
- Ephemeral Stream
- Piped Segments

Upper Stream Reach of Fish Inventory 2003/2004 Survey

Goal 5 Wetland Inventory**

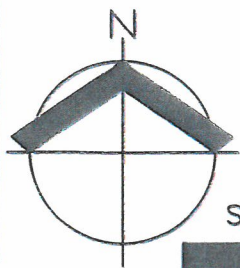
- Locally Significant Wetlands, DSL 2005
- Other Wetlands, DSL 2005
- Specific Wetland Identifier

Rivers & Ponds

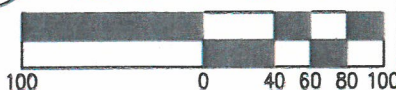
Taxlot Base Map***

West Linn City Limits

**CITY OF WEST LINN
WATER RESOURCE AREA (WRA) MAP
MAY, 2014**



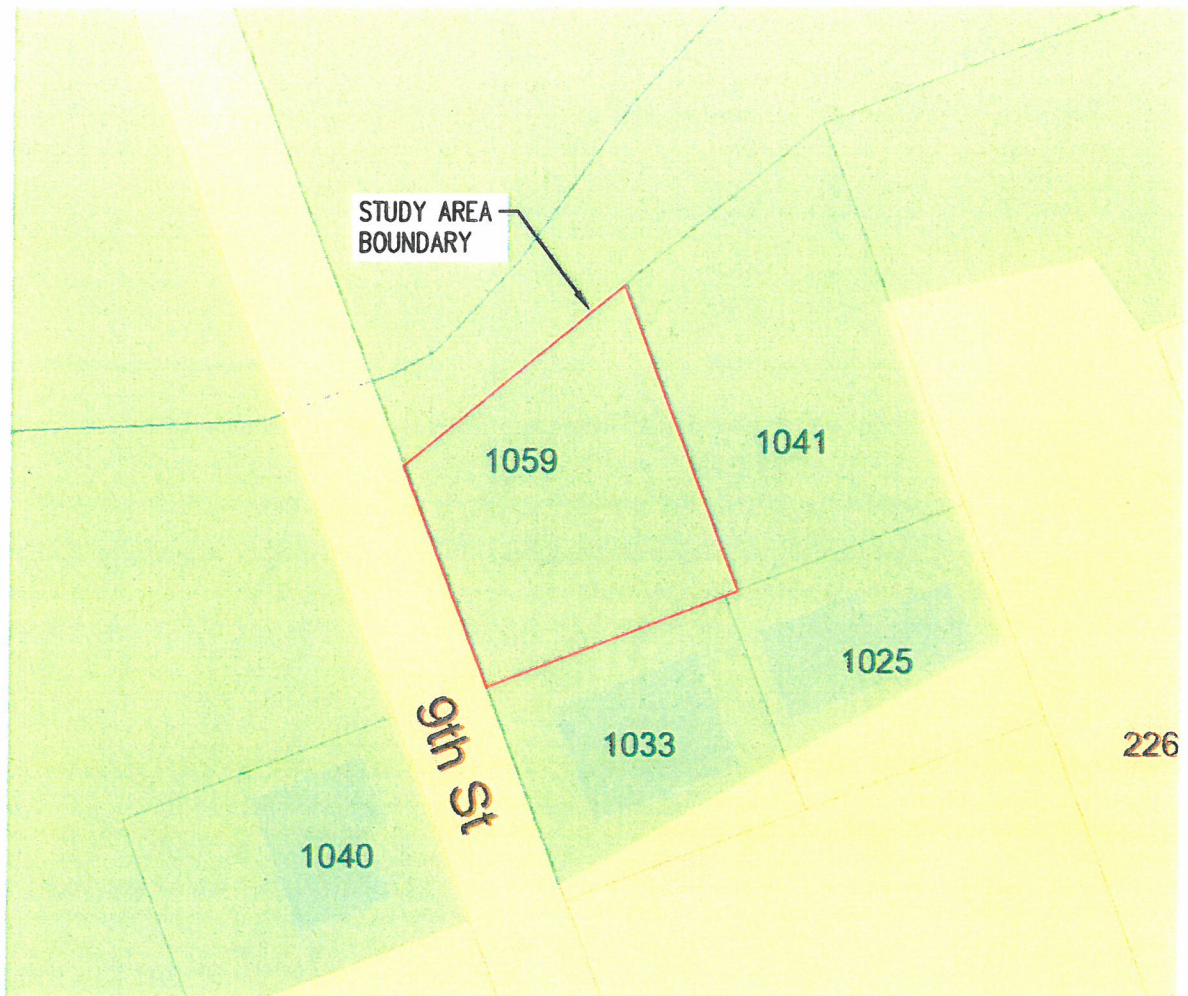
SCALE: 1" = 100 FEET



DATE: 01/02/2017

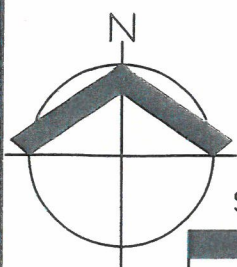
CITY OF WEST LINN WRA MAP 1059 9TH STREET NATURAL RESOURCE ASSESSMENT		FIGURE 5
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD SUITE 100 TUALATIN, OR 97062 www.aks-eng.com		DRWN: KMK CHKD: LO
PHONE: 503.563.6151	FAX: 503.563.6152	AKS JOB: 5642



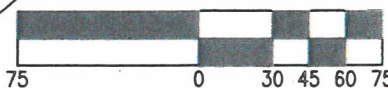


Habitat Conservation Area
 Allow Development

CITY OF WEST LINN
 HABITAT CONSERVATION MAP
 OCTOBER, 2005
 GIS



SCALE: 1" = 75 FEET

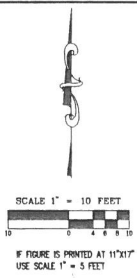
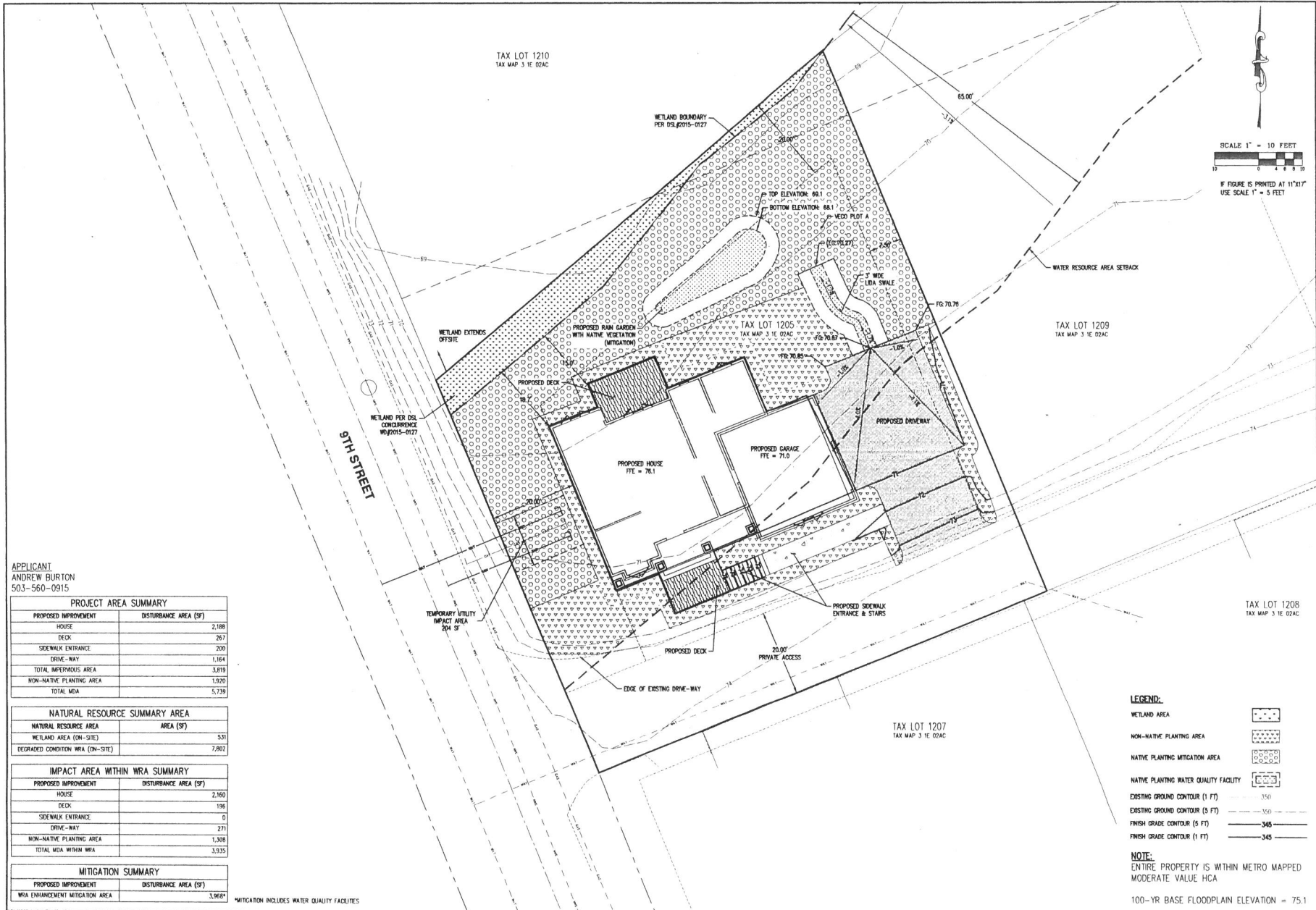


DATE: 01/02/2017

CITY OF WEST LINN HCA MAP 1059 9TH STREET NATURAL RESOURCE ASSESSMENT		FIGURE 6
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD SUITE 100 TUALATIN, OR 97062 www.aks-eng.com PHONE: 503.563.6151 FAX: 503.563.6152		DRWN: KMK CHKD: LO AKS JOB: 5642



MS DRAWING FILE: 5642 SITE PLANNING LAYOUT - LAYOUT



APPLICANT:
ANDREW BURTON
503-560-0915

PROJECT AREA SUMMARY	
PROPOSED IMPROVEMENT	DISTURBANCE AREA (SF)
HOUSE	2,188
DECK	267
SIDEWALK ENTRANCE	200
DRIVE-WAY	1,184
TOTAL IMPERVIOUS AREA	3,819
NON-NATIVE PLANTING AREA	1,520
TOTAL MDA	5,339

NATURAL RESOURCE SUMMARY AREA	
NATURAL RESOURCE AREA	AREA (SF)
WETLAND AREA (ON-SITE)	531
DEGRADED CONDITION WRA (ON-SITE)	2,802

IMPACT AREA WITHIN WRA SUMMARY	
PROPOSED IMPROVEMENT	DISTURBANCE AREA (SF)
HOUSE	2,160
DECK	196
SIDEWALK ENTRANCE	0
DRIVE-WAY	271
NON-NATIVE PLANTING AREA	1,308
TOTAL MDA WITHIN WRA	3,935

MITIGATION SUMMARY	
PROPOSED IMPROVEMENT	DISTURBANCE AREA (SF)
WRA ENHANCEMENT MITIGATION AREA	3,968*

*MITIGATION INCLUDES WATER QUALITY FACILITIES

LEGEND:

WETLAND AREA	
NON-NATIVE PLANTING AREA	
NATIVE PLANTING MITIGATION AREA	
NATIVE PLANTING WATER QUALITY FACILITY	
EXISTING GROUND CONTOUR (1 FT)	
EXISTING GROUND CONTOUR (5 FT)	
FINISH GRADE CONTOUR (5 FT)	
FINISH GRADE CONTOUR (1 FT)	

NOTE:
ENTIRE PROPERTY IS WITHIN METRO MAPPED MODERATE VALUE HCA
100-YR BASE FLOODPLAIN ELEVATION = 75.1

AKS ENGINEERING & FORESTRY, LLC
12945 SW FREEMAN RD STE 100
DAVENPORT, OR 97982
P. 503.553.8157
www.aks.com

1059 9TH STREET

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

WEST LINN

OREGON
CLATSOP COUNTY TAX MAP 3 1E 02AC

SITE PLAN

TAX LOT 1205

5642

JOB NUMBER

7

FIGURE

DESIGNED BY: _____
 DRAWN BY: FJS
 CHECKED BY: OED
 SCALE: AS NOTED
 DATE: 01/12/2017



Appendix A: DSL Concurrence Letter
WD#2015-0127



Oregon

Kate Brown, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

June 23, 2015

State Land Board

Ann Miller
1009 Ninth Street
West Linn, OR 97068

Kate Brown
Governor

Jeanne P. Atkins
Secretary of State

Re: WD #2015-0127 Wetland Delineation Report for a Proposed
Residential Development, Clackamas County;
T 3S R 1E S 2AC Tax Lot 1205
City of West Linn Local Wetlands Inventory, Wetland WI-02

Ted Wheeler
State Treasurer

Dear Ms. Miller:

The Department of State Lands has reviewed the wetland delineation report prepared by AKS Engineering & Forestry, LLC for the site referenced above. Based upon the information presented in the report, we concur with the wetland boundaries as mapped in Figure 5 of the report. Within the study area, one wetland (totaling approximately 1.58 acres) was identified. The wetland is subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands.

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The Army Corps of Engineers will review the report and make a determination of jurisdiction for purposes of the Clean Water Act at the time that a permit application is submitted. We recommend that you attach a copy of this concurrence letter to both copies of any subsequent joint permit application to speed application review.


Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the

Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. Please phone me at 503-986-5232 if you have any questions.

Sincerely,

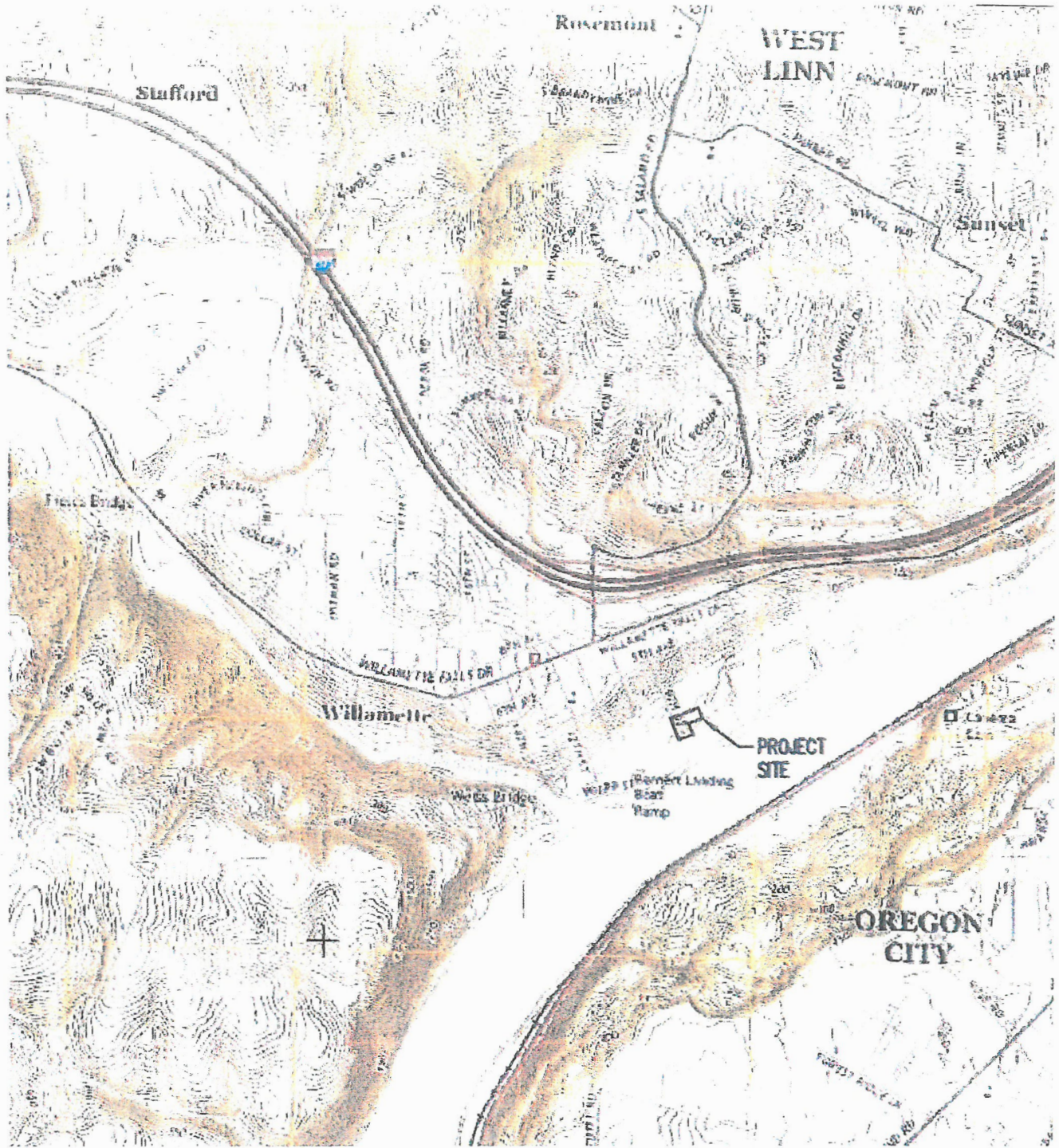

Peter Ryan, PWS
Jurisdiction Coordinator

Approved by 
Kathy Verble, CPSS
Aquatic Resource Specialist

Enclosures

ec: Stacey Reed, AKS Engineering & Forestry, LLC
City of West Linn Planning Department (Map enclosed for updating LWI)
Dominic Yballe, Corps of Engineers
Anita Huffman, DSL

WA# 2015-0127

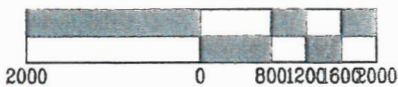


USGS 7.5' TOPOGRAPHIC CANBY
QUADRANGLE: CANBY, OR (2014)



— PROJECT SITE

SCALE 1" = 2000 FEET



DATE: 3/16/2015

FIGURE 1: VICINITY MAP
MILLER PROPERTY WETLAND DELINEATION

AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD SUITE 100
 TUALATIN, OR 97062 www.aks-eng.com
 PHONE: 503.563.6151 FAX: 503.563.6152

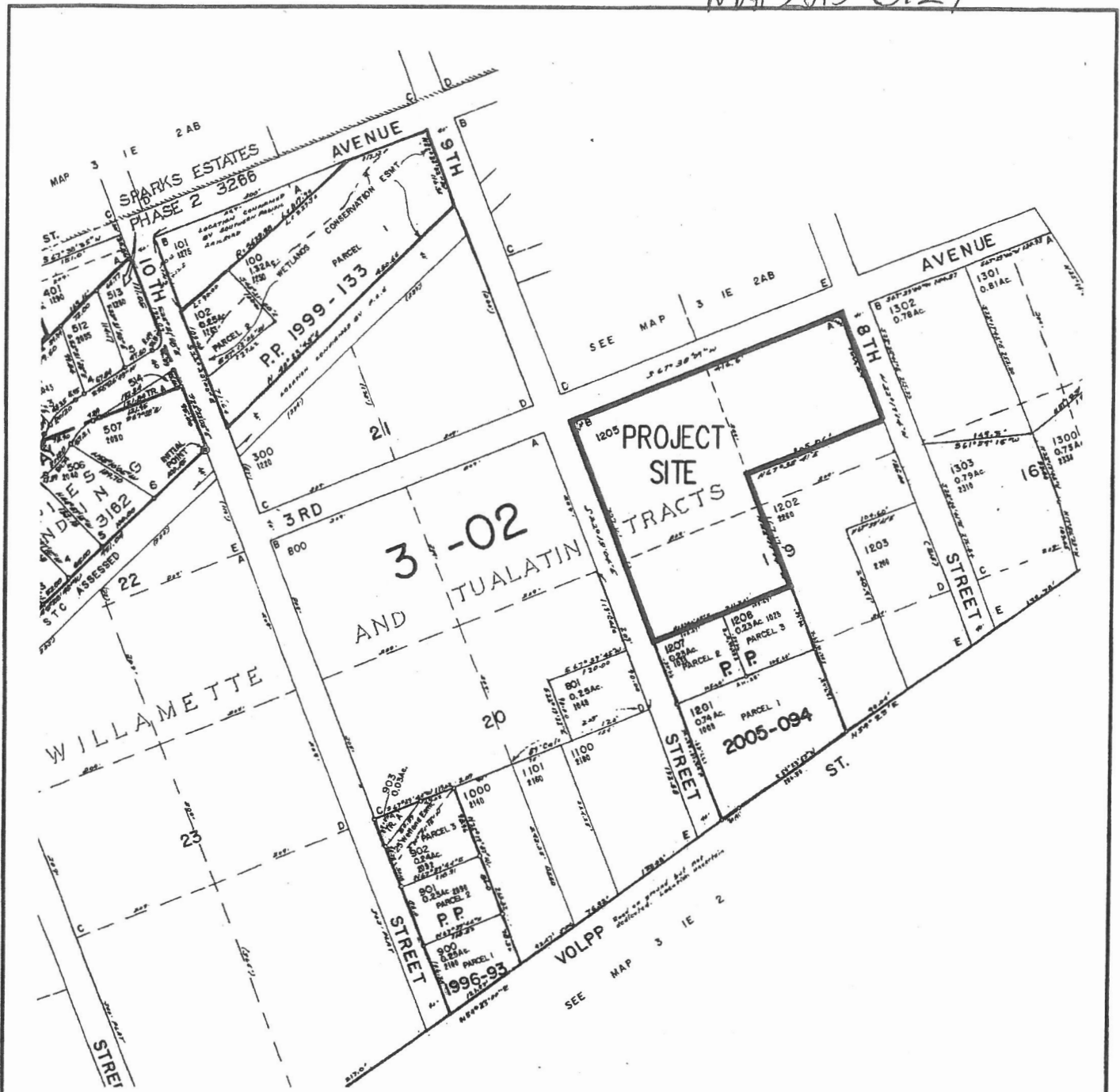


FIGURE
1

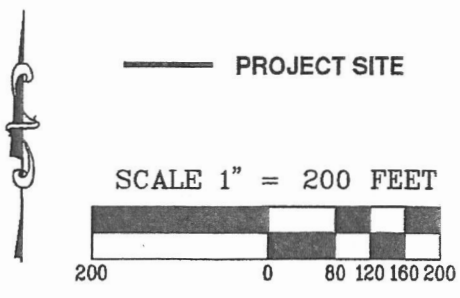
DRWN: SRP
CHKD: AHH

AKS JOB:
4424

WA#2015-0127



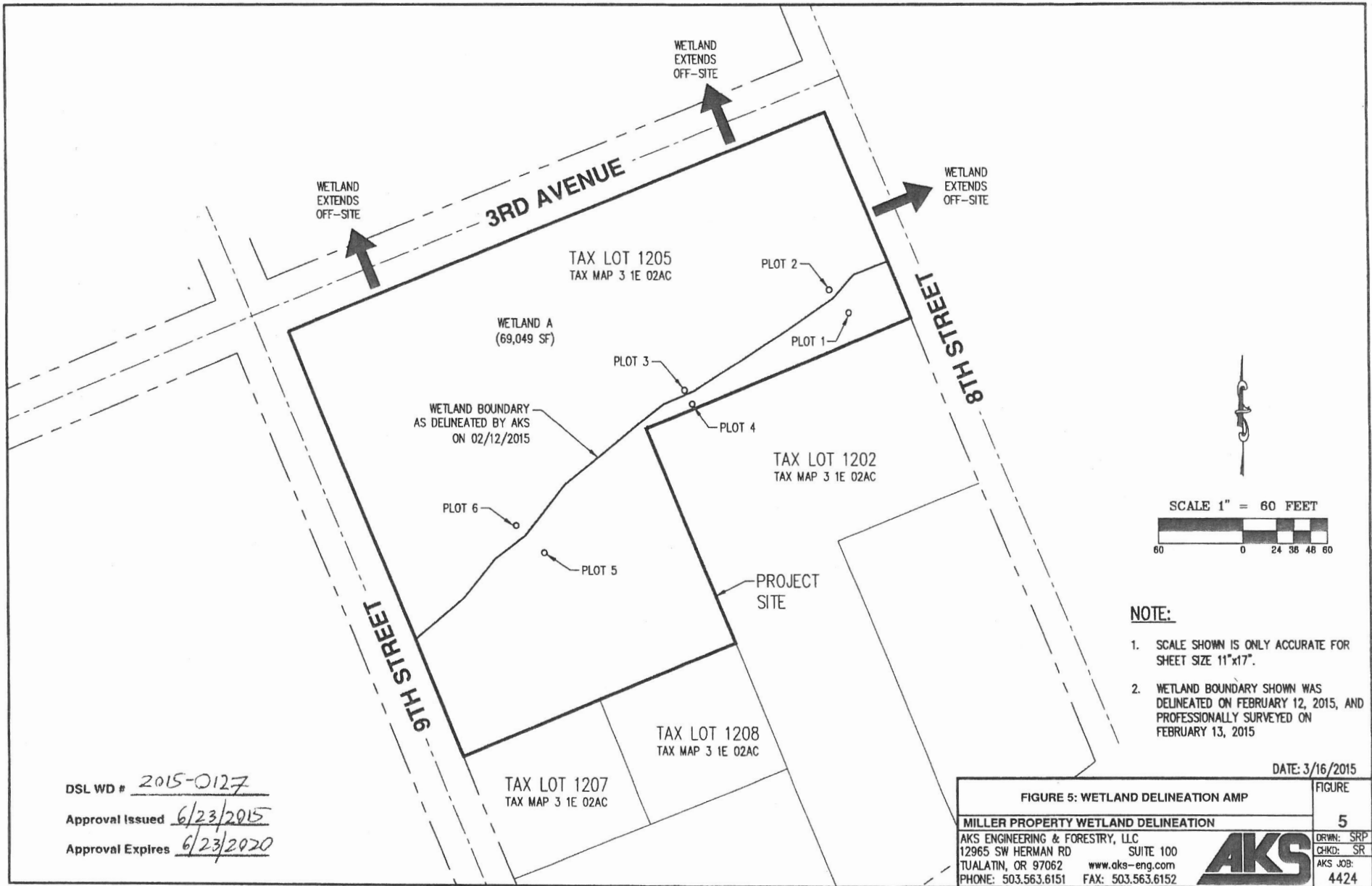
CLACKAMAS COUNTY ASSESSOR'S MAP
 TAX LOT 1205 TAX MAP 3 1E 02AC



DATE: 3/16/2015

FIGURE 2: TAX LOT MAP MILLER PROPERTY WETLAND DELINEATION		FIGURE 2
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD SUITE 100 TUALATIN, OR 97062 www.aks-eng.com PHONE: 503.563.6151 FAX: 503.563.6152		DRWN: SRP CHKD: AHH AKS JOB: 4424





DSL WD # 2015-0127
 Approval Issued 6/23/2015
 Approval Expires 6/23/2020

Appendix B: VECO Data Sheet (VECO Plot A)

WRA Condition Assessment for City of West Linn Natural Resource Assessment

Site:	<u>1059 Ninth Street West Linn</u>		
Job Number:	<u>5642</u>		
Investigators:	<u>Lindsey Obermiller</u>		
Date:	<u>December 19, 2016</u>		
Community: Non-native/invasive grass and forb field			
Location: Northeast portion of the site			
Plot ID: VECO Plot A			
Tree species, % Cover, Native, Invasive - 30 foot radius, >5% cover:			0%
Shrub species, % Cover, Native, Invasive - 30 foot radius, >5% cover:			15%
* <i>Corylus cornuta</i>	beaked hazelnut	<i>native</i>	10%
* <i>Rubus armeniacus</i>	Himalayan blackberry	<i>invasive</i>	5%
Herb Species, % Cover, Native, Invasive - 10 foot radius, >5% cover:			90%
* <i>Alopecurus pratensis</i>	field meadow-foxtail	<i>non-native</i>	25%
* <i>Schedonorus arundinaceus</i>	tall false rye grass	<i>non-native</i>	25%
* <i>Agrostis capillaris</i>	colonial bent	<i>non-native</i>	20%
<i>Leucanthemum vulgare</i>	ox-eye daisy	<i>non-native</i>	10%
<i>Cirsium arvense</i>	Canadian thistle	<i>invasive</i>	5%
<i>Daucus carota</i>	Queen Anne's-lace	<i>non-native</i>	5%
* Dominant			Total Cover 105%
Absolute areal cover			
% Tree canopy:	0%		
% Cover by natives:	10%		
% Invasive:	10%		
% Non-native:	85%		
	105%		
Corridor Condition:	Degraded		

Appendix C: Representative Photographs



Photo A. View northwest of *degraded condition* WRA (foreground) lacking any canopy cover and wetland (background). Ninth Street abutting in the west.



Photo B. View north of wetland boundary (background) and *degraded condition* WRA (foreground) lacking canopy cover.



Photo C. View west of *degraded condition* WRA lacking canopy cover.



Photo D. View southeast of *degraded condition* WRA, including paved private drive easement (background).



Appendix D: WRA Mitigation Enhancement Planting Specifications

1059 Ninth Street West Linn –

Water Resource Area (WRA) Mitigation Enhancement Planting Specifications

Planting specifications for the upland enhancement of 3,349 square feet of WRA mitigation area, including temporarily impacted areas.

Scientific Name	Common Name	Size*	Spacing/Seeding Rate	Quantity
Trees (total 34)				
<i>Alnus rubra</i>	red alder	1 gallon	8-12 feet on center	12
<i>Prunus emarginata</i>	bitter cherry	1 gallon	8-12 feet on center	11
<i>Thuja plicata</i>	western red cedar	1 gallon	8-12 feet on center	11
Shrubs (total 168)				
<i>Holodiscus discolor</i>	oceanspray	1 gallon	4-5 feet on center	33
<i>Mahonia nervosa</i>	Cascade Oregon-grape	1 gallon	4-5 feet on center	34
<i>Ribes sanguineum</i>	red-flowering currant	1 gallon	4-5 feet on center	34
<i>Sambucus racemosa</i>	red elderberry	1 gallon	4-5 feet on center	33
<i>Symphoricarpos albus</i>	snowberry	1 gallon	4-5 feet on center	34
Seed Mix				
<i>Agrostis exarata</i>	spike bent grass	seed	1 lb pls/acre	As needed for bare-soil areas >25 square feet
<i>Deschampsia elongata</i>	slender hair grass	seed	2 lbs pls/acre	

**Bare-root plants may be substituted for container plants based on availability. If bare-root plants are used, they must be planted during the late winter/early spring dormancy period.*

Planting Notes (per City of West Linn Community Development Code (CDC) Chapter 32, Water Resource Area Protection, Section 32.100, Re-Vegetation Plan Requirements):

- 1) Plantings should preferably be installed between December 1 and February 28 for bare roots and seeds and between October 15 and April 30 for containers.
- 2) Tree plantings must be at least 0.5 inches in caliper measured at 6 inches above the ground level or soil line. Shrub plantings must be in at least a 1-gallon container, or the equivalent in ball and burlap, and must be at least 12 inches in height. All plantings must be selected from the Portland Plant List.
- 3) All non-native, invasive, or noxious vegetation shall be removed from mitigation/planting areas prior to installing native enhancement plantings. Invasive species control shall continue throughout the maintenance period.
- 4) Irrigation may be necessary for the survival of the vegetated corridor enhancement plantings. Irrigation or other water practices (i.e., polymer plus watering) are recommended during the three-year monitoring period following planting. Watering shall be provided at a rate of at least 1 inch per week between June 15 and October 15.
- 5) Plantings shall be mulched a minimum of 3 inches in depth and 18 inches in diameter to retain moisture and discourage weed growth around newly installed plant material.
- 6) Tree and shrub plantings shall be protected from wildlife damage (e.g., beaver, nutria, deer) by installing plant sleeves or fencing around newly installed plantings.

-
- 7) When weather or other conditions prohibit planting according to schedule, the applicant will ensure that disturbed areas are correctly protected with erosion control measures and provide the City with funds in the amount of 125% of a bid from a recognized landscaper or nursery to cover the cost of the plant materials, installation, and any follow-up maintenance. Once the planting conditions are favorable, the applicant will proceed with the plantings and receive the funds back from the City upon completion, or the City will complete the plantings using those funds.

Maintenance and Monitoring Plan

- 1) **Monitoring and Reporting:** The City requires a three-year maintenance period for the WRA mitigation enhancement area. Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die must be replaced in kind.
- 2) **Plant Survival:** The City's success criterion for WRA enhancement is 80% survival of tree and shrub plantings expected by the third anniversary of the date the mitigation planting was installed. If any mortality is noted on the site, the factor likely to have caused mortality of the plantings is to be determined and corrected if possible. If survival falls below 80% at any time during the three-year maintenance period, the plantings shall be replaced and other corrective measures, such as mulching or irrigation, may need to be implemented.

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name Creekside Homes				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1059 9th Street				Company NAIC Number:	
City West Linn		State Oregon		ZIP Code 97068	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Parcel 1, Partition Plat No. 2016-015, Clackamas County Plat Records, City of West Linn, Oregon					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Residential</u>					
A5. Latitude/Longitude: Lat. <u>45.34157</u> Long. <u>-122.64653</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number <u>8</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>1,336</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>19</u>					
c) Total net area of flood openings in A8.b <u>1,387</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
A9. For a building with an attached garage:					
a) Square footage of attached garage <u>624</u> sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>9</u>					
c) Total net area of flood openings in A9.b <u>666</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number CLACKAMAS COUNTY 415588			B2. County Name Clackamas		B3. State Oregon
B4. Map/Panel Number 41005C0259	B5. Suffix D	B6. FIRM Index Date	B7. FIRM Panel Effective/ Revised Date 06/16/2008	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 75.1
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input checked="" type="checkbox"/> FIS Profile <input type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1059 9th Street			Policy Number:
City West Linn	State Oregon	ZIP Code 97068	Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO.
Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: NGS #RD1501 Vertical Datum: NAVD 88

Indicate elevation datum used for the elevations in items a) through h) below.

NGVD 1929 NAVD 1988 Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

Check the measurement used.

- | | | | |
|---|-------|--|---------------------------------|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor) | 71.2 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| b) Top of the next higher floor | 76.1 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| c) Bottom of the lowest horizontal structural member (V Zones only) | _____ | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| d) Attached garage (top of slab) | 71.0 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| e) Lowest elevation of machinery or equipment servicing the building
(Describe type of equipment and location in Comments) | 71.0 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| f) Lowest adjacent (finished) grade next to building (LAG) | 69.8 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| g) Highest adjacent (finished) grade next to building (HAG) | 71.5 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support | 71.1 | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No Check here if attachments.

Certifier's Name ROB RETTIG	License Number 60124LS	<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p style="margin: 0;">REGISTERED PROFESSIONAL LAND SURVEYOR</p> </div> <div style="border: 1px solid black; padding: 5px;"> <p style="margin: 0; text-align: center;">OREGON JANUARY 11, 2005 ROBERT D. RETTIG 60124LS RENEWS: 12/31/18</p> </div>
Title LAND SURVEYOR		
Company Name AKS ENGINEERING & FORESTRY, LLC.		
Address 12965 SW HERMAN ROAD, SUITE 100		
City TUALATIN	State Oregon	ZIP Code 97062
Signature 	Date 01/16/2017	Telephone (503) 563-6151

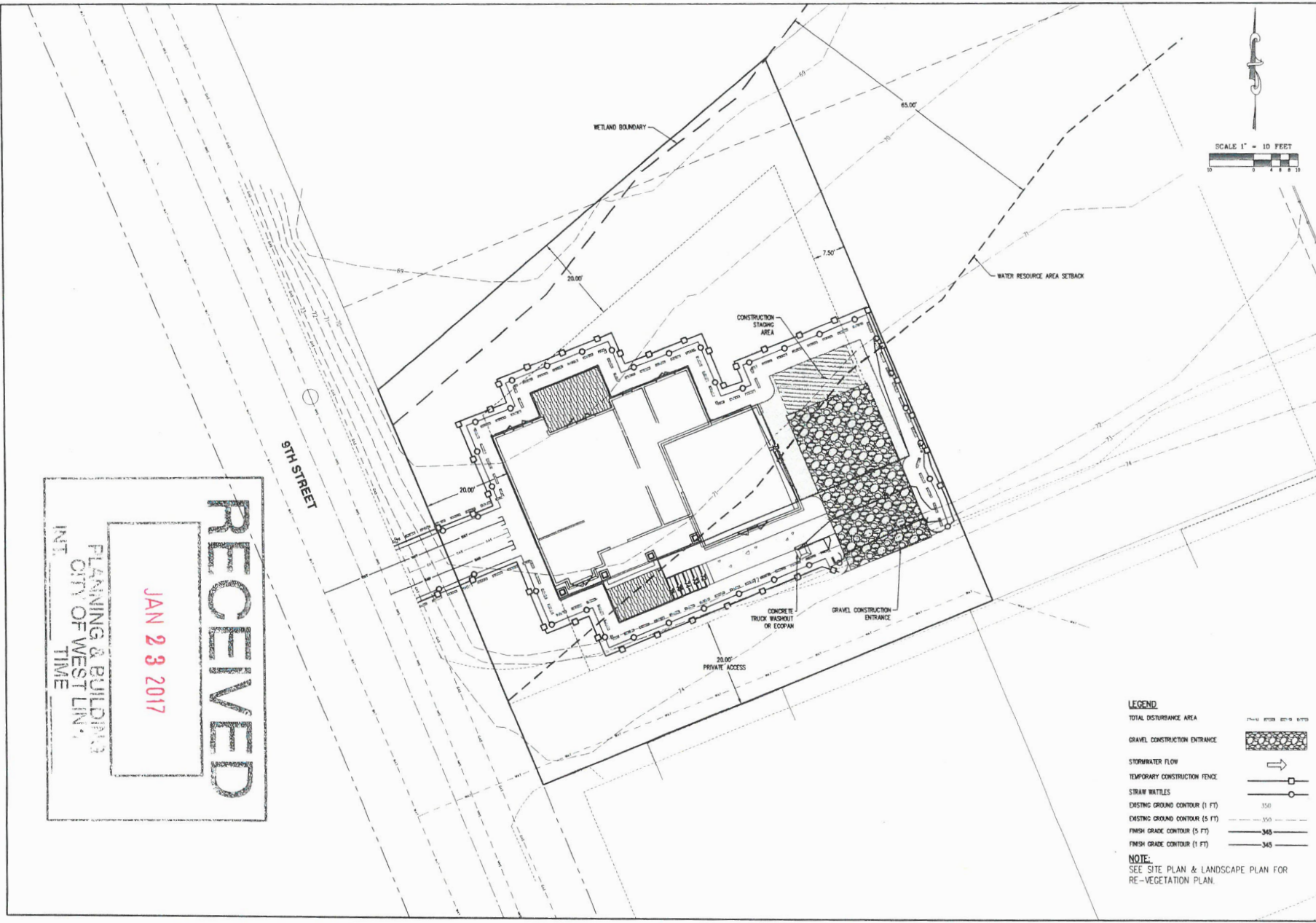
Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)
Elevation listed for item C2(e) refers to a water heater at garage floor level. Flood vents to be installed are standard plastic vents with a net opening of 73 square inches per vent, per Non-engineered Opening Guide, Vol. 2/November 2015.

RECEIVED

JAN 23 2017

PLANNING & BUILDING
CITY OF WEST LINN,
INT.



- LEGEND**
- TOTAL DISTURBANCE AREA
 - GRAVEL CONSTRUCTION ENTRANCE
 - STORMWATER FLOW
 - TEMPORARY CONSTRUCTION FENCE
 - STRAW MATS
 - EXISTING GROUND CONTOUR (1 FT)
 - EXISTING GROUND CONTOUR (5 FT)
 - FINISH GRADE CONTOUR (5 FT)
 - FINISH GRADE CONTOUR (1 FT)

NOTE:
SEE SITE PLAN & LANDSCAPE PLAN FOR RE-VEGETATION PLAN.

AKS

AKS ENGINEERING & FORESTRY, LLC
1000 10TH STREET, SUITE 100
WEST LINN, OREGON 97141
P: 503.864.8100
F: 503.864.8101
WWW.AKS-ENG.COM

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

1059 9TH STREET
WEST LINN
140 LOT 1.020

OREGON

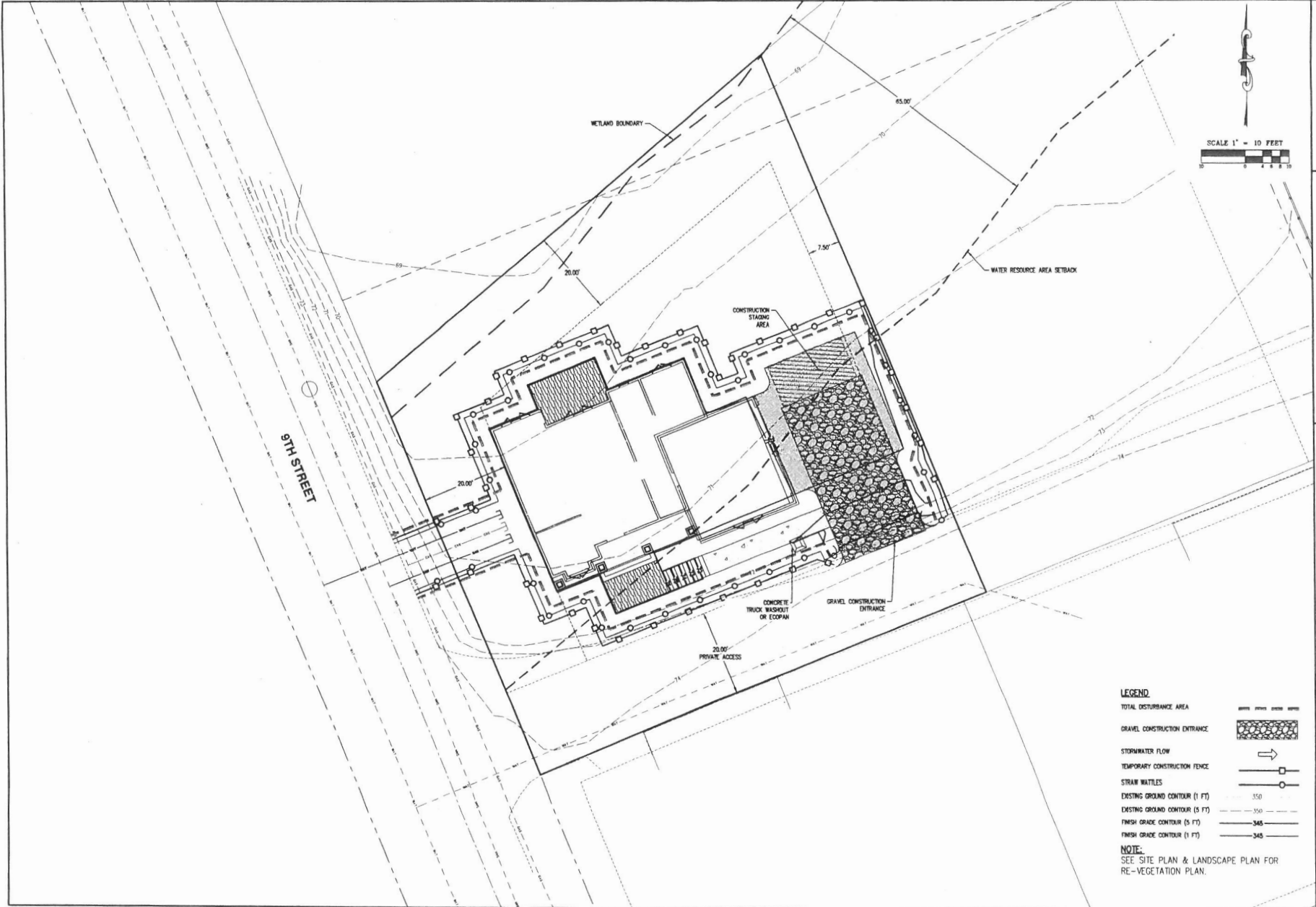
**CONSTRUCTION
MANAGEMENT PLAN**

DESIGNED BY: F.Z.S.
DRAWN BY: C.R.E.
CHECKED BY: AS NOTED
DATE: 01/12/2017

JOB NUMBER
5642

FIGURE
C1

DATE PLOTTED: 01/12/2017 10:58:11 AM



- LEGEND**
- TOTAL DISTURBANCE AREA
 - GRAVEL CONSTRUCTION ENTRANCE
 - STORMWATER FLOW
 - TEMPORARY CONSTRUCTION FENCE
 - STRAW WATLES
 - EXISTING GROUND CONTOUR (1 FT)
 - EXISTING GROUND CONTOUR (5 FT)
 - FINISH GRADE CONTOUR (5 FT)
 - FINISH GRADE CONTOUR (1 FT)

NOTE:
SEE SITE PLAN & LANDSCAPE PLAN FOR RE-VEGETATION PLAN.

AKS
AKS ENGINEERING & FORESTRY, LLC
12945 SW HEDMAN RD, STE. 100
PORTLAND, OREGON 97224
P: 503.564.7062
F: 503.564.8152
aks@aks.com

1059 9TH STREET
WEST LINN
OREGON
CLATSOP COUNTY TAX MAP 3, 1E, 24C
TAX LOT 1205

CONSTRUCTION MANAGEMENT PLAN

DESIGNED BY: FJS
DRAWN BY: CEJ
CHECKED BY: CEJ
SCALE: AS NOTED
DATE: 01/12/2017

SUBGROUP:

JOB NUMBER
5642

FIGURE
C1

PARTITION PLAT

A REPLAT OF LOT B AND PORTIONS OF LOTS A, C, AND D OF BLOCK 19 OF THE PLAT OF "WILLAMETTE & TUALATIN TRACTS" (PLAT NO. 198), LOCATED IN THE NORTHEAST 1/4 OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON
OCTOBER 19, 2015

NARRATIVE

THE PURPOSE OF THIS REPLAT WAS TO PARTITION THAT PROPERTY DESCRIBED IN DOCUMENT NUMBER 2003-164700 INTO PARCELS AS SHOWN HEREON, PER CITY OF WEST LINN PLANNING AND DEVELOPMENT FILE NO. LLA-15-02. THE BASIS OF BEARINGS IS PER PARTITION PLAT NUMBER 2005-094, AS SHOWN HEREON.

THE NORTH LINE OF ADJOINING PARCELS 2 AND 3 OF PARTITION PLAT NUMBER 2005-094 WAS ESTABLISHED BY HOLDING THE FOUND ORIGINAL DEED MONUMENT AT THE NORTHEAST CORNER OF SAID PARCEL 3 PER SURVEY NUMBER 2003-311 AND ESTABLISHED THE NORTHWEST CORNER OF SAID PARCEL 2 OF SAID PARTITION PLAT BY HOLDING RECORD BEARING AND DISTANCE FROM SAID NORTHEAST CORNER OF PARCEL 3 WHICH AGREES WITH RECORD DISTANCE TO THE FOUND MONUMENT AT THE SOUTHWEST CORNER OF SAID PARCEL 2 OF PARTITION PLAT NUMBER 2005-094.

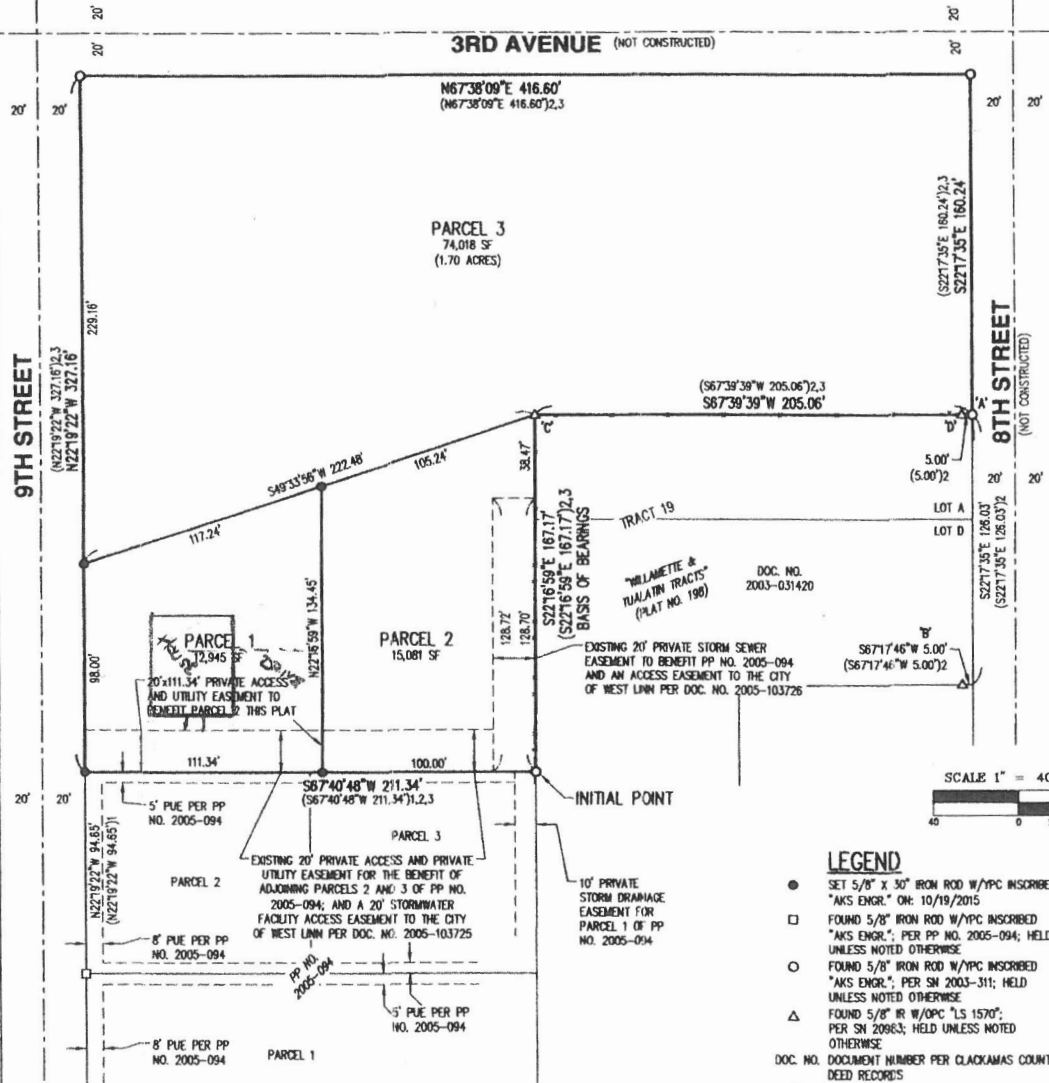
THE EAST RIGHT-OF-WAY LINE OF 9TH STREET WAS ESTABLISHED BY HOLDING THE FOUND MONUMENT AT THE SOUTHEAST CORNER OF THE INTERSECTION OF 9TH STREET AND 3RD AVENUE PER SURVEY NUMBER 2003-311 WITH THE FOUND MONUMENT AT THE SOUTHWEST CORNER OF PARCEL 2 OF PARTITION PLAT NUMBER 2005-094. THESE MONUMENTS ARE THE BEST EVIDENCE OF THIS RIGHT-OF-WAY DEDICATION PER SUBJECT PLAT.

THE SOUTH RIGHT-OF-WAY LINE OF 3RD AVENUE WAS ESTABLISHED BY HOLDING THE FOUND MONUMENTS AT THE NORTHWEST AND NORTHEAST CORNERS OF BLOCK 19 PER SURVEY NUMBER 2003-311. THIS IS BEST EVIDENCE OF THIS RIGHT-OF-WAY PER SAID PLAT. SURVEY NUMBER 2003-311 PRESERVES HISTORIC MONUMENTS SET IN SURVEY NUMBER 20983.

THE WEST RIGHT-OF-WAY LINE OF 8TH STREET WAS ESTABLISHED BY HOLDING SAID MONUMENT AT THE NORTHEAST CORNER OF BLOCK 19 PER SURVEY NUMBER 2003-311 WITH THE FOUND MONUMENT AT 'A' PER SURVEY NUMBER 2003-311 WITH THE FOUND MONUMENT ON A RECORD 5.00 FOOT OFFSET AT 'B' PER SURVEY NUMBER 20983. THIS IS BEST EVIDENCE OF THIS RIGHT-OF-WAY PER SAID PLAT. SURVEY NUMBER 2003-311 PRESERVES HISTORIC MONUMENTS SET IN SURVEY NUMBER 22078.

THE NORTHERLY LINE OF ADJOINING TRACT DOCUMENT NUMBER 2003-031420 WAS ESTABLISHED BY HOLDING SAID MONUMENT AT 'A' PER SURVEY NUMBER 2003-311 WITH ORIGINAL PARTITION SURVEY MONUMENTS 'C' AND 'D' PER SURVEY NUMBER 20983.

THE WESTERLY LINE OF DOCUMENT NUMBER 2003-311 WAS ESTABLISHED BY HOLDING SAID MONUMENT AT 'C' PER SURVEY NUMBER 20983 AND THE ORIGINAL DEED MONUMENT AT THE NORTHEAST CORNER OF PARCEL 3 OF PARTITION PLAT NUMBER 2005-094 PER ADJUSTMENT SURVEY NUMBER 2003-311.



- ### LEGEND
- SET 5/8" x 30" IRON ROD W/YPC INSCRIBED "AKS ENGR." ON: 10/19/2015
 - FOUND 5/8" IRON ROD W/YPC INSCRIBED "AKS ENGR.", PER PP NO. 2005-094; HELD UNLESS NOTED OTHERWISE
 - FOUND 5/8" IRON ROD W/YPC INSCRIBED "AKS ENGR.", PER SN 2003-311; HELD UNLESS NOTED OTHERWISE
 - △ FOUND 5/8" IR W/OPC "LS 1570"; PER SN 20983; HELD UNLESS NOTED OTHERWISE
- DOC. NO. DOCUMENT NUMBER PER CLACKAMAS COUNTY DEED RECORDS
- IP IRON PIPE
- IR IRON ROD
- W/OPC WITH AN ORANGE PLASTIC CAP
- W/YPC WITH A YELLOW PLASTIC CAP
- PP NO. PARTITION PLAT NUMBER PER CLACKAMAS COUNTY SURVEY RECORDS
- SN SURVEY NUMBER PER CLACKAMAS COUNTY SURVEY RECORDS
- PUE PUBLIC UTILITY EASEMENT
- (1) RECORD INFORMATION PER PP NO. 2005-094
- (2) RECORD INFORMATION PER SN 2003-311
- (3) RECORD INFORMATION PER DOC. NO. 2003-164700

PREPARED FOR
ANN D. MILLER
1009 9TH STREET
WEST LINN, OR 97068

CITY OF WEST LINN PLANNING AND DEVELOPMENT FILE NO. LLA-15-02

01-18-16
REGISTERED PROFESSIONAL LAND SURVEYOR
ROBERT O. BETTING
601245
RENEWS: 12/31/16

JOB NAME:	MILLER PROP.	AKS ENGINEERING AND FORESTRY, LLC 12965 SW HERMAN RD SUITE 100 TUALATIN, OR 97062 PHONE: 503.563.8151 FAX: 503.563.8152
JOB NUMBER:	968	
DRAWN BY:	MSK	
CHECKED BY:	RDR	
DRAWING NO.:	968PARTITION	ENGINEERING · PLANNING · SURVEYING FORESTRY · LANDSCAPE ARCHITECTURE

Approval Criteria Narrative Response

WRA Permit

FMA Permit

WRG Permit

WRA Permit responses to CDC Chapter 32.060

- A. Care will be taken to conduct development in a manner that will avoid adverse impact on WRA. There are no trees of significance on the property. Only typical native grasses which will remain mostly intact outside of the building footprint until landscaping is done at which point the Portland Plant List will be used as a guide for selection of shrubs and trees.
- B. This development will not be adding impact to any storm water facilities. Provision will be made on site to contain storm water displaced by roof through a soakage trench. No culverts or additional piping will be required for development that will redirect any storm water from surrounding area.
- C. Not applicable—Repealed by Ord. 1647
- D. WRA is 65' wide from bankfull stage.
- E. No Driveway or new road will be installed as a part of this development within the WRA.
- F. No Passive recreation is included in our plan for development.
- G. No piped stream sections will be daylighted on this development.
- H. Various measures will be taken to reduce impact on surrounding habitat such as, containing water run-off, keeping house close to existing paved drive for minimal flatwork, pervious hardscapes, use of shared driveway, use of multi-story design to reduce footprint.

FMA Permit responses to CDC Chapter 27.060

- A. The impact of flood storage for this development will not increase design flood elevations.
- B. There will not be a net increase in fill material. Diggings from site excavation will be held to a minimum and then will be used for backfill and grading on site.
- C. Because the slope of the property tends to the north towards the wetland area, there will be no negative impact on neighboring properties from the grading and backfill work on this development.
- D. The 100 yr flood plain elevation on this location is set at 75.5'. The finished floor height will net a minimum of 76.5' to maintain 1' above flood plain.
- E. All soil excavated on site will be used on site.
- F. Development will be kept out of flood way.
- G. Vents will be included in the foundation walls to allow water to flow out from under crawl space due to being within flood plain.
- H. No bridges or culverts are proposed.
- I. No levees will be incorporated into design.
- J. Necessary permits will be obtained.

Chapter 27.080

- A. New floor will be placed at 76.5' or higher.
- B. Building plans submitted for construction permit will contain measures suitable to allow for proper drainage.

Approval Criteria Narrative Response

WRA Permit

FMA Permit

WRG Permit

- C. Drain rock will be placed on building pad to allow for relief of hydrostatic pressure under crawlspace. Duct work will be protected from flood waters. No mechanical equipment will be installed in the crawl space.
- D. The home will have a crawl space.
- E. Standard foundation wall above footings will be used.

WRG Permit responses to CDC Chapter 28.110

- A. Site qualifies for construction. There are no trees with which to contend.
- B. Site qualifies as "Habitat and Impact Areas Not Designated as HCAs"
- C. There is no steep bank from which to setback.
- D. Proposed Development is residential.
- E. Proposed Development conforms to standards set forth.
- F. Property is not along river or other navigable water way and will have no access or property right concerns involving this development.
- G. Proposed development is residential.
- H. Property has already been successfully partitioned sufficiently and this development does not propose further partitions.
- I. Proposed development is not water dependent.
- J. Proposed development is not a dock.
- K. Proposed development is not a dock.
- L. Proposed Development is residential.
- M. Home will not be constructed of bright, shiny, reflective, materials.
- N. Hardscapes may be constructed of permeable material.
- O. No signs installed will be visible from either the Willamette River or the Tualitin River.
- P. No lighting installed on home will be visible from either river of concern.
- Q. No parking will be visible from river.
- R. No views from viewpoints will be obstructed.
- S. No aggregate deposits will be performed in the river.
- T. No change to grading will be performed along a bank of the river.
- U. No significant change to existing vegetation is being proposed with this application.

RECEIVED

MAR 09 2017

PLANNING & BUILDING
CITY OF PORTLAND

Conference Project: MORGAN HILL RESIDENTIAL

Phone Subject: FLOOD VENT AREA

Field With: _____

Memo To: ANDREW

Job Observation Weather Condition: _____

Distribution: CREEKSIDE HOUSE

Job No.: 17-091

Date: MAR 2017

Time: _____

By: BWK

BASEMENT AREA 1293 S.F.

FLOOD VENT REQUIREMENT 1 SQ IN / 1 SQ FT AREA

∴ 1293 SQ IN VENT REQ'D.

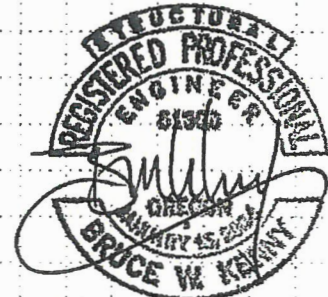
STD 7 1/2 x 18 1/2 VENT PROVIDES 100 SQ IN
NET FREE AREA $n = 1293 / 100 = 12.93$

∴ CRAWL SPACE REQUIRES 13 VENTS

GARAGE AREA 531 S.F.

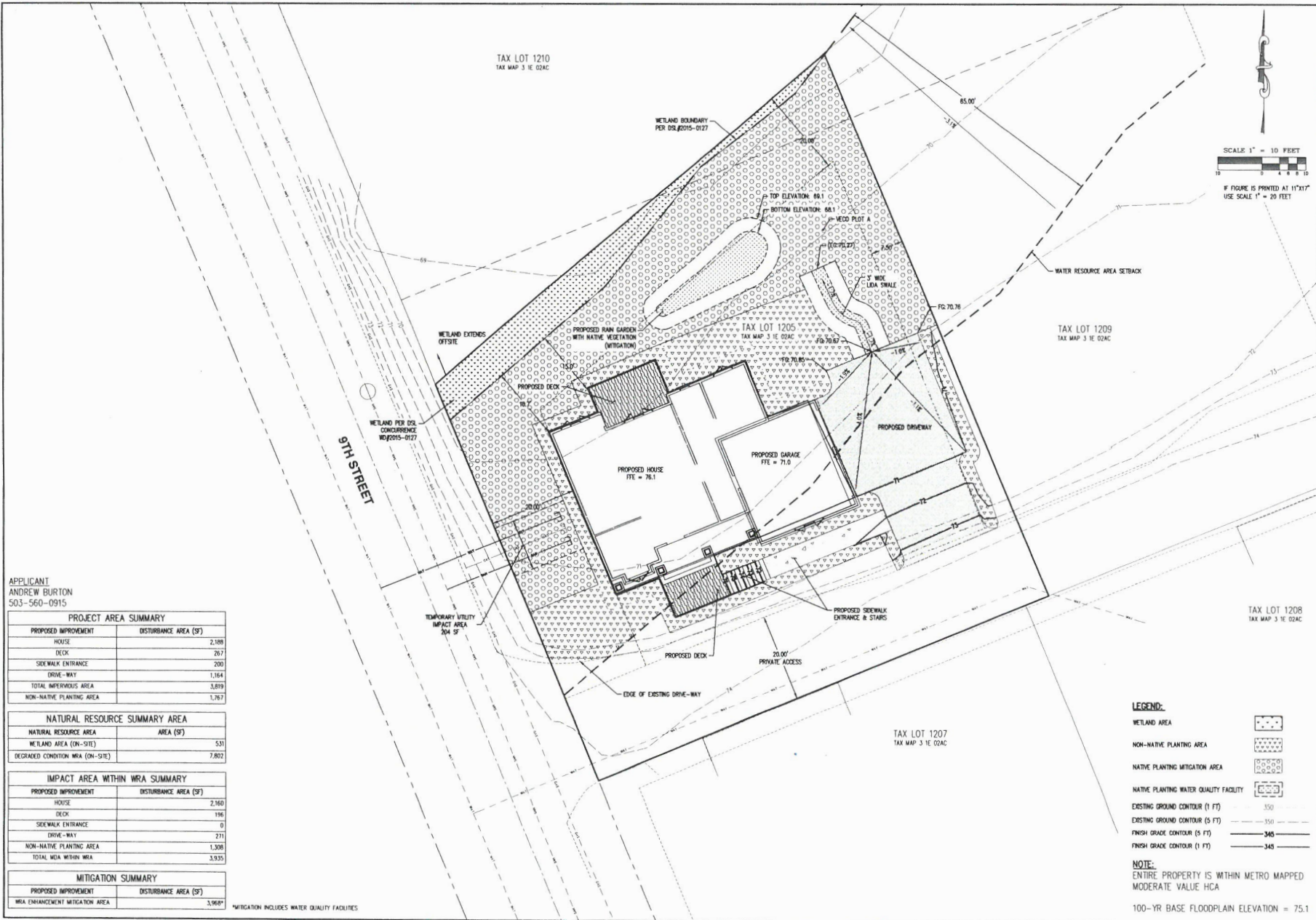
$n = 531 / 100 = 5.3$

∴ GARAGE REQUIRES MIN 5 VENTS



RENEWAL DATE: 6/30/17

Need
2-14-17



SCALE 1" = 10 FEET
IF FIGURE IS PRINTED AT 11"x17"
USE SCALE 1" = 20 FEET

AKS
AKS ENGINEERING & FORESTRY, LLC
12085 SW HERMAN RD. STE. 100
PORTLAND, OREGON 97224
P: 503.246.6151
F: 503.246.6152
WWW.AKS-OR.COM

ENGINEERING SURVEYING NATURAL RESOURCES
FORESTRY PLANNING LANDSCAPE ARCHITECTURE
OREGON
CLATSOP COUNTY TAX MAP 3, 1E, 2AC
WEST LINN
TAX LOT 1205
1059 9TH STREET

SITE PLAN

APPLICANT
ANDREW BURTON
503-560-0915

PROJECT AREA SUMMARY	
PROPOSED IMPROVEMENT	DISTURBANCE AREA (SF)
HOUSE	2,189
DECK	267
SIDEWALK ENTRANCE	200
DRIVE-WAY	1,164
TOTAL IMPERVIOUS AREA	3,819
NON-NATIVE PLANTING AREA	1,767

NATURAL RESOURCE SUMMARY AREA	
NATURAL RESOURCE AREA	AREA (SF)
WETLAND AREA (ON-SITE)	531
DEGRADED CONDITION WRA (ON-SITE)	7,802

IMPACT AREA WITHIN WRA SUMMARY	
PROPOSED IMPROVEMENT	DISTURBANCE AREA (SF)
HOUSE	2,160
DECK	196
SIDEWALK ENTRANCE	0
DRIVE-WAY	271
NON-NATIVE PLANTING AREA	1,308
TOTAL WRA WITHIN WRA	3,935

MITIGATION SUMMARY	
PROPOSED IMPROVEMENT	DISTURBANCE AREA (SF)
WRA ENHANCEMENT MITIGATION AREA	3,969*

*MITIGATION INCLUDES WATER QUALITY FACILITIES

LEGEND:

- WETLAND AREA
- NON-NATIVE PLANTING AREA
- NATIVE PLANTING MITIGATION AREA
- NATIVE PLANTING WATER QUALITY FACILITY
- EXISTING GROUND CONTOUR (1 FT)
- EXISTING GROUND CONTOUR (5 FT)
- FINISH GRADE CONTOUR (5 FT)
- FINISH GRADE CONTOUR (1 FT)

NOTE:
ENTIRE PROPERTY IS WITHIN METRO MAPPED
MODERATE VALUE HCA

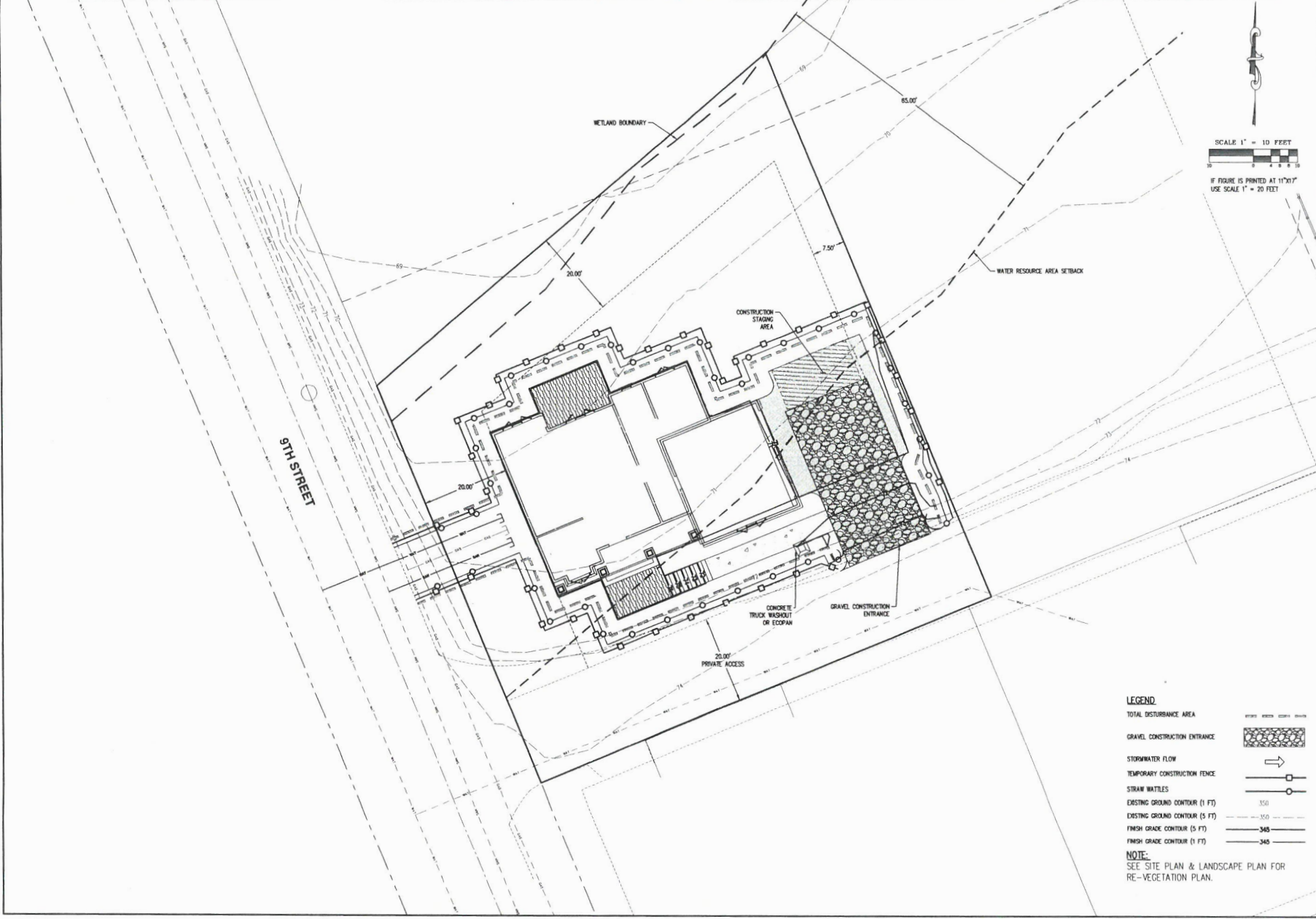
100-YR BASE FLOODPLAIN ELEVATION = 75.1

DESIGNED BY: _____
DRAWN BY: FJS
CHECKED BY: CEG
SCALE: AS NOTED
DATE: 01/12/2017

JOB NUMBER
5642
FIGURE
7

AKS ENGINEERING & FORESTRY, LLC SITE PLAN (LAYOUT)

NEED
2-14-17



SCALE 1" = 10 FEET
IF FIGURE IS PRINTED AT 11"X17" USE SCALE 1" = 20 FEET

LEGEND

TOTAL DISTURBANCE AREA	
GRAVEL CONSTRUCTION ENTRANCE	
STORMWATER FLOW	
TEMPORARY CONSTRUCTION FENCE	
STRAW BATTLES	
EXISTING GROUND CONTOUR (1 FT)	
EXISTING GROUND CONTOUR (5 FT)	
FINISH GRADE CONTOUR (5 FT)	
FINISH GRADE CONTOUR (1 FT)	

NOTE:
SEE SITE PLAN & LANDSCAPE PLAN FOR RE-VEGETATION PLAN.

AKS
AKS ENGINEERING & FORESTRY, LLC
1700 S.W. HOSMAN RD. STE 100
WEST LINN, OREGON 97146
P: 503.362.6151
F: 503.362.6152
WWW.AKS-LLC.COM

1059 9TH STREET
WEST LINN
OREGON
CLATSOP COUNTY TAX MAP 3, 1E 24C
TAX LOT 1205

**CONSTRUCTION
MANAGEMENT PLAN**

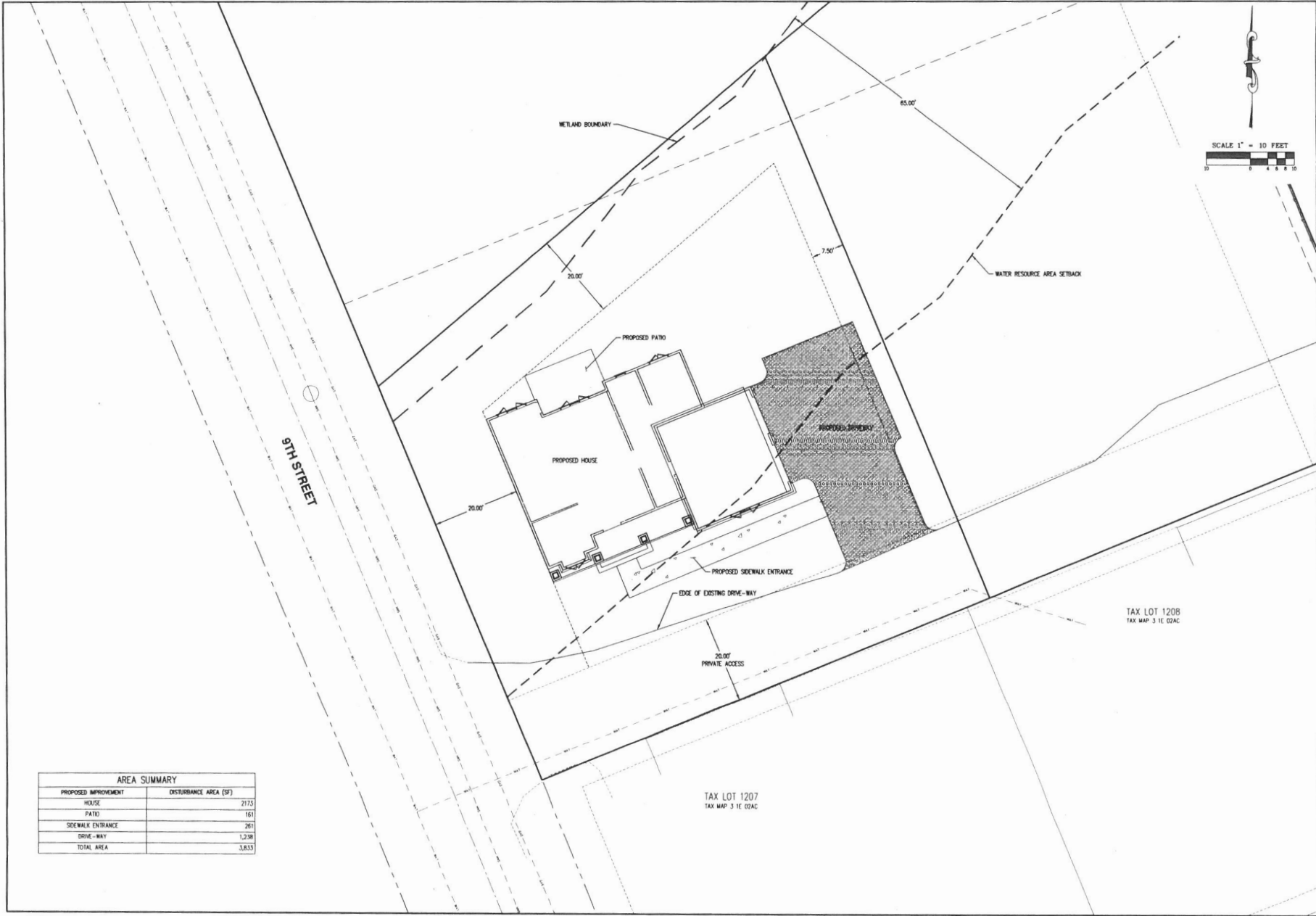
DESIGNED BY: J.S.
DRAWN BY: G.C.
CHECKED BY: AS NOTED
DATE: 01/12/2017

REVISIONS

JOB NUMBER
5642

FIGURE
C1

AKS DRAWING FILE: 5642 SITE PLAN LAYOUT LAYOUT



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

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD STE 100
SEASIDE, OREGON 97138
P: 503.264.1819
F: 503.264.1812
www.aks-engineering.com

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

1059 9TH STREET

WEST LINN
TAX LOT 1208

OREGON
CLATSOP COUNTY T.M. MAP 3 1E 2AC

SITE PLAN

DESIGNED BY: TJS
DRAWN BY: TJS
CHECKED BY: CJC
SCALE: AS NOTED
DATE: 10/25/2016

JOB NUMBER
5642

SHEET
1

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name Creekside Homes				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1059 9th Street				Company NAIC Number:	
City West Linn		State Oregon		ZIP Code 97068	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Parcel 1, Partition Plat No. 2016-015, Clackamas County Plat Records, City of West Linn, Oregon					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Residential</u>					
A5. Latitude/Longitude: Lat. <u>45.34157</u> Long. <u>-122.64653</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number <u>8</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>1,336</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>19</u>					
c) Total net area of flood openings in A8.b <u>1,387</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
A9. For a building with an attached garage:					
a) Square footage of attached garage <u>624</u> sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>9</u>					
c) Total net area of flood openings in A9.b <u>666</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number CLACKAMAS COUNTY 415588			B2. County Name Clackamas		B3. State Oregon
B4. Map/Panel Number 41005C0259	B5. Suffix D	B6. FIRM Index Date	B7. FIRM Panel Effective/ Revised Date 06/16/2008	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 75.1
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input checked="" type="checkbox"/> FIS Profile <input type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA					

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2018

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 1059 9th Street			Policy Number:
City West Linn	State Oregon	ZIP Code 97068	Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: NGS #RD1501 Vertical Datum: NAVD 88

Indicate elevation datum used for the elevations in items a) through h) below.

NGVD 1929 NAVD 1988 Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

Check the measurement used.

- | | | | |
|---|-------------|--|---------------------------------|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor) | <u>71.2</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| b) Top of the next higher floor | <u>76.1</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| c) Bottom of the lowest horizontal structural member (V Zones only) | _____ | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| d) Attached garage (top of slab) | <u>71.0</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| e) Lowest elevation of machinery or equipment servicing the building
(Describe type of equipment and location in Comments) | <u>71.0</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| f) Lowest adjacent (finished) grade next to building (LAG) | <u>69.8</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| g) Highest adjacent (finished) grade next to building (HAG) | <u>71.5</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support | <u>71.1</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No Check here if attachments.

Certifier's Name
ROB RETTIG

License Number
60124LS

Title
LAND SURVEYOR

Company Name
AKS ENGINEERING & FORESTRY, LLC.

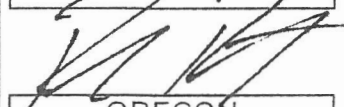
Address
12965 SW HERMAN ROAD, SUITE 100

City
TUALATIN

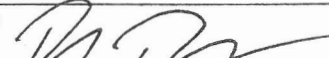
State
Oregon

ZIP Code
97062

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JANUARY 11, 2005
ROBERT D. RETTIG
60124LS
RENEWS: 12/31/18

Signature  Date 01/16/2017 Telephone (503) 563-6151

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)
Elevation listed for item C2(e) refers to a water heater at garage floor level. Flood vents to be installed are standard plastic vents with a net opening of 73 square inches per vent, per Non-engineered Opening Guide, Vol. 2/November 2015.

Revised
2-13-17



1 REAR ELEVATION
SCALE: 1/4" = 1'-0"



2 LEFT ELEVATION
SCALE: 1/4" = 1'-0"

Morgan Residence

Project Description:	Address Line 1, City, State.
Drawn by: Dap	Checked by: jhize
Date Issued: 8-30-2016	Revised Date: 8-3-2017
Scale: 1/4" = 1'-0"	All

Disclaimer of Warranties

This plan is the most current plan as of this date. It is the responsibility of the contractor to verify all dimensions and conditions of the site and to obtain all necessary permits and approvals from the appropriate authorities. The contractor shall be responsible for any errors or omissions in this plan and for any consequences resulting therefrom. The contractor shall also be responsible for any changes or modifications to this plan that may be required during the course of construction. The contractor shall not be held liable for any damages or injuries resulting from the use of this plan. The contractor shall also be responsible for any costs incurred in the process of obtaining permits and approvals from the appropriate authorities. The contractor shall also be responsible for any costs incurred in the process of obtaining permits and approvals from the appropriate authorities. The contractor shall also be responsible for any costs incurred in the process of obtaining permits and approvals from the appropriate authorities.

Copyright

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the publisher. Copyright © 2016, Creekside Homes, Inc. All rights reserved.

THIS PLAN IS THE MOST CURRENT PLAN AS OF THIS DATE

2-13-2017

IF THIS DATE IS MORE THAN 1 WEEK OLD PLEASE VERIFY WITH THE DRAFTER AT SIMONSON'S THAT YOU HAVE THE MOST RECENT COPY

CONTRACTOR

Creekside
Homes



Simonson Lumber &
Hardware, Inc.
Grand Forks, ND, P.O. 17021 775-6435



1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"



2 RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

Morgan Residence

Drawn by: Dup	Checked by: Jaime	A10
Date Issued: 8-30-2016	Revised Date: 8-3-2017	Simmons Lumber & Hardware, Inc. is not responsible for any changes after the above.
Project Description: Address Line 1, City, State.		Scale: 1/4" = 1'-0"

Disclaimer of Warranties

This plan was prepared by the drafter and is not intended to be used for any other purpose. The drafter is not responsible for any errors or omissions in this plan. The drafter is not responsible for any changes made to this plan after the date of issue. The drafter is not responsible for any changes made to this plan after the date of issue. The drafter is not responsible for any changes made to this plan after the date of issue.

Copyright

All the copyrights, rights, conditions, or other works of the artist or author are reserved by the artist or author. This plan is the property of the artist or author and is not to be reproduced without the artist's or author's written consent.

THIS PLAN IS THE MOST
CURRENT PLAN AS OF THIS DATE
2-13-2017
IF THIS DATE IS MORE THAN 1 WEEK OLD
PLEASE VERIFY WITH THE DRAFTER AT
SIMMONS THAT YOU HAVE THE MOST
RECENT COPY

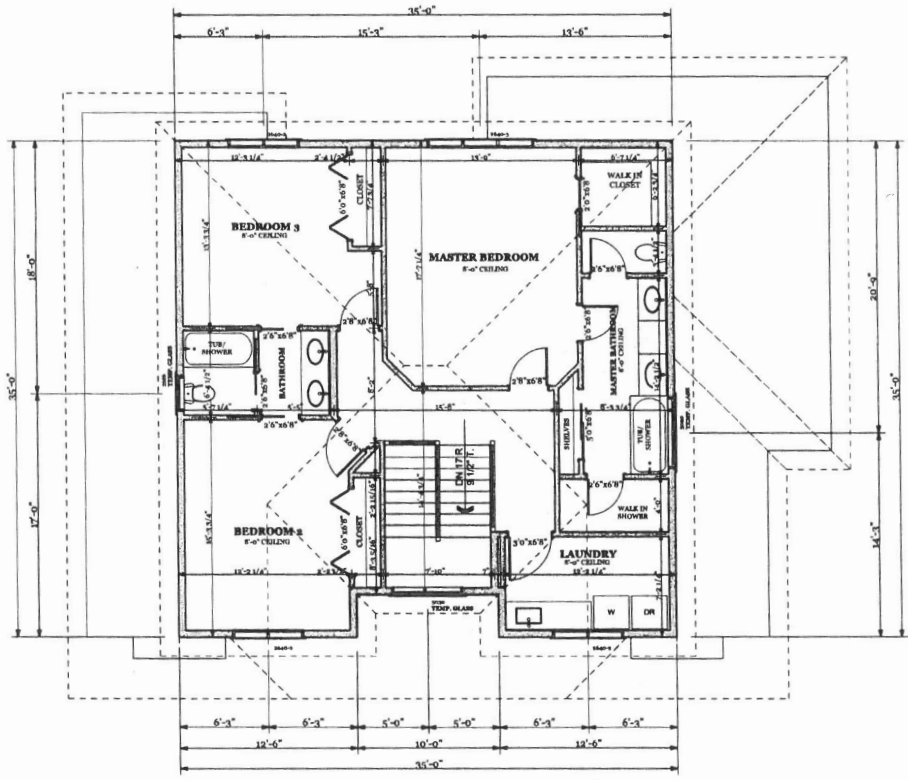
CONTRACTOR

**Creekside
Homes**



Simmons Lumber &
Hardware
Grand Forks, ND, 584
(701) 775-6200

1 UPPER FLOOR PLAN
SCALE: 1/4" = 1'-0"



WINDOW SCHEDULE - UPPER FLOOR

QTY	Window ID	Rough Opening
1	2605 TEMP. GLASS	3'-0" x 4'-0"
1	9920 TEMP. GLASS	5'-0" x 11'-0"
1	9920 TEMP. GLASS	5'-0" x 11'-0"
1	SINGLE HUNG 2640-2	7'-0" x 4'-0"
3	SINGLE HUNG 2640-2	5'-0" x 4'-0"
7		

**INTERIOR DOOR SCHEDULE 1
UPPER FLOOR**

QTY	TYPE	SIZE	JAMB
1	POCKET SINGLE	2'-0" x 6'-8"	24INTFA
1	SINGLE DOOR	2'-0" x 6'-8"	24INTFA
1	SLIDING DOOR	2'-0" x 6'-8"	24INTFA
2	BIFOLD DOUBLE	0'-0" x 6'-8"	24INTFA
3	POCKET SINGLE	2'-0" x 6'-8"	24INTFA
3	SINGLE DOOR	2'-0" x 6'-8"	24INTFA
3	SINGLE DOOR	2'-0" x 6'-8"	24INTFA
14			

Morgan Residence

Project Description:
Address Line 1,
City, State.

Drawn by: Dup
Checked by: Juice
Date Issued: 8-30-2016
Reviewed Date: 8-3-2017
Scale: 1/4" = 1'-0"
A8

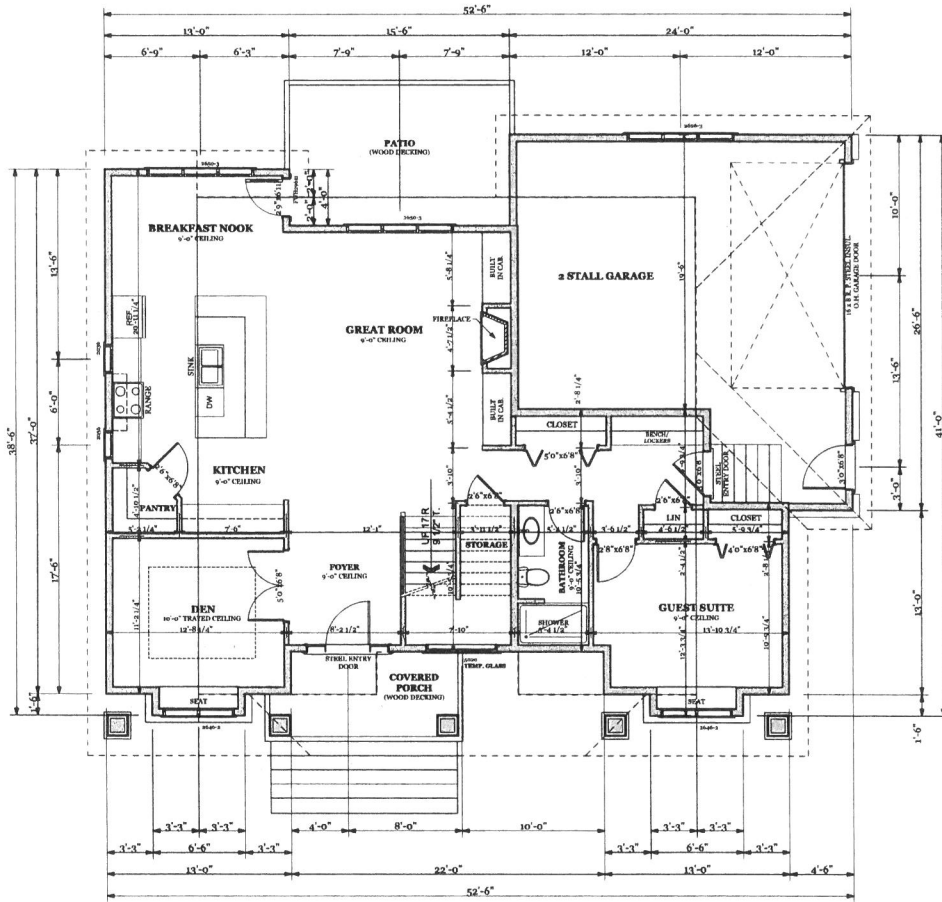
Disclaimer of Warranties
This plan is prepared by the drafter and is not intended to be a contract. It is the responsibility of the contractor to verify all conditions and dimensions of the site and to obtain all necessary permits. The drafter does not warrant the accuracy of the information provided by the contractor or the contractor's interpretation of the plan. The drafter is not responsible for any errors or omissions in the plan or for any consequences arising therefrom.

Copyright
All rights reserved. No part of this plan may be reproduced without the written permission of the drafter.

THIS PLAN IS THE MOST
CURRENT PLAN AS OF THIS DATE
2-13-2017
IF THIS DATE IS MORE THAN 1 WEEK OLD
PLEASE VERIFY WITH THE DRAFTER AT
SIMONSON'S THAT YOU HAVE THE MOST
RECENT COPY.

CONTRACTOR
**Creekside
Homes**





1 MAIN FLOOR PLAN
SCALE: 1/4" = 1'-0"

WINDOW SCHEDULE - MAIN FLOOR		
QTY	Window ID	Rough Opening
1	2650-3	7'-6" x 2'-6"
1	6020 TEMP. GLASS	5'-0" x 2'-0"
2	SINGLE HUNG 2055	3'-0" x 3'-6"
2	SINGLE HUNG 2640-2	5'-0" x 4'-6"
2	SINGLE HUNG 2650-3	7'-6" x 5'-0"

INTERIOR DOOR SCHEDULE : MAIN FLOOR			
QTY	TYPE	SIZE	JAMB
1	BIFOLD DOUBLE	4'-0" x 6'-8"	24INTRA
1	BIFOLD DOUBLE	5'-0" x 6'-8"	24INTRA
1	DOUBLE DOOR	5'-0" x 6'-8"	24INTRA
1	SINGLE DOOR	2'-8" x 6'-8"	24INTRA
1	SINGLE DOOR	2'-9" x 6'-11"	26EXTPA
1	SINGLE DOOR	3'-0" x 6'-8"	24INTRA

EXTERIOR DOOR SCHEDULE - MAIN FLOOR			
QTY	TYPE	SIZE	JAMB
1	ENTRANCE W/2-SIDE LIGHTS	5'-9" x 2'-6"	26EXTPA
1	DOOR	16'-0" x 6'-0"	26GPA
1	SINGLE STEEL DOOR	3'-0" x 6'-8"	26EXTFIRBA
1	SINGLE STEEL DOOR	3'-0" x 6'-8"	26GPA

FLOOR AREAS	
MAIN FLOOR	1,306.75
UPPER FLOOR	1,117.52
TOTAL	2,424.27 sq ft

SQUARE FOOTAGE DISCLAIMER:
 Simonson Lumber & Hardware, Inc. expressly disclaims any liability with respect to the square footage listed on any floor plans or renderings above. Buyer or Contractor is responsible for verifying the square footages of the plans prior to printing or estimating.

Morgan Residence

Drawn by: Dap
 Checked by: Jaine
 Date Issued: 8-30-2016
 Revised Date: 8-3-2017
 Project Description: Address Line 1, City, State.
 Scale: 1/8" = 1'-0"

Disclaimer of Warranties
 Plans created by Simonson Lumber & Hardware, Inc. are prepared by drafters who are not licensed professional engineers or professional architects. Simonson Lumber & Hardware, Inc. is not responsible for the accuracy of the information provided on these plans. The user of these plans shall be responsible for obtaining all necessary permits and for the accuracy of the information provided on these plans. Simonson Lumber & Hardware, Inc. is not responsible for the accuracy of the information provided on these plans. The user of these plans shall be responsible for obtaining all necessary permits and for the accuracy of the information provided on these plans. Simonson Lumber & Hardware, Inc. is not responsible for the accuracy of the information provided on these plans. The user of these plans shall be responsible for obtaining all necessary permits and for the accuracy of the information provided on these plans.

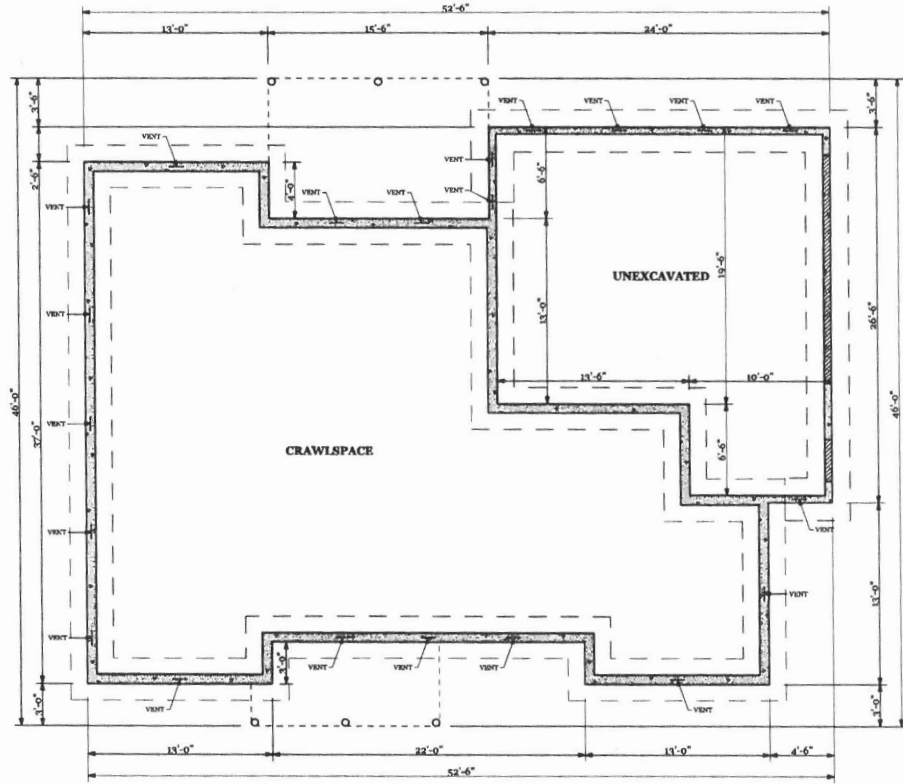
THIS PLAN IS THE MOST CURRENT PLAN AS OF THIS DATE.
2-13-2017
 IF THIS DATE IS MORE THAN 1 WEEK OLD PLEASE VERIFY WITH THE DRAFTER AT SIMONSON'S THAT YOU HAVE THE MOST RECENT COPY.

CONTRACTOR
Creekside Homes



Simonson Lumber & Hardware, Inc.
 Grand Forks, ND, PH: (701) 775-4232

1 BASEMENT PLAN
SCALE: 1/4" = 1'-0"



Morgan Residence

Drawn by: Dup	Checked by: Julie	A3
Date Issued: 8-30-2016	Revised Date: 8-3-2017	
Scale: 1/4" = 1'-0"		

Project Description:
Address Line 1,
City, State.

Disclaimer of Warranties
This plan is provided by Simonson Lumber & Hardware, Inc. as a service to the customer. It is not intended to be used as a contract. The customer is responsible for obtaining all necessary permits and for verifying the accuracy of the plan. Simonson Lumber & Hardware, Inc. is not responsible for any errors or omissions in this plan. The customer is responsible for the final construction of the project.

Copyright
All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, without the prior written permission of Simonson Lumber & Hardware, Inc.

THIS PLAN IS THE MOST
CURRENT PLAN AS OF THIS DATE
2-13-2017
IF THIS DATE IS MORE THAN A WEEK OLD
PLEASE VERIFY WITH THE DRAFTER AT
SIMONSON'S THAT YOU HAVE THE MOST
RECENT COPY

CONTRACTOR
**Creekside
Homes**





FRONT 3D VIEW



REAR 3D VIEW

Morgan Residence

Project Description: Address Line 1, City, State.	Drawn by: Dup	Checked by: Jilene	AI
	Date Issued: 8-30-2016	Revised Date: 8-3-2017	
	Scale: 1/4" = 1'-0"		

Disclaimer of Warranties
 The plans are prepared by Creekside Homes, Inc. and are provided as a guide only. The contractor is responsible for obtaining all necessary permits and for verifying the accuracy of all information. Creekside Homes, Inc. is not responsible for any errors or omissions. The contractor is responsible for any changes to the plans. Creekside Homes, Inc. is not responsible for any damage to the property or for any injury to persons or property. Creekside Homes, Inc. is not responsible for any damage to the property or for any injury to persons or property. Creekside Homes, Inc. is not responsible for any damage to the property or for any injury to persons or property.

Copyright
 All rights reserved. Creekside Homes, Inc. is the owner of the copyright in the plans. No part of these plans may be reproduced without the written permission of Creekside Homes, Inc.

THIS PLAN IS THE MOST CURRENT PLAN AS OF THIS DATE
2-13-2017
 IF THIS DATE IS MORE THAN 1 WEEK OLD PLEASE VERIFY WITH THE DRAFTER AT SIMMONSON'S THAT YOU HAVE THE MOST RECENT COPY

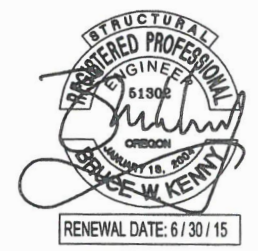
CONTRACTOR
Creekside Homes



re'd
3/6/17



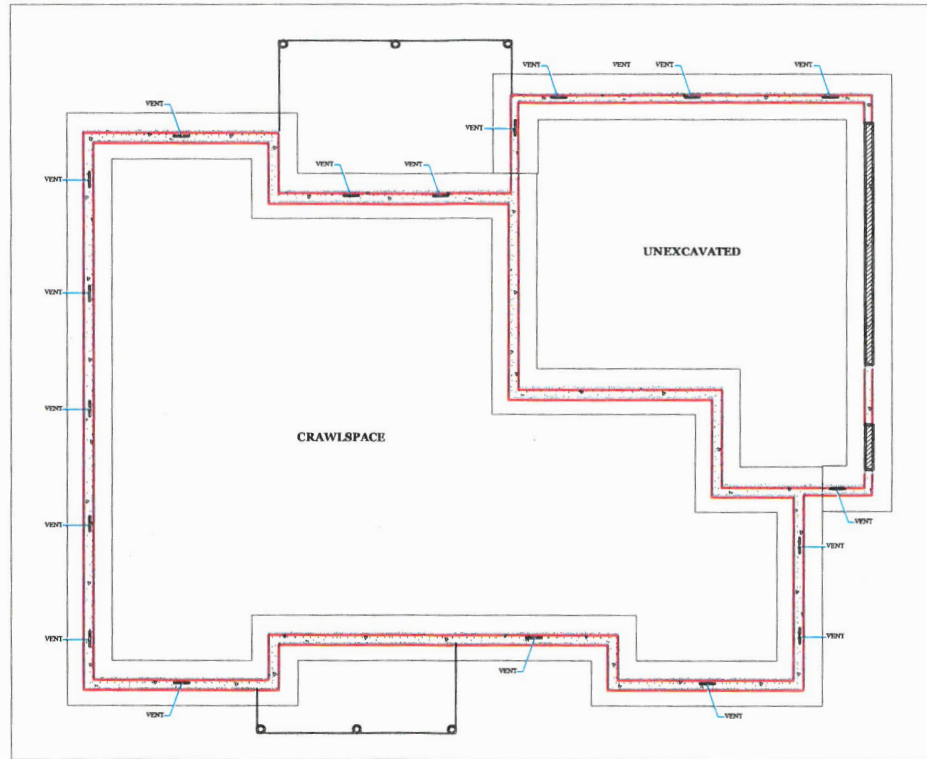
FRONT ELEVATION 1'-0" MAX.



BKE INC.
STRUCTURAL
ENGINEERS

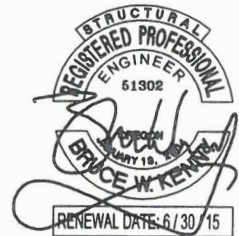
2700 SE HARRISON STREET, SUITE B, MILWAUKIE, OR

Project: MORGAN RESIDENCE
Client: CREEKSIDE HOMES Proj. No.: 17-091
Date: MARCH 2017 By: BWK Sheet No.: 2
OR, 97222, TEL 503-607-0481, FAX 503-607-0486. bruce@bkengineers.com



FOUNDATION FLOOD VENT LOCATIONS

VENTS TO PROVIDE 100 SQ. IN. NET FREE AREA EACH



BKE INC.
STRUCTURAL
ENGINEERS

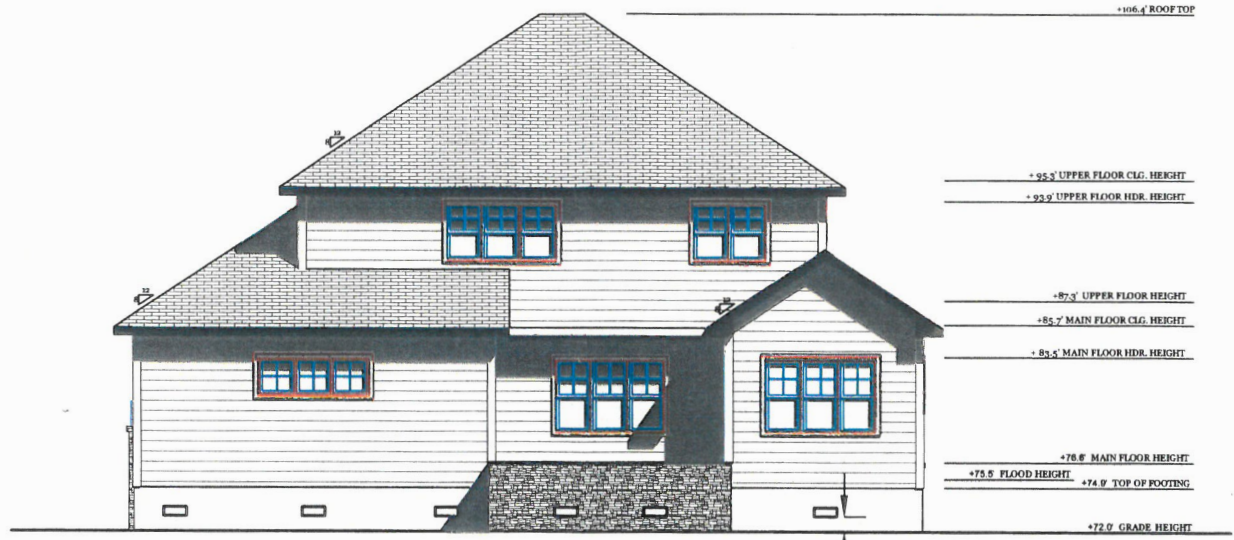
2700 SE HARRISON STREET, SUITE B, MILWAUKIE.

Project: MORGAN RESIDENCE

Client: CREEKSIDE HOMES Proj. No.: 17-091

Date: MARCH 2017 By: BWK Sheet No.: 1

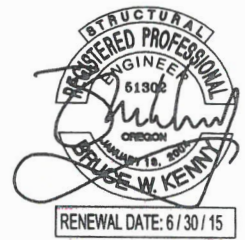
OR, 97222, TEL 503-607-0481, FAX 503-607-0486. bruce@bkengineers.com



REAR ELEVATION

1' MAX.

- +116.4 ROOF TOP
- +95.3 UPPER FLOOR CLG. HEIGHT
- +92.9 UPPER FLOOR HDR. HEIGHT
- +87.3 UPPER FLOOR HEIGHT
- +85.7 MAIN FLOOR CLG. HEIGHT
- +83.5 MAIN FLOOR HDR. HEIGHT
- +78.8 MAIN FLOOR HEIGHT
- +75.5 FLOOD HEIGHT
- +74.9 TOP OF FOOTING
- +72.0 GRADE HEIGHT

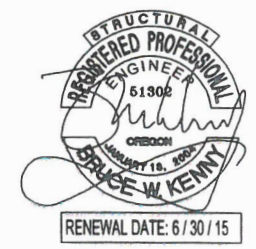


BKE INC.
 STRUCTURAL
 ENGINEERS
 2700 SE HARRISON STREET, SUITE B, MILWAUKIE,

Project: MORGAN RESIDENCE
 Client: CREEKSIDE HOMES Proj. No.: 17-091
 Date: MARCH 2017 By: BWK Sheet No.: 4
 OR, 97222, TEL 503-607-0481, FAX 503-607-0486, bruce@bkeengineers.com



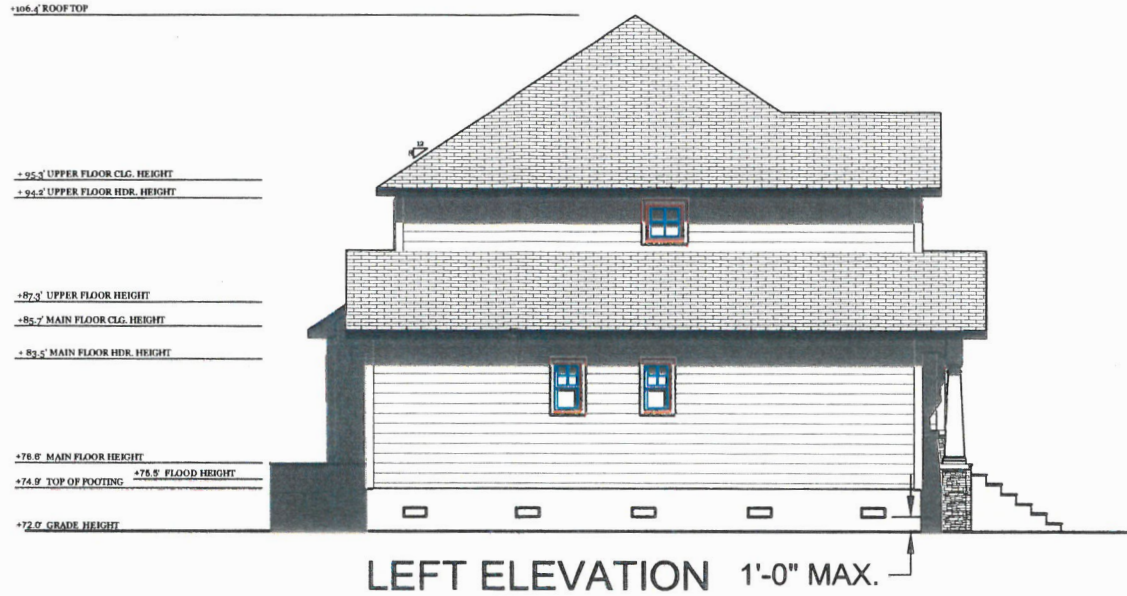
RIGHT ELEVATION



BKE INC.
STRUCTURAL
ENGINEERS

2700 SE HARRISON STREET, SUITE B, MILWAUKIE,

Project: MORGAN RESIDENCE
 Client: CREEKSIDE HOMES Proj. No.: 17-091
 Date: MARCH 2017 By: BWK Sheet No.: 5
 OR, 97222, TEL 503-607-0481, FAX 503-607-0486, bruce@bkenginc.com



RENEWAL DATE: 6 / 30 / 15

BKE INC.
STRUCTURAL
ENGINEERS

2700 SE HARRISON STREET, SUITE B, MILWAUKIE,

Project: MORGAN RESIDENCE

Client: CREEKSIDE HOMES Proj. No.: 17-091

Date: MARCH 2017 By: BWK Sheet No.: 3

OR, 97222, TEL 503-607-0481, FAX 503-607-0486. bwk@bkengineers.com

PD-5 PUBLIC COMMENTS

Spir, Peter

From: Greg Smith <gasmith@lclark.edu>
Sent: Tuesday, March 28, 2017 2:10 PM
To: Spir, Peter
Subject: Re: 1059 9th Street

March 28, 2017

Dear Peter,

Thanks for the clarification. I do find myself wondering how many building permits have been issued since 1996 for properties that are as likely to flood as these two parcels.

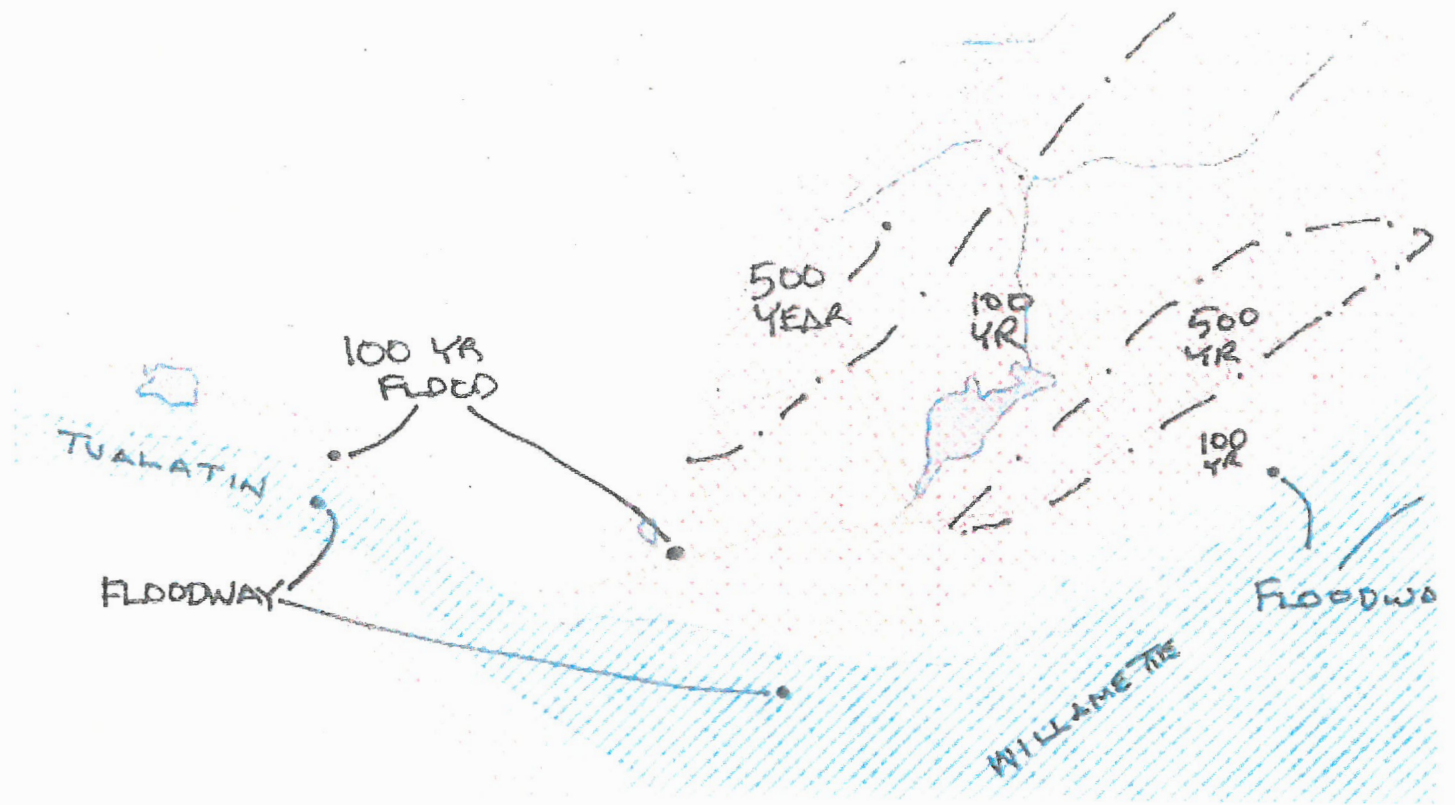
Best wishes,

Greg Smith

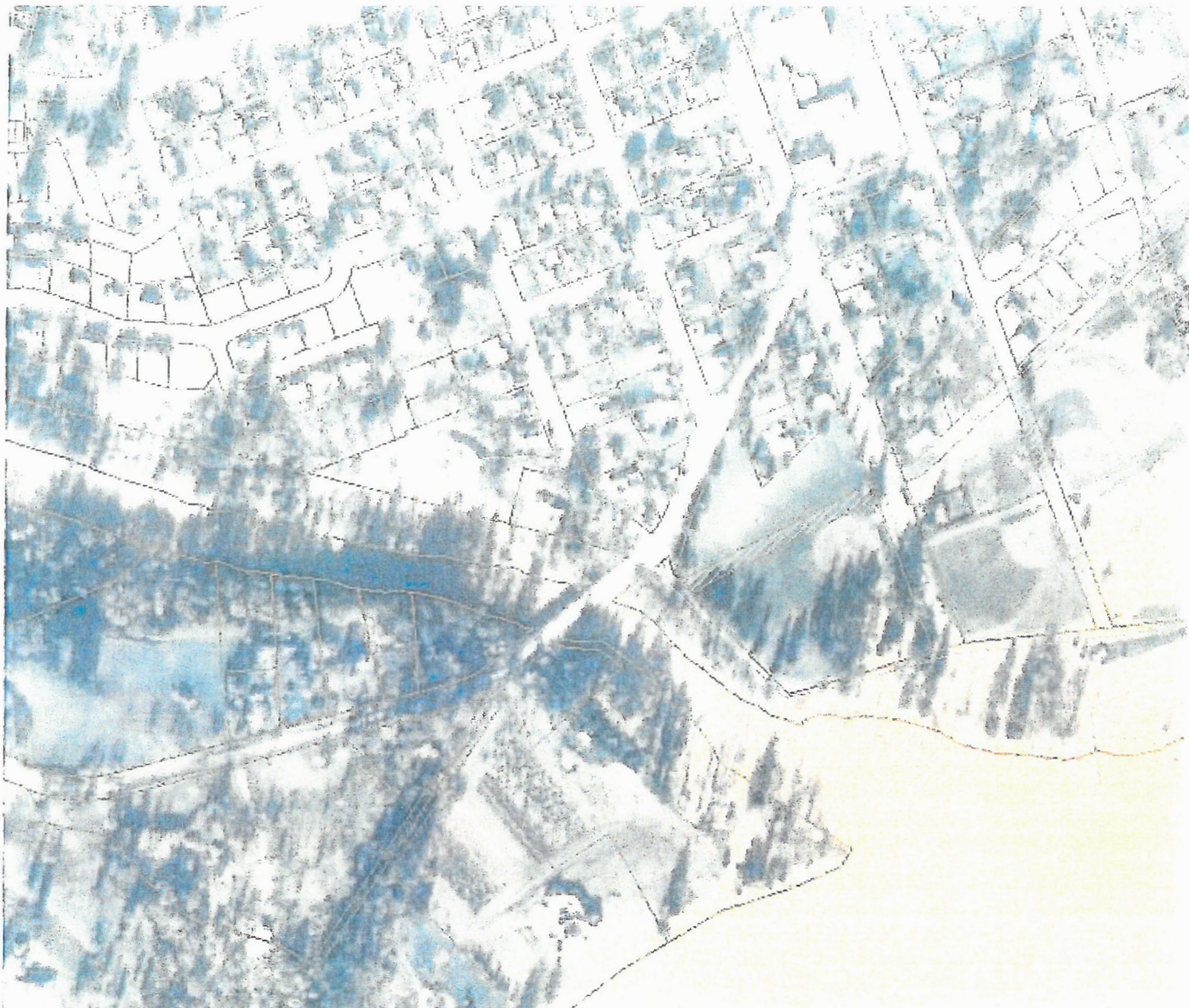
On Tue, Mar 28, 2017 at 11:28 AM, Spir, Peter <pspir@westlinnoregon.gov> wrote:

Greg

Thank you for the background information. I have attached the City's Mapoptix map of the larger area (with most variables removed for greater clarity) which shows the "floodway" of the Tualatin River (diagonal blue lines). Again, and with respect, I think we may be speaking about two different things. The term "flood way", as defined by our Community Development Code and by FEMA, does not pretend to represent the areas that are subject to 100 and 500 year floods by the Tualatin and Willamette Rivers. Instead, it is the "floodplain" designation that addresses "*Land subject to periodic flooding, including the 100-year floodplain as mapped by FEMA Flood Insurance Studies or other substantial evidence of actual flood events.*" I marked those areas on the map.



Here too is the 1996 flood aerial. The confluence of the Tualatin and Willamette Rivers appears to be the point of origin for the flooding in the Willamette Park/Farwell/Miller areas.



The take away from all this is that indeed the Farwell property is subject to flooding. Development within the 100 year flood plain is allowed, but it does require a Flood Management Area permit. Among the permit requirements is that all structural elements of habitable floors shall be one foot above the 100 year floodplain and per a design prepared by a professional civil engineer licensed to practice in the State of Oregon.

Please feel free to ask any further questions. You are also welcome to attend the pre-application conference next week.

Best regards

Peter

From: Greg Smith [mailto:gasmith@lclark.edu]

Sent: Tuesday, March 28, 2017 10:27 AM

To: Spir, Peter <pspir@westlinnoregon.gov>

Cc: Michael Hill <michael.hill@ohsupartners.org>; cozywithtea@comcast.net; Axelrod, Russell

<RAxelrod@westlinnoregon.gov>

Subject: Re: 1059 9th Street

March 28, 2017

Dear Peter,

When we purchased the property at 2140 Volpp Street in 1993, the former owner, Bud Wilkinson (a relative of the Volpps), said that the Tualatin regularly flooded the wetlands when he was a boy, turning Volpp Street into an island between the Tualatin and the Willamette Rivers. The Willamette did not have to be flooding for this to happen. Since the map you sent me depicts only the flood way of the Willamette, it does not truly represent the way in which the wetlands serve as the flood way for the Tualatin. Since the regulation states, "that the channel of the watercourse and the adjacent flood plain [] must be reserved in an unobstructed condition in order to discharge the base flood," it seems as though constructing a dwelling that would obstruct the discharge of the base flood would be prohibited.

Flood control measures on the Tualatin River since the 1950s have obviously changed the pattern Bud Wilkinson knew as a child, but since major flooding on the Willamette has been occurring every 20-30 years since the 1940s (major floods in 1943, 1945, 1964, and 1996), it seems likely that another major flood will occur in the next ten years. The 1996 flood was not even all that large compared to the peak flows of flooding as measured in Albany from 1861 to the present. As Ashkenas and Wildman state in their article about flood inundations and FEMA flood plains (see attached),

"During the recent floods of 1964 and 1996, the Willamette River fully occupied its historical floodplain in the lower narrow river [where we are] and occupied most of the historical floodplain in the middle section of the river. The flood boundaries of the recent floods were substantially less than the extent of the historical floodplain in the upper section of the Willamette River. This is caused by 1) the lower flows in recent floods, 2) dampening of peak flows by flood control reservoirs, and 3) channel alteration and revetments. As a result, floodplain function was diminished and human property was protected. Unfortunately, this may lead some individuals to place structures closer to the river and to encroach on the floodplain. Future floods may be more similar to historical flood magnitudes (even with flood control). Property losses during major floods are likely to increase if communities place more valuable structures within the influence area of flooding."

All of this suggests caution with regard to the placement of dwellings or other structures on historical flood plain and especially historical flood ways. Given the uncertainties about climate change and the very real possibility of regular "pineapple express" storms, an even more cautious response seems called for.

Sincerely yours,

Greg Smith

On Tue, Mar 28, 2017 at 9:14 AM, Spir, Peter <pspir@westlinnoregon.gov> wrote:

Greg

I appreciate the fact that the Tualatin River contributed to the flooding of this area in the past; however, that does not modify the mapping I provided you. The term "floodway" is somewhat of a misnomer to the extent that it does not attempt to portray all the areas flooded in the "big one" like 1996 but it really just reflects the main river channel up to the high water mark. FEMA defines it as follows: "*A "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to*

discharge the base flood without cumulatively increasing the water surface elevation more than a designated height."

Here is the link I sent to Mike regarding the pre-application conference:

http://westlinnoregon.gov/sites/default/files/fileattachments/planning/meeting/16041/applicant_submittal.pdf

And thanks for the letter to Russ.

Best regards

Peter

From: Greg Smith [mailto:gasmith@clark.edu]

Sent: Tuesday, March 28, 2017 8:59 AM

To: Spir, Peter <pspir@westlinnoregon.gov>

Cc: Michael Hill <michael.hill@ohsupartners.org>; cozywithtea@comcast.net; Axelrod, Russell <RAxelrod@westlinnoregon.gov>

Subject: Re: 1059 9th Street

March 28, 2017

Dear Peter,

Thanks for this. I may have more questions after a thorough review, but one question with regard to the flood way jumps out at me right now. Although the property is not on the flood way of the Willamette River, it is on the flood way of the Tualatin River which drains through the wetlands. This was the source of the flooding in the 1996 flood. The Willamette River went no further than the boundaries of the parking lot by the main dock. Please check your maps with regard to the floodway for the Tualatin River. This is the source of my primary concern regarding building in this area.

Also, I noticed flags in the wetlands behind our property. Mike Hill said he had received a proposed plan from you for this area, as well. I'd be grateful if you could send this to me.

Finally, I'm attaching below a letter I sent to Russ Axelrod last June about the possibility of the city purchasing this area since much of it is not really suitable for residential development given the regularity of flooding and the threat this poses to neighboring property owners. I can understand why the Farwells and Ann Miller wish to develop this land and believe they should not be victims of inappropriate platting of this area decades ago. This could be one way to protect them and everyone around them.

Many thanks,

Greg Smith

June 29, 2016

Dear Russ Axelrod,

My family and I have lived for the past 23 years in the Willamette Neighborhood in West Linn just off the I-205 10th Street exit. Our home is located at 2140 Volpp Street, which parallels the Willamette River. Behind our half-acre lot is a wetlands that has been used during most of the years we've lived here as a horse pasture.

During the 1996 floods, the wetland became for a few days the Tualatin River that discharged into the Willamette downstream rather than upstream of our property because of its own and the Willamette's high water. Floodwaters came approximately a third of the way up our backyard and covered 9th Street—our route out—with approximately a foot of water. The wetlands themselves are a few feet lower than the road and our yard.

I'm writing today because property owners who purchased the wetlands in addition to their home sites over 25 years ago are attempting to sell this land to developers. A revision of West Linn's development regulations a few years ago created a hardship clause that allows for the building of homes on wetlands that in the past would not have been permissible. I can understand the rationale for doing so since, in the instance of these two property owners, they had purchased the land with the hope of selling it to a developer once they had retired. The land has also been designated as residential during all of these years. The difficulty is that if this land is built on, the functionality of the wetland in terms of water absorption and its role as the release route for a flooded Tualatin River will be disrupted, potentially jeopardizing adjacent homes. Peter Spir, the assistant planning director in West Linn, informed me that a property's designation as residential was often determined in the past by people who had no knowledge of the land's actual disposition. This means that even though the land from any reasonable standpoint is not appropriate for home sites, revised regulations in West Linn would make this possible.

My letter to you is aimed at finding some win/win solution to this problem. Could it be possible, for example, to adjust previously incorrect designations for land that should never have been categorized as residential and then compensate landowners who purchased it with the understanding that housing could eventually be built there; landowners, who as well, have been been paying taxes on theoretically developable land for the duration of time they have owned it. In addition, cities or counties could potentially purchase such land as natural resource reserves. It seems unfair to saddle and tax these property owners with land that can't be sold—if the hardship clause were not in place, but at the same time unfair to adjacent property owners whose homes will be threatened if these wetlands are developed in the way West Linn statutes now allow. I'd be grateful if you could bring this question to the City Council to see if there is an equitable and environmentally sound way to deal with this conundrum.

Sincerely yours,

Gregory Smith. PhD

On Tue, Mar 28, 2017 at 8:21 AM, Spir, Peter <pspir@westlinnoregon.gov> wrote:

From: Greg Smith [mailto:gasmith@lclark.edu]

Sent: Monday, March 27, 2017 4:49 PM

To: Spir, Peter <pspir@westlinnoregon.gov>

Cc: Michael Hill <michael.hill@ohsupartners.org>; cozywithtea@comcast.net

Subject: 1059 9th Street

2140 Volpp Street

West Linn, OR 97068

March 27, 2017

Mr. Peter Spir, Associate Planner

West Linn City Hall

22500 Salamo Road

West Linn, OR 97068

Dear Peter,

Thanks for sending the information about the plans to build a home at 1059 9th Street. I have some questions about responses with regard to the different permits.

WRA Permit

A. Only typical native grasses which will remain mostly intact outside of the building footprint until landscaping is done at which point the Portland Plant List will be used as a guide for selection of shrubs and trees. **Yes.**

Will the future owners of this home be permitted to bring in fill for landscaping purposes, something the residents of the home across the drive did last summer? Is doing so allowable under current regulations regarding developments in the WRA?

Fill is not allowed since that would modify the floodplain. Also, any landscaping other than native plants in the WRA counts as part of the maximum disturbed area which is limited to 5,000 square feet.

E. No driveway or new road will be installed as part of this development within the WRA. **The existing driveway off Ninth Street will be used by the applicant.**

Will there be a concrete pad laid for the garage? **A concrete slab will be poured for the garage**

Will there a connecting road between the established road and the garage? **The existing driveway will be used by the applicant. The applicant will construct a small driveway/parking area on the east side of the house (off the main driveway) to access the garage.**

Will these not result in some impact on the WRA? **All hardscapes are counted against the allowed 5,000 square foot maximum disturbed area per the hardship provisions of 32.110.**

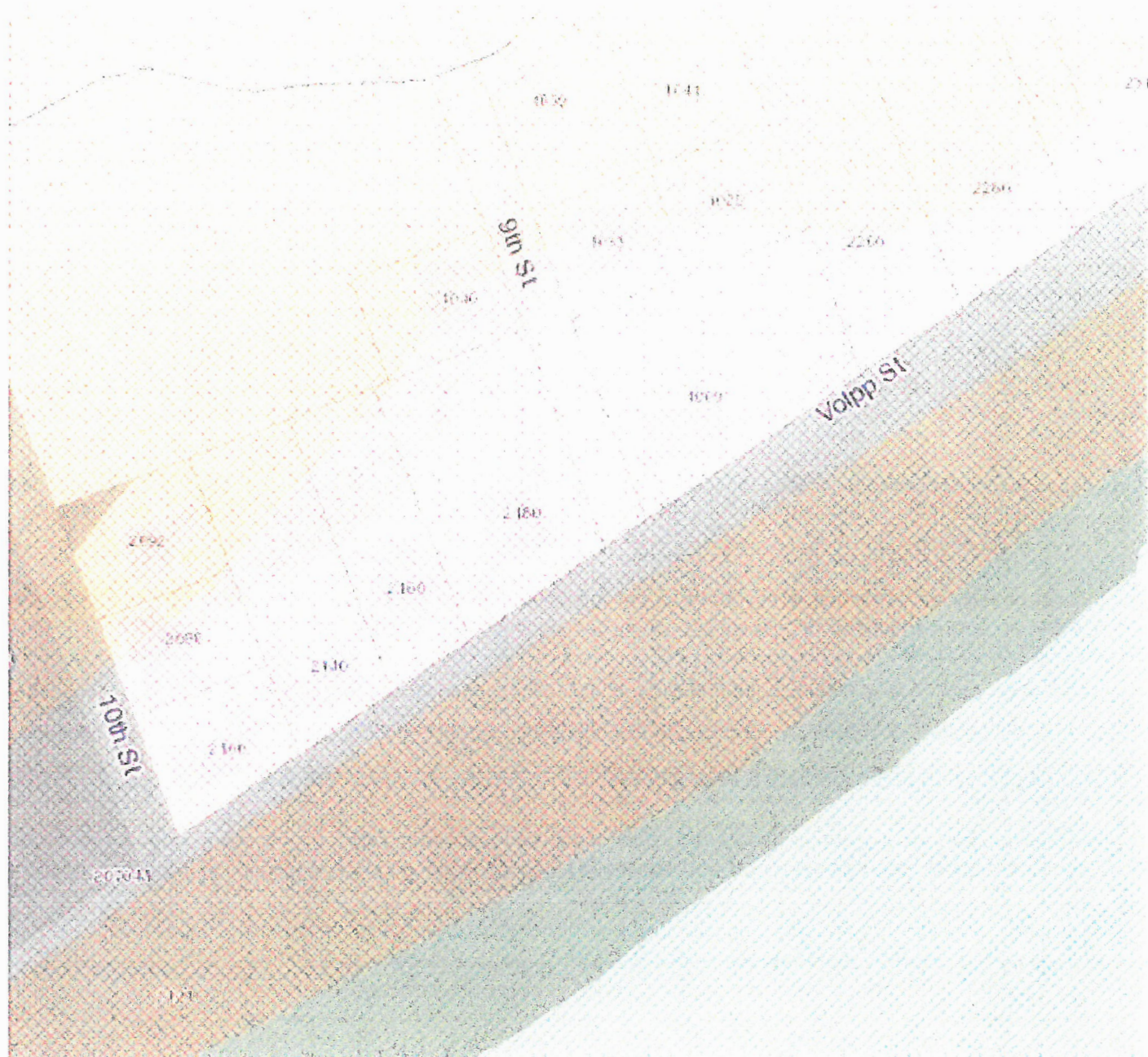
FMA Permit

F. Development will be kept out of flood way.

What is the meaning of flood way? Is a flood way different from the flood plain?

Flood way is defined in CDC Chapter 32 Definitions: Floodway. "The portion of a watercourse required for the passage or conveyance of a given storm event as identified and designated by the City. The floodway includes the channel of the watercourse and the adjacent floodplain that must be reserved in an unobstructed condition in order to discharge the base flood." The floodway is represented by the diagonal blue lines in the Willamette River and areas immediately adjacent to the river. The floodplain comprises the 100 and 500 year flood plains. The 100 year flood plain is represented by the orange/red grid pattern while the 500 year floodplain is represented by the purple grid pattern.

Flood Plain is defined as: "Land subject to periodic flooding, including the 100-year floodplain as mapped by FEMA Flood Insurance Studies or other substantial evidence of actual flood events."



G. Vents will be included in the foundation walls to allow water to flow out from under crawl space due to being within flood plain.

Chapter 27.080-

A. New floor will be placed at 76.5" or higher.

C. Duct work will be protected from flood waters.

During the 1996 flood, I walked down 9th Street to get to our home on Volpp Street. I waded through approximately a foot of water on 9th at the approximate location of this proposed dwelling. The land to the east of the road is approximately 2.5 to 3.0 feet below the surface of the road. Will the foundation of the house position the ductwork and the first floor more than one foot above the surface of the road? And will the vents be sufficiently large to prevent water from being displaced into already existing homes in the area, especially those immediately across from it?

The venting has been designed and stamped by an Oregon licensed engineer to demonstrate that the venting is properly sized and located to allow for the unimpeded/non-displaced flow of flood waters through the crawl space under the house and through the garage to the extent that they will not modify the flood levels potentially impacting nearby homes. All structural elements supporting the first habitable floor must be one foot above the 100-year flood elevation. The elevation of the building site has been surveyed in an elevation certificate which must be followed up by an elevation certificate for the finished product to demonstrate that the habitable space is indeed one foot above the 100 year flood elevation.

WRG Permit

C. Site qualifies as "Habitat and Impact Areas Not Designated as HCAs."

Staff comments in red

Actually the site is fully within a "Medium" or "Moderate" Habitat Conservation Area (HCA). (See the light green on the map below. Dark green is a high HCA.) It is not within an area designated as "Habitat and Impact Areas Not Designated as HCAs."

What are HCAs?

HCAs is a habitat protection designation that often overlays WRAs



Thank you for attention to these questions. If it would be easier to answer these questions by phone or meeting with me in person, please let me know. My phone number is [503-657-3926](tel:503-657-3926).

You are welcome to visit, call or email anytime if you have any more questions.

Best regards

Peter

Sincerely yours,

Greg Smith

Peter Spir
Associate Planner
Planning

22500 Salamo Rd.
West Linn, Oregon 97068
pspir@westlinnoregon.gov
westlinnoregon.gov
[503-723-2539](tel:503-723-2539)



[Click to Connect!](#)

Please consider the impact on the environment before printing a paper copy of this email.
This e-mail is subject to the State Retention Schedule and may be made available to the public

Peter Spir
Associate Planner
Planning

22500 Salamo Rd.
West Linn, Oregon 97068
pspir@westlinnoregon.gov
westlinnoregon.gov
[503-723-2539](tel:503-723-2539)



[Click to Connect!](#)

Please consider the impact on the environment before printing a paper copy of this email.
This e-mail is subject to the State Retention Schedule and may be made available to the public

Peter Spir
Associate Planner
Planning

22500 Salamo Rd.
West Linn, Oregon 97068
pspir@westlinnoregon.gov
westlinnoregon.gov
[503-723-2539](tel:503-723-2539)

Spir, Peter

From: Michael Hill <michael.hill@ohsupartners.org>
Sent: Saturday, March 25, 2017 1:10 PM
To: Spir, Peter
Cc: gasmith@lclark.edu
Subject: Tax lot 1205 of clackamas county assessor map 31E 2AC

Hi Peter,

Got the notice about them trying to build a house at 1059 9th street.

Maybe I'm reading it wrong, but does it say they are requesting waivers of: willamete river greenway, water resource area, and floor management area??

If that's correct... doesn't seem to make sense to me. Let me know if I understand that right.

Thx.
Mike hill
1092 volpp street

Sent from my iPad

Spir, Peter

From: Michael Hill <michael.hill@ohsupartners.org>
Sent: Tuesday, March 28, 2017 6:16 AM
To: Greg Smith; Spir, Peter
Cc: cozywithtea@comcast.net
Subject: Re: 1059 9th Street

Thx Greg.

Peter one more thing.....I just saw in the last couple of days that there are flags marked off in the wetlands behind Greg's and our house. Did the land sell? If I remember right there are 3 tax lots there, but all the same challenges on that parcel exist as detailed below, but only more extensive. Lots of standing water much of the year.

Do you know what the status is there?

Thx

Mike Hill

From: Greg Smith
Date: Monday, March 27, 2017 at 4:48 PM
To: "pspir@westlinnoregon.gov"
Cc: Michael Hill , "cozywithtea@comcast.net"
Subject: 1059 9th Street

2140 Volpp Street

West Linn, OR 97068

March 27, 2017

Mr. Peter Spir, Associate Planner

West Linn City Hall

22500 Salamo Road

West Linn, OR 97068

A. New floor will be placed at 76.5" or higher.

C. Duct work will be protected from flood waters.

During the 1996 flood, I walked down 9th Street to get to our home on Volpp Street. I waded through approximately a foot of water on 9th at the approximate location of this proposed dwelling. The land to the east of the road is approximately 2.5 to 3.0 feet below the surface of the road. Will the foundation of the house position the ductwork and the first floor more than one foot above the surface of the road? And will the vents be sufficiently large to prevent water from being displaced into already existing homes in the area, especially those immediately across from it?

WRG Permit

C. Site qualifies as "Habitat and Impact Areas Not Designated as HCAs."

What are HCAs?

Thank you for attention to these questions. If it would be easier to answer these questions by phone or meeting with me in person, please let me know. My phone number is 503-657-3926.

Sincerely yours,

Greg Smith

Spir, Peter

From: Greg Smith <gasmith@lclark.edu>
Sent: Monday, March 27, 2017 4:49 PM
To: Spir, Peter
Cc: Michael Hill; cozywithtea@comcast.net
Subject: 1059 9th Street

2140 Volpp Street

West Linn, OR 97068

March 27, 2017

Mr. Peter Spir, Associate Planner

West Linn City Hall

22500 Salamo Road

West Linn, OR 97068

Dear Peter,

Thanks for sending the information about the plans to build a home at 1059 9th Street. I have some questions about responses with regard to the different permits.

WRA Permit

A. Only typical native grasses which will remain mostly intact outside of the building footprint until landscaping is done at which point the Portland Plant List will be used as a guide for selection of shrubs and trees.

Will the future owners of this home be permitted to bring in fill for landscaping purposes, something the residents of the home across the drive did last summer? Is doing so allowable under current regulations regarding developments in the WRA?

E. No driveway or new road will be installed as part of this development within the WRA.

Will there be a concrete pad laid for the garage?

Will there a connecting road between the established road and the garage?

Will these not result in some impact on the WRA?

FMA Permit

F. Development will be kept out of flood way.

What is the meaning of flood way? Is a flood way different from the flood plain?

G. Vents will be included in the foundation walls to allow water to flow out from under crawl space due to being within flood plain.

Chapter 27.080-

A. New floor will be placed at 76.5" or higher.

C. Duct work will be protected from flood waters.

During the 1996 flood, I walked down 9th Street to get to our home on Volpp Street. I waded through approximately a foot of water on 9th at the approximate location of this proposed dwelling. The land to the east of the road is approximately 2.5 to 3.0 feet below the surface of the road. Will the foundation of the house position the ductwork and the first floor more than one foot above the surface of the road? And will the vents be sufficiently large to prevent water from being displaced into already existing homes in the area, especially those immediately across from it?

WRG Permit

C. Site qualifies as "Habitat and Impact Areas Not Designated as HCAs."

What are HCAs?

Thank you for attention to these questions. If it would be easier to answer these questions by phone or meeting with me in person, please let me know. My phone number is 503-657-3926.

Sincerely yours,

Greg Smith

April 9, 2017

To whom it may concern:

I am writing in regard to the request for a permit to build at 1059 Ninth St. (File No. WRG-16-08/WAP-16-10/MISC-16-06). My husband and I own the home and reside at 1040 9th St.

My primary concern with the proposed construction is the potential for water displacement that may overflow to surrounding properties, including ours. Our property neighbors the same flood plain as the proposed project, and we would like to request further studies be performed investigating the impact of the construction on the surrounding environment. Additionally, this area is home to diverse wildlife, including several bird species, and we are concerned about the impact to their habitat. I understand that several of the questions on the permit application attempt to get at these issues, but the answers don't appear to have sufficient information to assuage our concerns (see WRA permit responses A, B, and H; FMA permit response C).

Thank you for your consideration in this matter.

Sincerely,

Laurel Bradford
1040 9th St.
503-758-3353

Spir, Peter

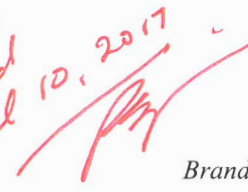
From: Laurel Bradford <laurel.bradford@gmail.com>
Sent: Sunday, April 09, 2017 10:22 PM
To: Spir, Peter
Subject: Permit application for 1059 9th St
Attachments: Letter 1059 9th St.docx

Mr. Spir,

Please see my attached letter regarding concerns about the construction permit for 1059 9th St. If I need to submit this in hard copy or to a different individual, please let me know.

Thank you,

Laurel Bradford

rec'd
April 10, 2017


Brandon Blondheim
1025 9th St
West Linn Or 97068
blondheimbrandon@gmail.com
503-929-4989

Monday, April 10, 2017

RE:

File No WRG-16-08/WAP-16-10/MISC-16-06

To:

City of West Linn Planning Director

CC:

Clackamas County Surveyor
Oregon Dept of State Lands

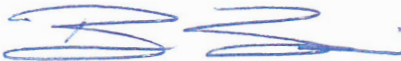
Dear City Planning Department:

This letter was prepared to express my concerns over the potential development of 1059 and 1041 9th St in West Linn Oregon. Here is a bullet list of concerns...

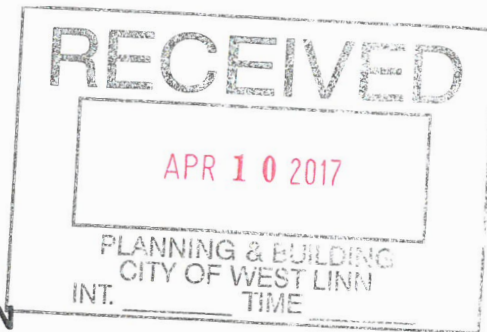
1. Since living at 1025 9th St the Wet Land has sunk nearly 1 inch per year. The result is shown in the sinking asphalt that lines the easement between properties.
2. The massive amounts of water the wetland holds in the winter
3. The incredible closeness to the culvert of these two properties, with continuous run off from the adjacent wetland on the opposite side of 9th St.
4. The historical flooding of this property. In 1996 both lots were totally under water (attached Ariel photo) This flooding would have come right up to my garage if this happened today.
5. I'm no expert, but it seems that the lot line adjustments that happened recently were possibly illegal for this subdivision. See attachment to this letter from Clackamas County.

I want to stress the fact that I'm no expert, but just from a reasonable and liability standpoint, I do not for the life of me see why a City, County or State would want one of it's citizens in such a precarious situation. This land it a wet land and every developer I've talked to says they wouldn't touch that property. Way too much liability.

Thank you for your consideration and time,



Brandon Blondheim



**CITY OF WEST LINN
NOTICE OF UPCOMING
PLANNING MANAGER DECISION
FILE NO. WRG-16-08/WAP-16-10/MISC-16-06**

The West Linn Planning Manager is considering a request for a Willamette River Greenway permit, a Water Resource Area permit and a Flood Management Area permit to construct a single family home at 1059 Ninth Street.

The decision will be based on the approval criteria in Chapters 11, 27, 28 and 32 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 1205 of Clackamas County Assessor's Map 31E 2AC) 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/1059-9th-street-willamette-river-greenway-permit-water-resource-area-permit-and-flood> 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 April 10, 2017. 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.

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.

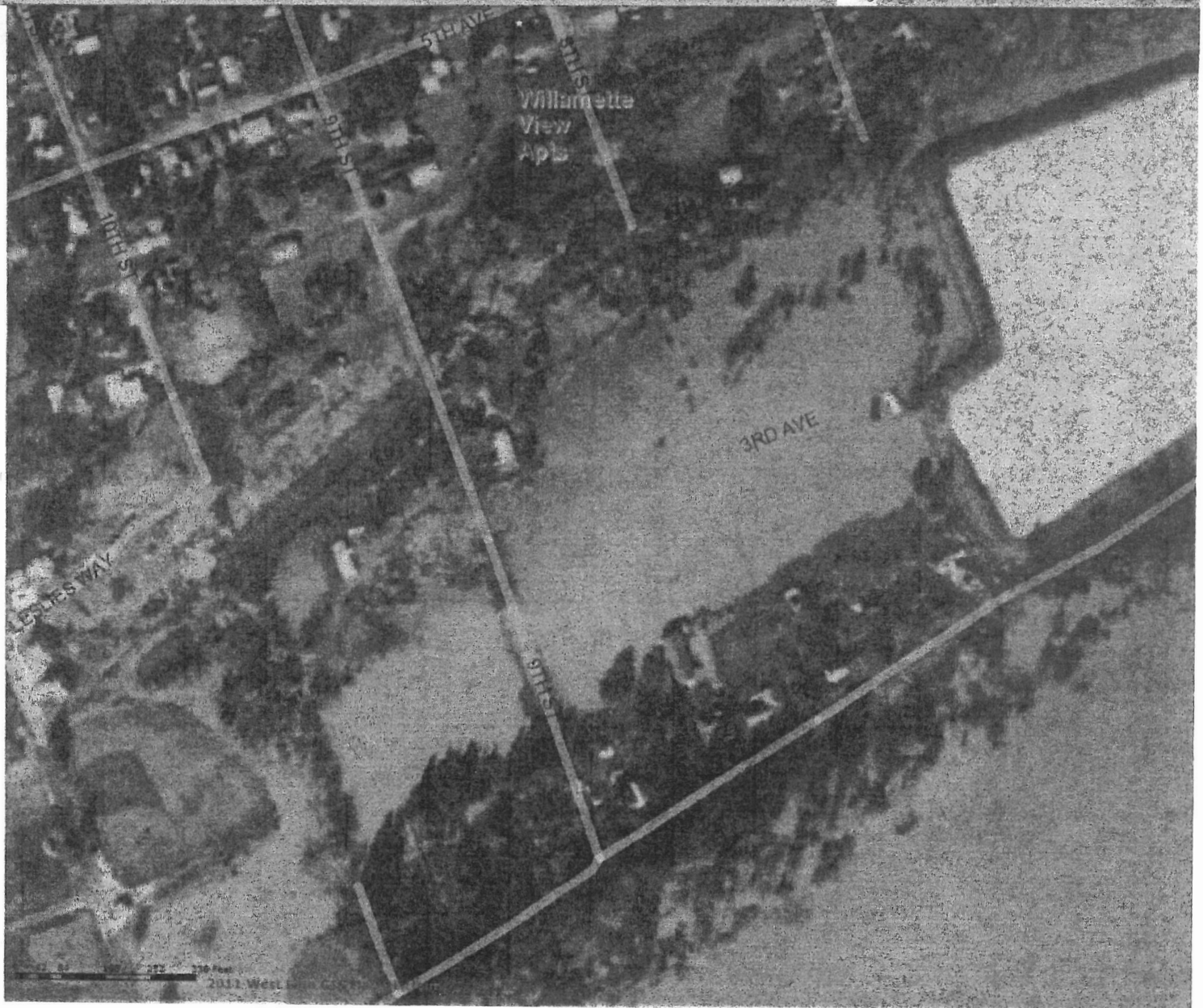
West Linn Historic Aerial Photography, zoom in to view photos

Address Search | Print Air Photo

Results

Map Contents

- West_Linn_Historic_Air_Photos_EX110
- Current Streets, 1 inch = 12000
- 2009 Air Photo (Orthophoto)
- 1996 Air Photo (Orthophoto)
- 1996 Air Photo (Flood February)
- 1988 Air Photo
- 1948 Air Photo (Flood June 1948)
- 1936 Air Photo





CLACKAMAS COUNTY

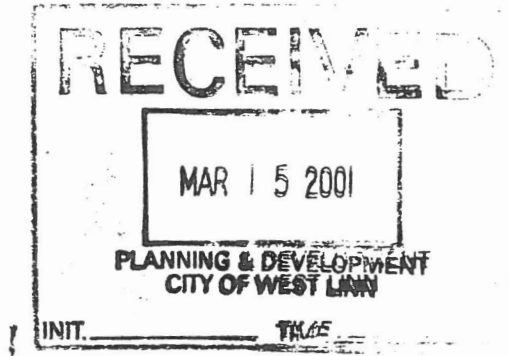
COPY

Office of the County Surveyor

R. CHARLES PEARSON
COUNTY SURVEYOR

March 13, 2001

Dan Drentllaw
Planning Director
City of West Linn
22500 Salamo Road, #1000
West Linn, OR 97068



Dear Dan:

We have had several conversations with your staff regarding use of property line adjustments and the appropriate use of a replat, most recently as it pertains to the LLA-00-10 file. Our opinion, based on a formal 1990 Attorney General Opinion OP 6350 (copy attached), is that the referenced property line falls under the conclusion that "...lot line adjustments may not be used to redraw a previously platted subdivision when the result would be a reconfiguration of the subdivision." The opinion further states, "We conclude that the legislature intended to authorize lot line adjustments in subdivisions only where there is a single adjustment, or a series of adjustments that are so minor as not to constitute a 'reconfiguration' of a subdivision."

Additionally, we note that there is an inconsistency in the Conditions of Approval. Items No 13 and 14 call for a "final plat" for City approval and recording the approved plat with Clackamas County. For your background and information the County Surveyor only reviews and accepts maps for filing pursuant to ORS Chapter 209. We do not "approve" and the County Clerk does not "record" a record of survey.


It is not our intention to be a watchdog over your department. However, when something is brought to our attention that we understand to be unlawful, it is my duty to bring it to your attention. Regardless of whether a city or county approves an action, if such action is unlawful then to continue with that action could have a negative impact on any future buyer of such an adjusted lot.

Yours truly,

R. Charles Pearson, PLS
Clackamas County Surveyor

cc: Kristi Crowell, Associate Planner, West Linn
Tony Benthin, PLS, AKS Engineering

DAVE FROHNMAYER
ATTORNEY GENERAL

Tom Milne


JAMES E. MOUNTAIN, JR.
DEPUTY ATTORNEY GENERAL

Pecker
Judd
Anderson
Ward
Gardner

Tom Milne

DEPARTMENT OF JUSTICE

GENERAL COUNSEL DIVISION
Justice Building
Salem, Oregon 97310
Telephone: (503) 378-4620

JAN 26 1990

January 25, 1990

*RE: Property Line /
Lot Line Adjustments*

The Honorable John R. Brenneman
State Senator
2780 NE Jackson Place
Newport, OR 97365

Re: Opinion Request OP-6350

Dear Senator Brenneman:

RECEIVED
FEB 16 1990
KAMPE ASSOC., INC

You ask whether an existing undeveloped subdivision may be redrawn by the use of a substantial number of lot line adjustments rather than by replatting under ORS 92.180. Your request also incorporates a question posed by the Legislative Counsel's office: whether any state agency has authority to adopt rules clarifying this issue.

For the reasons that follow, we conclude that lot line adjustments may not be used to redraw a previously platted subdivision when the result would be a reconfiguration of the subdivision. We also conclude that no state agency has general authority to adopt rules clarifying when lot line adjustments may be used to redraw a subdivision. Certain agencies may have authority to adopt rules interpreting how such adjustments relate to specific programs that they administer.

Discussion

1. Background

The first question was raised by the developers of a residential subdivision in Newport. The subdivision was platted approximately 40 years ago, and comprises 65 lots of 5,000 square feet each. The developers now wish to redesign the subdivision to make better use of the natural terrain and vegetation and to reduce erosion and traffic circulation problems. The proposed new design will require an extensive series of adjustments to the boundaries between lots¹ and will reduce the number of lots. The redesign also requires the vacation of an existing street in the subdivision and the creation of new access by private easements or public dedication.

Honorable John R. Brenneman

Page 2

January 25, 1990

The developers propose to use lot line adjustments rather than replatting in order to avoid the expense and delay associated with complying with the current subdivision regulations. They maintain that it is commonplace to redraw subdivisions by use of lot line adjustments. (We have found no uniform practice in the state.) We understand that the City of Newport has been reluctant to proceed with necessary approvals because of a January 6, 1988, memorandum in which a Department of Justice attorney advised the Department of Revenue that a replat was the only proper method for reconfiguring or redesigning a subdivision.

2. History of the Replatting Statutes

A brief review of the history of Oregon's subdivision and partition statutes aids our analysis of the availability of lot line adjustments for redesign of a subdivision.

Oregon law has provided for "town plats" since 1864. General Laws of Oregon, ch LVI, at 925 (Deady 1866); Or Laws 1909, ch 70; Or Laws 1931, ch 227. The first modern subdivision statute, however, was enacted in 1947. Or Laws 1947, ch 346. It applied only to divisions of tracts of land into four or more units defined variously as "lots," "tracts" or "parcels," and it required the preparation and recording of a "plat."

In 1973, the legislature expanded the subdivision statute to cover all land divisions. Or Laws 1973, ch 696. Units of land in subdivisions were defined as "lots." Divisions of land into three units or less were defined as "partitions." The units created by partitions were defined as "parcels." "Major partitions" were divisions that included the creation of a street, and all other partitions were classified as minor. A graphic description of the division, referred to as a "map" rather than a plat, was required for major partitions.

The 1973 Act excluded from the definition of partition "any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced by the adjustment in size is not reduced below the minimum lot size established by any applicable zoning ordinance." Id. at § 3 (codified at ORS 92.010(7) (emphasis added)). The statutes were silent on whether adjustments of subdivision boundary lines were authorized and on how such adjustments might affect the accuracy of recorded plots.

In a separate statute also enacted in 1973, the legislature enacted a policy and procedure for reviewing undeveloped sub-

3. Purpose of the Subdivision and Partition Law

ORS chapter 92 contains no separate overall purpose section. Nonetheless, the purposes of the chapter have been fairly summarized as: (1) assuring accurate surveying, marking, and recording of individual parcels of land; (2) assuring that land is divided and improvements are provided within the framework of state-wide goals and community plans; (3) providing for infrastructure to serve the parcels; (4) providing improvements that relieve external effects of land division (e.g., pollution, congestion); and (5) protecting potential purchasers from fraud, deceit or misrepresentation by sellers. See Bureau of Governmental Research and Service (University of Oregon), The Changing Role of Government in the Subdivision and Partitioning of Land in Oregon 2-3 (1975). In addition, the statutes contain a number of individual policy declarations. See, e.g., ORS 92.205 (express policy of bringing previously platted but undeveloped subdivisions into compliance with comprehensive plans, zoning regulations and development standards).

4. Use of Lot Line Adjustments in Subdivisions

In addressing your first question, we focus primarily upon ORS 92.180 to 92.190, governing replatting. ORS 92.180 authorizes the replatting of previously platted subdivisions. Replatting allows the "reconfiguration" of lots and easements within the recorded plat of a subdivision. An approved replat vacates the previously platted lots and easements. ORS 92.185. A property owner wishing to replat must provide notice to certain affected property owners and utilities, must obtain approval from the appropriate unit of local government, and must comply with all of the provisions of ORS chapter 92 and applicable land division ordinances in effect at the time of replatting. ORS 92.185(2)-(5). "Replat" includes "a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the * * * information concerning a recorded subdivision." ORS 92.010(10). The term "reconfiguration" is not defined.

ORS 92.190(3) provides that "[t]he governing body of a city or county may use procedures other than [the] replatting procedures in ORS 92.180 and 92.185 to adjust lot lines as described in ORS 92.010(7), as long as those procedures include the recording or other central filing of the final lot line adjustment." ORS 92.010(7) defines the phrase "[to] [p]artition land" to include all divisions of land other than subdivisions, but the definition excludes "[an] adjustment of a property line by the relocation of a common boundary where an additional unit

Honorable John R. Brenneman
Page 5
January 25, 1990

of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance * * *."

No statutory provisions in ORS chapter 92 expressly authorize or regulate lot line adjustments. Rather, such adjustments are merely excluded from the definition of "partition land" and, under stated conditions, exempted from the replat provisions. The legislature apparently believed that such express authorization was unnecessary; common law and statutory lot line adjustment mechanisms substantially predate the modern subdivision and partition regulations. See, e.g., ORS 105.705 (circuit court action to determine boundary line); Blaisdell v. Nelson, 66 Or App 511, 514-15, 674 P2d 1208 (1984) (and authorities therein discussing boundary lines by agreement). ORS chapter 92 does provide that once a lot line has been created, it cannot be changed or vacated except as provided by law. ORS 92.017.

No statute in ORS chapter 92 directly answers your first question. For the reasons that follow, however, we conclude that ORS 92.190 does not empower local governments to allow a subdivision to be reconfigured by an extensive series of lot line adjustments. A contrary conclusion would be inconsistent with the statutory policies and is unsupported by the legislative history of the provisions in question.

The governing statutes provide no explicit guidance.² Nor does the legislative history aid us here. The relationship between lot line adjustments and replats was discussed in testimony before the legislative committee that produced the 1985 amendments. The committee heard debate on whether lot line adjustments could be used at all to redraw boundary lines in subdivisions as opposed to partitions. It appears that this question was left unsettled.³ Nor did any testimony address the use of a series of lot line adjustments.

Unfortunately, it is difficult to determine what the committee intended. Further, there is no indication that the committee's intent, whatever it may have been, was conveyed to the Legislative Assembly as a whole. Accordingly, the legislative history does not help us here.

Lacking any clear direction from the statutory language or the legislative history, we must rely on more general principles of statutory construction. First, it is our duty to construe statutes to accomplish the legislature's policies. ORS 174.020 (pursue the legislature's intent); see State v. Parker, 299 Or 534, 540, 704 P2d 1144 (1985).

Honorable John R. Brenneman
Page 6
January 25, 1990

To construe ORS 92.190(3) to allow subdivisions to be significantly redrawn by simply making an extensive series of lot line adjustments would be inconsistent with the legislative policies described above. Except to the extent required by local ordinances, there would be no means to assure that the recorded plats are modified to reflect the new subdivision design. Property in a redrawn subdivision could not be conveyed by reference to lot number. Subdivisions might be redrawn without assuring consistency with state and local planning objectives, and without any provision for public notice or comment or local government review. For example, ORS 92.185(2)-(4), requiring notice to other affected landowners and utilities, could be circumvented. See also ORS 92.170(2) (prohibiting the use of affidavits of correction, which are recorded but not subject to public notice requirements, for purpose of "redesigning lot or parcel configurations"). In other land use matters, the Oregon courts consistently have refused to construe statutes in a manner that abridges notice and hearing requirements. See, e.g., Doughton v. Douglas County, 88 Or App 198, 202, 744 P2d 1299 (1987). Boundary line changes also might fail to conform with present development standards and thus be accomplished without mitigation of the external effects of the land division. We decline to construe ORS 92.190(3) in such a manner.

Additionally, to interpret ORS 92.190 to allow a subdivision to be reconfigured by a series of lot line adjustments effectively would limit the subdivision replat requirements to reconfigurations that create at least one additional lot. See ORS 92.010(7)(b). We understand, however, that such reconfigurations are only a small proportion of all reconfigurations, most of which are done to decrease the density of subdivisions. Thus, such an interpretation would produce an exception to the replat requirements that would virtually swallow the rule. We find it unlikely that the legislature intended ORS 92.190(3) to operate in that fashion.

We conclude that the legislature intended to authorize lot line adjustments in subdivisions only where there is a single adjustment, or a series of adjustments that are so minor as not to constitute a "reconfiguration" of a subdivision. This interpretation harmonizes ORS 92.190(3) with the other replatting provisions and their underlying policies.

Lot line adjustments in subdivisions under ORS 92.190(3) are allowed only when made pursuant to a valid local ordinance that regulates such adjustments and provides for "the recording or other central filing of the final lot line adjustment."

Honorable John R. Brenneman

Page 7

January 25, 1990

Id. Thus, governing bodies of cities and counties that wish to permit lot line adjustments in subdivisions must enact appropriate ordinances.

As noted, we have concluded that a subdivision may not lawfully be "redesigned" or "reconfigured" by a series of lot line adjustments. We recognize that in some circumstances it will be difficult to determine whether the changes to a subdivision constitute a "reconfiguration." From the facts of which we are aware here, however (see above at 1-2 and n 1), it is plain that the proposed changes would result in an impermissible reconfiguration.

The use of lot line adjustments in subdivisions is a subject in need of legislative clarification. Specifically, we recommend that the legislature provide guidance on the extent to which a subdivision may be changed by lot line adjustments before it is "reconfigured." Similarly, it would be helpful for the legislature to clarify whether local ordinances must require recording of amendments to a plat map, as opposed to the mere filing of metes and bounds descriptions of the newly drawn lots.

5. No State Agency Rulemaking Authority

The second question asks whether any state agency has the authority to adopt rules clarifying when lot line adjustments may be used in place of replatting. Only two state agencies, the Real Estate Agency and the Land Conservation and Development Commission (LCDC), have responsibilities that relate directly to subdivisions and partitions.⁴ Neither agency, however, has the power to adopt rules on the matter in question.

The Real Estate Agency is responsible for enforcement of the Oregon subdivision and series partition control laws codified at ORS 92.305 to 92.495. These laws relate to public disclosure and consumer protection. The agency has no authority, however, to enforce other portions of ORS chapter 92. Compare ORS 92.490 to 92.495 with ORS 92.990.

LCDC, through the acknowledgment process and the periodic review process, is responsible for ensuring that all local land use regulations are in compliance with state-wide planning goals. See, e.g., ORS 197.250. LCDC may refuse to acknowledge any local ordinance that implements ORS 92.180 to 92.190 in a manner that fails to comply with the goals. Because LCDC does not enforce or administer ORS chapter 92, however, it lacks authority to adopt specific rules regulating the replatting of subdivisions.

Honorable John R. Brenneman
Page 8
January 25, 1990

6. Role of the Department of Justice

The Department of Justice does not act as legal counsel to the City of Newport. That city is entitled to seek and rely upon advice from its own counsel. The legal opinions stated in this letter of advice are given solely for your use and benefit.

Sincerely,



Donald C. Arnold
Chief Counsel
General Counsel Division

DCA:LK:tmt/0786H

¹ The Department of Justice has not received a copy of the proposed changes, so we do not know the exact number of lots affected. Correspondence we have received, however, indicates that the developers propose to "redesign" the subdivision, and that they "will be so severely redrawing the lot lines in parts of the subdivision that the new lots will bear virtually no resemblance to the original lots." Letter dated August 9, 1989, from J. Christopher Minor to Stan F. Mayfield. Similarly, the developer describes the changes as an "extended series," and his attorney notes that if the lot line adjustments are allowed, the resulting units of land will be described by metes and bounds rather than reference to the original lots. Letter dated September 20, 1989, from William Buchanan to Nikki Hollen; letter dated July 31, 1989, to Evan Boone from Kurt Carstens.

² One could argue from ORS 92.010(1) and (7) and 92.190(3) that lot line adjustments may not be used in subdivisions at all. The key source of that argument would be the 1985 amendment to the definition of "partition land," Or Laws 1985, ch 717, § 1 (now codified at 92.010(7)(b)). As noted above in text, where the prior statute excepted from the definition an "adjustment of a lot line" (emphasis added) under specified conditions, the amended statute referred to an "adjustment of a property line." (Emphasis added.) The term "lot" refers only to subdivisions. See ORS 92.010(1). The reference to ORS 92.010(7) in ORS 92.190(3) is the only statutory basis for adjusting boundary lines without replatting. Therefore, one could contend that the 1985 amendment to the definition of "partition land," by

Honorable John R. Brenneman
Page 9
January 25, 1990

deleting the reference to a subdivision-specific term, signaled the legislature's intent to permit boundary line adjustments without replatting only in partitions, not in subdivisions. Despite the surface appeal of that argument, it is ultimately unpersuasive.

First, ORS 92.190(3), enacted in the same session as the amendment discussed above, see Or Laws 1985, ch 369, § 4, uses the term "lot" line, despite its reference to ORS 92.010(7), which uses the term "property" line. That inconsistent language belies any legislative intent to change ORS 92.010(7) substantively by the change in terminology. Second, in 1985 the replat provisions applied only to subdivisions. Therefore, it would have been illogical for the legislature to have created an exemption from replatting limited to partitions. Third, we find in the legislative history no evidence that the legislature intended such a substantive change. Accordingly, although the argument for restricting lot line adjustments to partitions is superficially attractive, we reject it.

³ On March 26, 1985, the House Committee on Housing and Urban Development took testimony on HB 2547, which became Oregon Laws 1985, chapter 369 (codified at ORS 92.180 to 92.190). The committee added the lot line adjustment language to the original language of the bill. Steven J. Hawes, the state's Deputy Real Estate Commissioner, testified and suggested that section 4 (now ORS 92.190) be amended to refer to lot line adjustments:

"[W]e were talking about the definition of partition land. And one of the things that, Elizabeth Norman, of legislative counsel, did was to cut apart that long, tortured definition and set out more clearly, two remaining exceptions. And one of those was lot line adjustments. And a lot line adjustment is where you simply redraw the line without creating a new buildable parcel, by the re-, or by the movement of that line. And all I'm suggesting here is that, the way the definition is drawn for replat, you may want to specify as is done in the definition of partition land, that this does not include lot line adjustments. You shouldn't have to go through the, the same formality of steps to adjust the lot line, as you would, for instance, for a replat of all or a portion of the subdivision."

House Committee on Housing and Urban Development (HB 2547),
March 26, 1985, Tape No. 62 at 1320-1420.

Honorable John R. Brenneman
Page 10
January 25, 1990

A somewhat different position was taken by the representative of the Oregon Association of County Engineers and Surveyors. He stated:

"As far as lot line adjustments are concerned, if they are in a recorded subdivision, they should be done by the replat procedure. So, it seems to me that - it - this doesn't address the replat of partitionings, only of recorded subdivision plats. And the setback and so forth would be a problem with lot line adjustments if they weren't replatted."

Id. at 2010-2088.

Later in the same hearing, the committee considered additional testimony from a representative of the Oregon Association of County Engineers and Surveyors and testimony from a representative of the Oregon Professional Land Surveyors Association. These witnesses also disagreed about the practice and the legality of using the lot line adjustment process to change boundary lines in a recorded subdivision, because of the effect of such adjustments on the accuracy of the recorded plat. Id. at 2818-3387. There was no discussion of using a series of lot line adjustments to redraw boundaries of a subdivision.

⁴ Several other agencies have tangential responsibilities. See, e.g., ORS 92.090 (Department of Environmental Quality approval of sewage systems); ORS 646.605 to 646.992 (Department of Justice enforcement of consumer protection laws).



Planning and Building

March 7, 2001

Carl Clinton
Clackamas County Surveyor's Office
9101 SE Sunnybrook Blvd.
Clackamas, OR 97015

Subject: City Approval of Lot Line Adjustment

Dear Mr. Clinton:

I have enclosed the staff report regarding the lot line adjustment located in West Linn between 8th and 9th Streets and 3rd and 4th Avenues. It was the Planning Department's understanding that the concerns of the County Surveyor's Office regarding the lot line adjustment proposal would be sufficiently addressed if the lot located at the Northwest corner of 9th Street and 4th Avenue remained a separate lot (Lot B). The applicant originally proposed to consolidate this lot with another lot. I would like to stress that this lot line adjustment and the concerns of the County Surveyor's Office were discussed at length with City planning staff, including the Planning Director, prior to approval. I have notified the applicant regarding your concerns, and requested that the applicant's surveyor contact you directly. I hope the staff report clarifies the City's findings regarding the lot line adjustment. Thank you.

Sincerely,

Kristi Crowell
Associate Planner

Enc.