



Planning & Development • 22500 Salamo Rd #1000 • West Linn, Oregon 97068
Telephone 503.656-3535 • westlinnoregon.gov

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT Ben Gardner	PROJECT NO(S). WAP-22-03	PRE-APPLICATION NO. PA-22-19
NON-REFUNDABLE FEE(S) \$2,600	REFUNDABLE DEPOSIT(S)	TOTAL \$2,600

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"/> Code Interpretation | <input type="checkbox"/> Lot Line Adjustment (LLA) | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Modification of Approval | <input checked="" type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Tree Easement Vacation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input checked="" type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Flood Management Area | <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change |

Pre-Application, Home Occupation, Sidewalk Use, Addressing, and Sign applications require different forms, available on the City website.

Site Location/Address: 2040 Tanner Creek Lane West Linn, OR 97068	Assessor's Map No.: 21E36BD
	Tax Lot(s): 21E36BD03200
	Total Land Area: 25,607 sq. ft.

Brief Description of Proposal:

Demonstrating compliance with all applicable city code in constructing a new deck in/near a riparian corridor, a conservation easement, and a sewer easement.

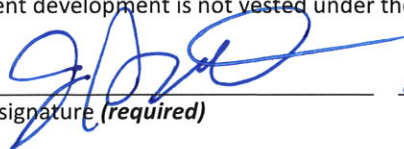
Applicant Name: Joseph P. Garstka <small>(please print)</small>	Phone: 503-342-8606
Address: 2040 Tanner Creek Lane	Email: garstka@gmail.com
City State Zip: West Linn, OR 97068	

Owner Name (required): Joseph P. Garstka <small>(please print)</small>	Phone: 503-342-8606
Address: 2040 Tanner Creek Lane	Email: garstka@gmail.com
City State Zip: West Linn, OR 97068	

Consultant Name: SCS Engineers / Shane Latimer <small>(please print)</small>	Phone: 503-208-3706
Address: 15940 SW 72nd Ave	Email: slatimer@scsengineers.com
City State Zip: Portland, OR 97224	

- 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 decision may be reversed on appeal. The permit approval will not be effective until the appeal period has expired.
- Submit this form and supporting documents through the Submit a Land Use Application web page:
<https://westlinnoregon.gov/planning/submit-land-use-application>

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.

Applicant's signature _____ Date _____ Owner's signature (required)  Date 11/7/2022

October 31, 2022
File No. 04222029.00

Joe Garstka
2040 Tanner Creek Ln
West Linn, OR 97068
garstka@gmail.com
(503) 998-8080

Subject: Water Resource Area Compliance Evaluation
Garstka Residence – Proposed Garden Deck
2040 Tanner Creek Ln, West Linn, OR
Permit Number 935-22-000602-STR

Dear Mr. Garstka:

The purpose of this letter is to document compliance with West Linn Community Development Code Chapter 32, Water Resource Area (WRA) Protection with regard to an application to build a permeable deck within an existing garden area for your residence located at 2040 Tanner Creek Lane, hereafter “Property” (Figure 1).

In summary, the deck you are proposing to build and use, which will be totally situated within the mapped WRA, complies with all applicable code.

The following documents compliance with the applicable code, including rationale and pertinent information.

Project and Site Description

A 344 square foot (maximum disturbed area; (MDA)) wood (or equivalent material) plank deck is proposed in an area adjacent to the main residence situated adjacent to an existing concrete patio (Attachment 1 – City of West Linn Building Division Plan Review; approved 6-22-2022; Figure 1). The deck will be elevated above an existing garden slope landscaped with ornamental bark and small, widely spaced shrubs. Below and generally south of the existing slope and the area of the proposed deck, an additional area of lawn (approximately 15 to 25 feet in width), and then an area of thick low shrubs and small trees (5-10 feet in width) are present. Finally, an existing 6-8 feet high rock abutment drops down to the more native area of the stream floodplain. The distance between the foot of the abutment and the nearest stream bank is approximately 30 feet or more.

The deck will be located approximately 8 feet outside of the storm sewer easement (Figure 1).

Locally Significant Wetlands, as mapped by the City, are not correctly depicted with regard to existing conditions (Figure 1). A wetland delineation will show that a wetland mosaic associated with the adjacent riparian area general follows the foot of the aforementioned abutment but may vary in



distance from the abutment by approximately 5 feet or more. The wetland mosaic is composed of herbaceous, shrub-scrub, and forested palustrine wetland types.

In summary, the proposed deck will be built well within the existing garden/cultivated landscape area and will affect very little (e.g., several very small shrubs) existing cultivated vegetation.

32.020 Applicability

The City of West Linn WRA map dated 2014 (see Figure 1) shows that the Property is partially located within the WRA boundary. The survey shows that the proposed deck (and much of the existing residence and garden facilities) are completely within the WRA. (NOTE: Deck overlaid by SCS on surveyor drawing).

32.110 Hardship Provisions

32.110 A. The right to obtain a hardship allowance is applicable for the proposed deck for the following reasons:

1. The required width of the WRA and its applicable code requirements overlap the area in which the deck is proposed on the Property.
2. The Property and its residence was recorded with the County Assessor's office in 1993 (prior to January 1, 2006). The lot size and platted configuration has not changed since recording.
3. Because the WRA completely overlaps the area of the proposed, 344 square foot, water-permeable deck, requirements of Approval Criteria via 32.060 and 32.070 would prevent reasonable use of the Property.

32.110 (B). The proposed deck would occur completely within the previously developed area (PDA), which currently consists of landscaped slope and is set back from the edge of the nearest wetland/water resource by no less than 30 feet.

32.110 C. The MDA (deck surface) will be located, as follows:

1. The development will result in no net, new, or additional square footage encroachment into the WRA;
2. The proposed development (deck) 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 is at least 15 feet; actual distance is at least 30 feet.
4. No access driveways are proposed.

32.110 D. The MDA will include one permeable deck of wooden or equivalent material construction. Grades will not be changed except to accommodate footings, as depicted in Attachment 1 (Elevations). No revegetation is proposed under the deck, nor is any regrading required for the project. However, several shrubs will be (re)planted around the deck to replace those displaced by the deck.

32.110 E. The deck footprint (MDA) completely overlaps the PDA and, therefore, counts as part or all of the MDA.

Other Findings

It is the professional opinion of the authors that the effects of the construction and presence of the proposed deck (MDA) relative to the function and values of the current footprint within the existing garden (MDA) and the greater, existing WRA, will be insignificant.

Summary

The proposed deck project meets all applicable requirements of Chapter 32, in particular Section 32.110. In addition, the deck will not encroach the existing storm sewer easement.

Sincerely,



Shane Latimer, PhD CSE
Senior Environmental Planner/ Ecologist
SCS Engineers



Ian Hultquist, CESCL
Staff Professional
SCS Engineers

SL/sl

cc:

Encl. Attachment 1
Figure 1

ATTACHMENT 1 – Site Plans

Building Division

Plan Review



Permit Number: 935-22-000602-STR
 Date: 06.22.2022
 Project Address: 2040 Tanner Creek
 Plan Reviewer: Adam Bernert
 Status: Approved

This plan review becomes part of the approved plans and permit. Construction must comply with the Current Edition of the following listed Codes: 2017 Oregon State Structural/Plumbing/Mechanical Code requirements. Approved plans must be kept on the job site. Buildings must be built to conform to the approved plans. Plan changes require Building Codes Division approval and may require designer approval. Refer to www.buildingpermits.oregon.gov for required inspections. Final inspection approval and certificate of occupancy is required before occupancy.

Conditional Notes and Requirements shall be addressed as required by the status of condition listed below. Items with an 'Open' status must be addressed prior to permit issuance. 'Condition of Approval' items must be addressed prior to Occupancy or as specified in the condition. 'Continuous' requirements are expected to be dealt with through the duration of the project.

Item #	Conditions and Notes Building/Planning/Engineering/ DRC	Status of Condition
1.	All inspections shall be arranged prior to 7:00 am day the inspection is requested.	Continuous
2.	Schedule Inspections at www.buildingpermits.oregon.gov or Call IVR 1-888-299-2821	Continuous
3.	For help with permit issues please contact us @ 503-742-6055. If we are not able to assist we will forward you to the E-Permitting Help Desk.	Continuous

Checklist Item #	Plan Review Building/Plumbing / Mechanical Code Checklist	Code Section Number
1:	Premises identification.	R319.1
3:	Rooms with bathing or spa facilities.	R303.3.1
4:	Safety glazing - Hazardous Locations	R308.4
5:	Required heating.	R303.8
7:	Ceiling Height	R305
8:	Space required.	Figure R307.1
9:	Bathtub and shower spaces.	R307.2
11:	Hallway.	R311.6
12:	Attachment.	R311.5.1
13:	Dryer exhaust systems	M1502
14:	Emergency Escape and Rescue.	R310.1
15:	Landings	R311.3
16:	Stairways	R311.7
18:	Handrails	R311.7.7
19:	Guards	R312.1
20:	Smoke Alarms	R314

20a:	Carbon Monoxide Alarms	R315.1
21-24:	Garages and Carports	R302.5, R309.2, M1307.3.1, M1307.3
25-35:	Footings and Foundations; Residential Concrete	Table R402.2., R403, R417.1.6, R319.1, R602.11.1, R404.1.4.2
36-39:	Crawl spaces	R408, R405.1
42-46:	Protection Against Decay	R317
47-61:	Framing	R502, R602, R302.11
62-67:	Wall and Ceiling Covering	R702, R703, R302
68-78:	Roof / Ceiling Construction and Attic Spaces	Section 8
79-81:	Roof Coverings	R905
95-108:	General Mechanical System Requirements	R104.11, M13, M14
109-144:	ENERGY EFFICIENCY: Chapter 11	R11

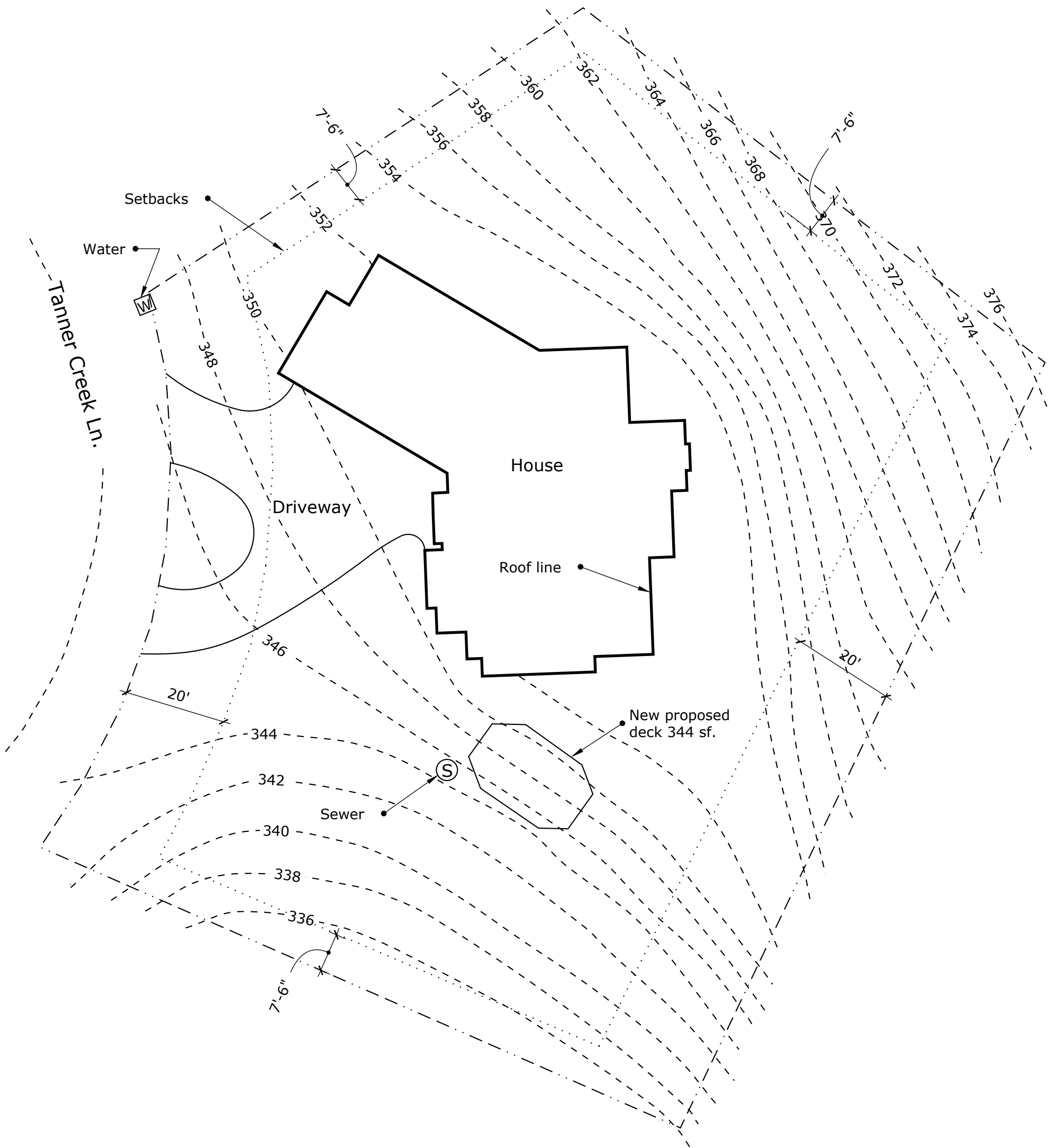
22500 Salamo Rd., Box 900

◆ West Linn, OR 97068 ◆

bldg@westlinnoregon.gov



2040 Tanner Creek Ln.
West Linn OR



APPROVED

Reviewed for code compliance

City of West Linn

Building Department

Address: 2040 Tanner Creek

Permit: 935-22-000602-STR

Date: 06/22/2022 2:29:25 PM

By: Adam Bernert

This Plan Review Approval

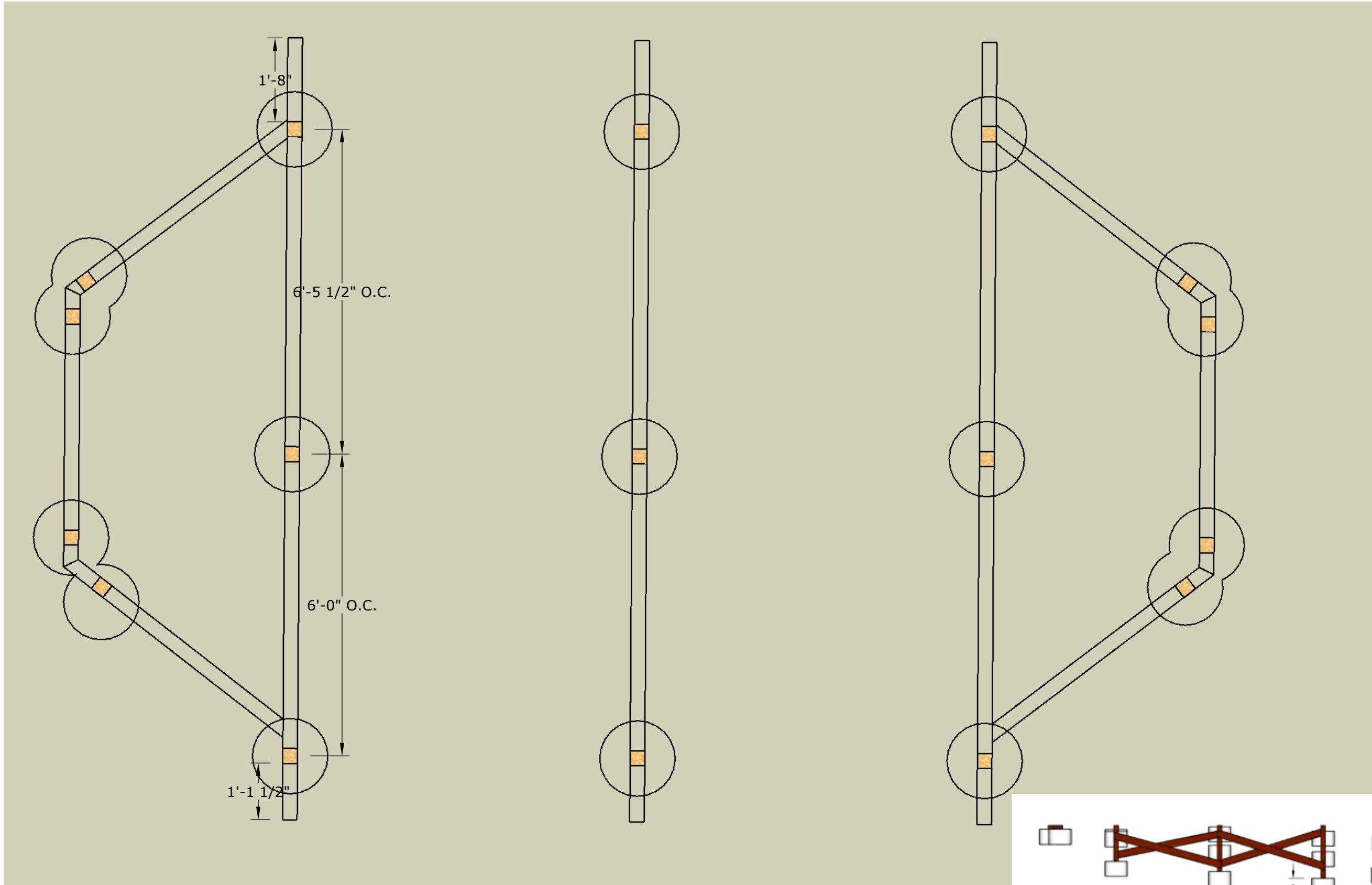
Does not Prevent The Field

Inspector From Requiring

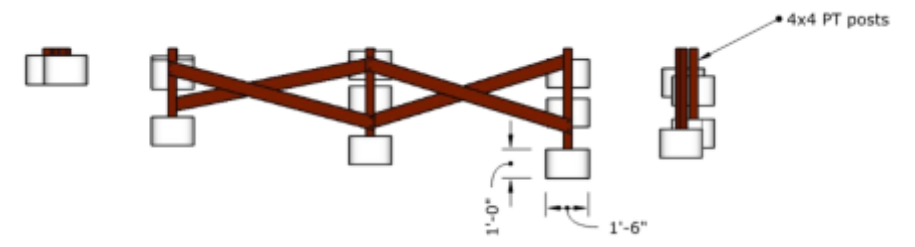
Further Code Correction!

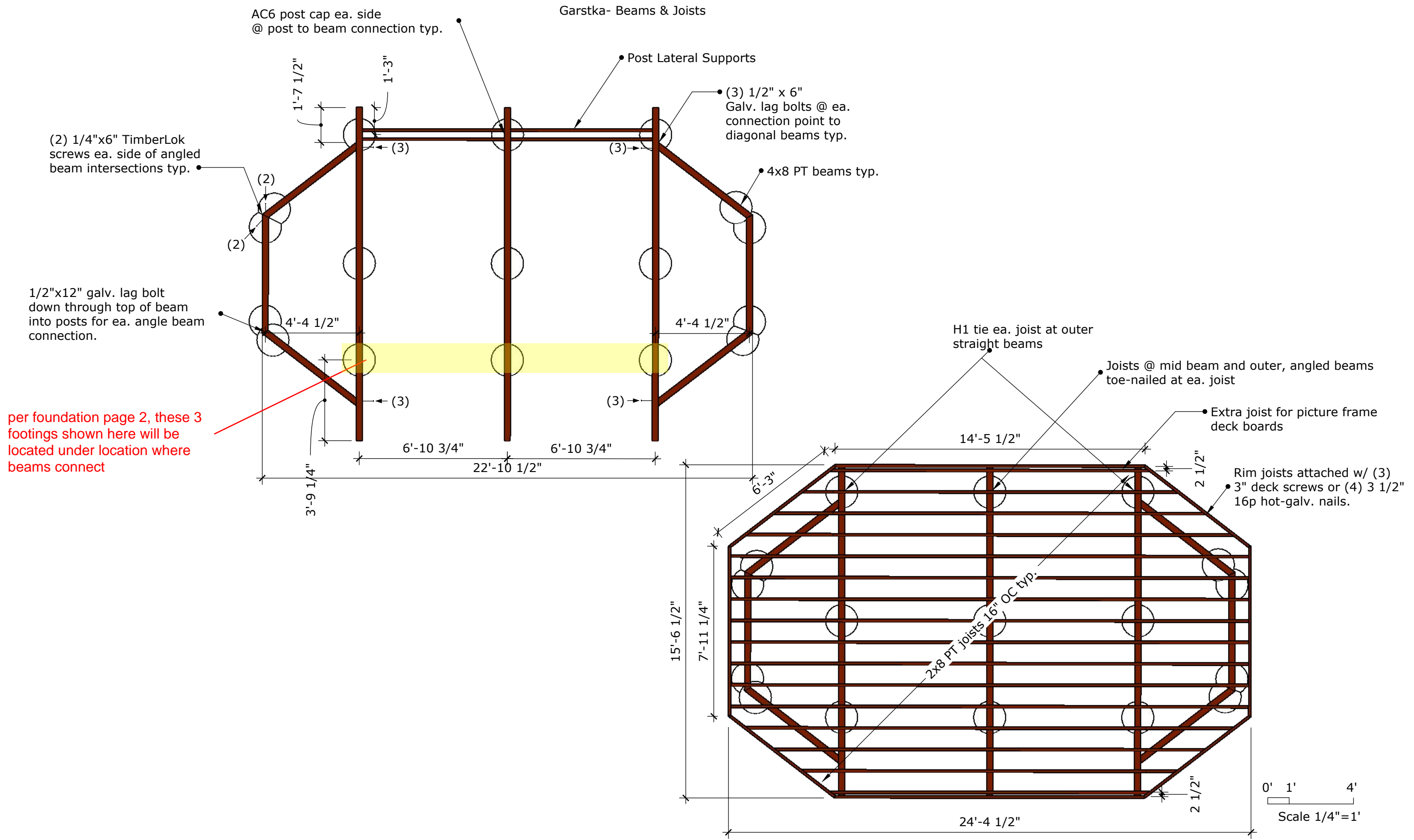
0' 20'
Scale 1"=20'

Garstka



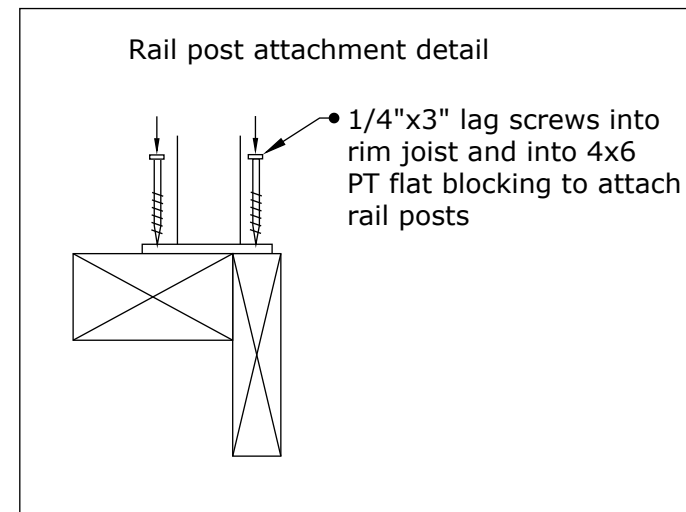
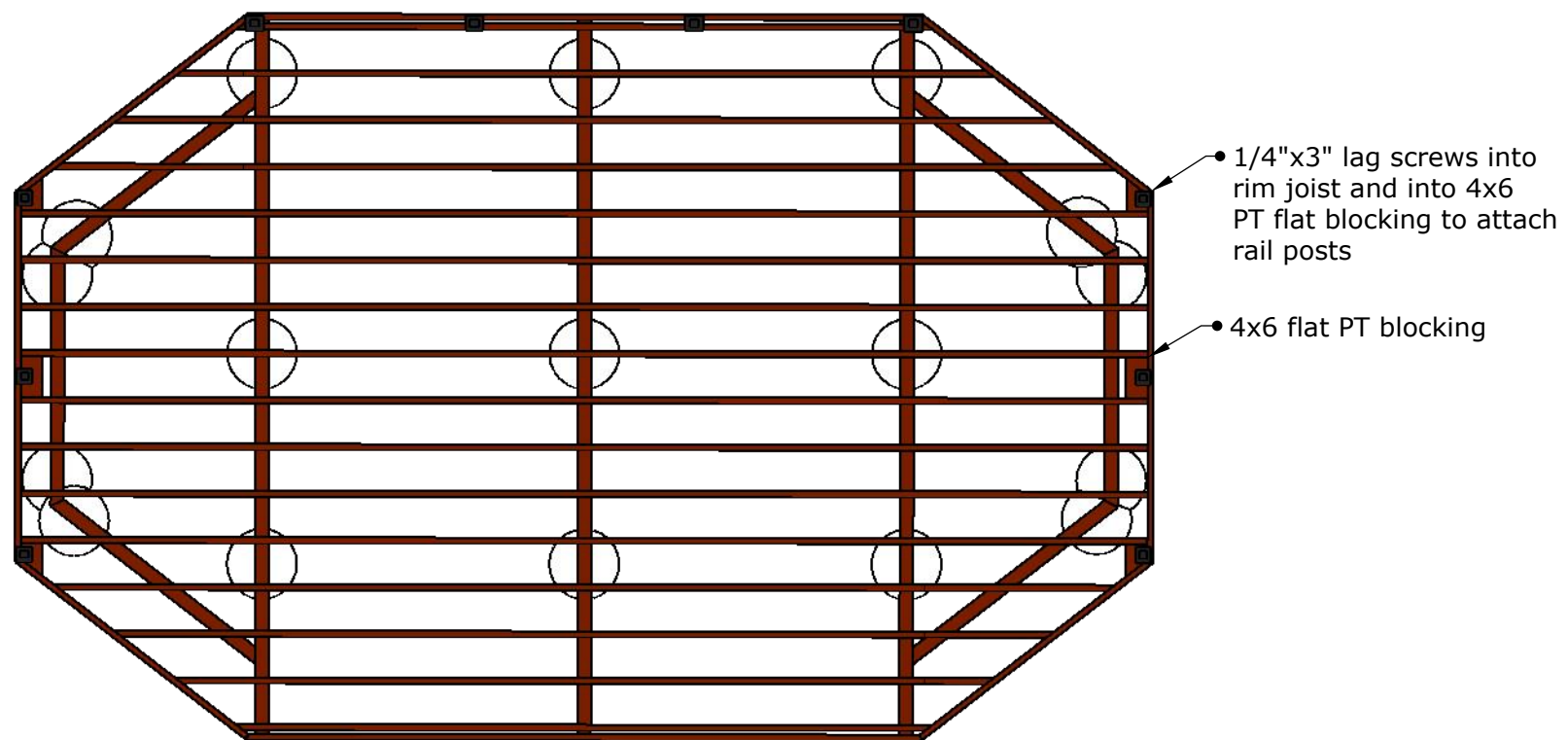
Footings:
1'6" wide circular
footings
1' deep





R502.7 Lateral restraint at supports.
 Joists shall be supported laterally at the ends by full-depth solid blocking not less than 2 inches (51 mm) nominal in thickness; or by attachment to a full-depth header, band or rim joist, or to an adjoining stud or shall be otherwise provided with lateral support to prevent rotation.
 > Exception: Trusses, structural composite lumber, structural glued-laminated members and I-joists shall be supported laterally as required by the manufacturer's recommendations.

Garstka- Rail Posts & Deck Boards

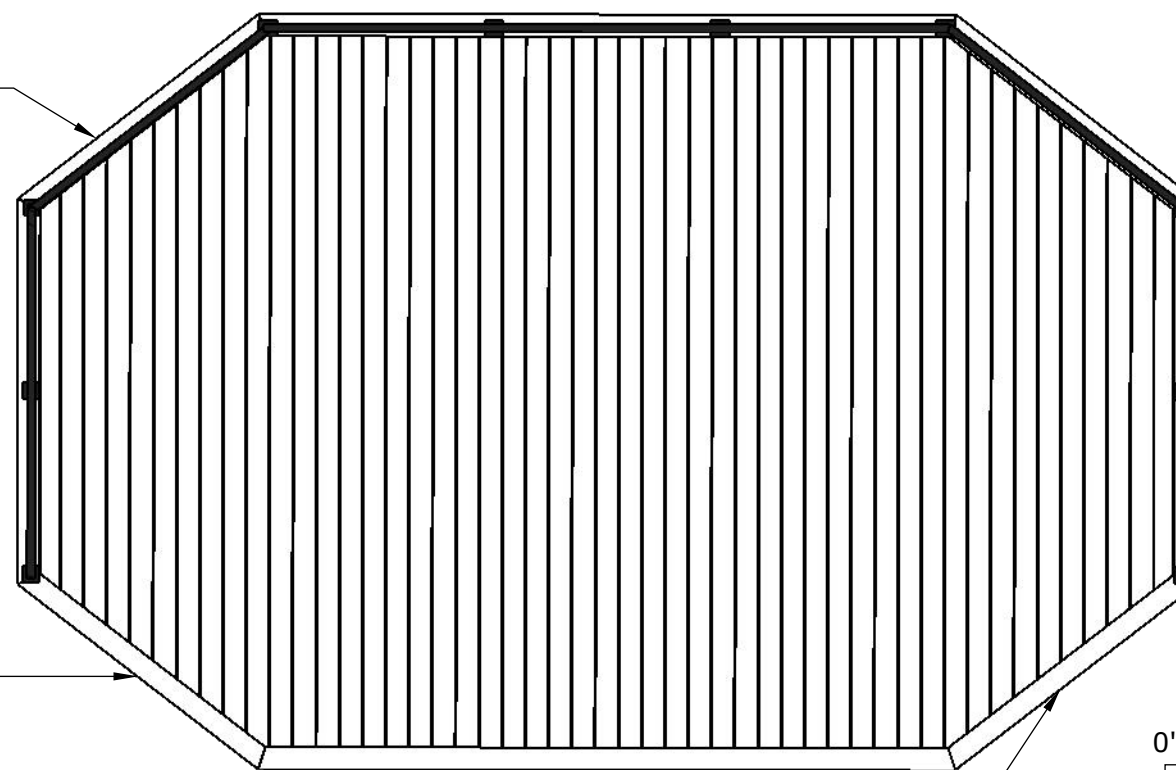


25-35,36-39,42-46,47-61

42-46,47-61,62-67,68-78,79-81

Picture frame perimeter board

Max height 22" within 3'



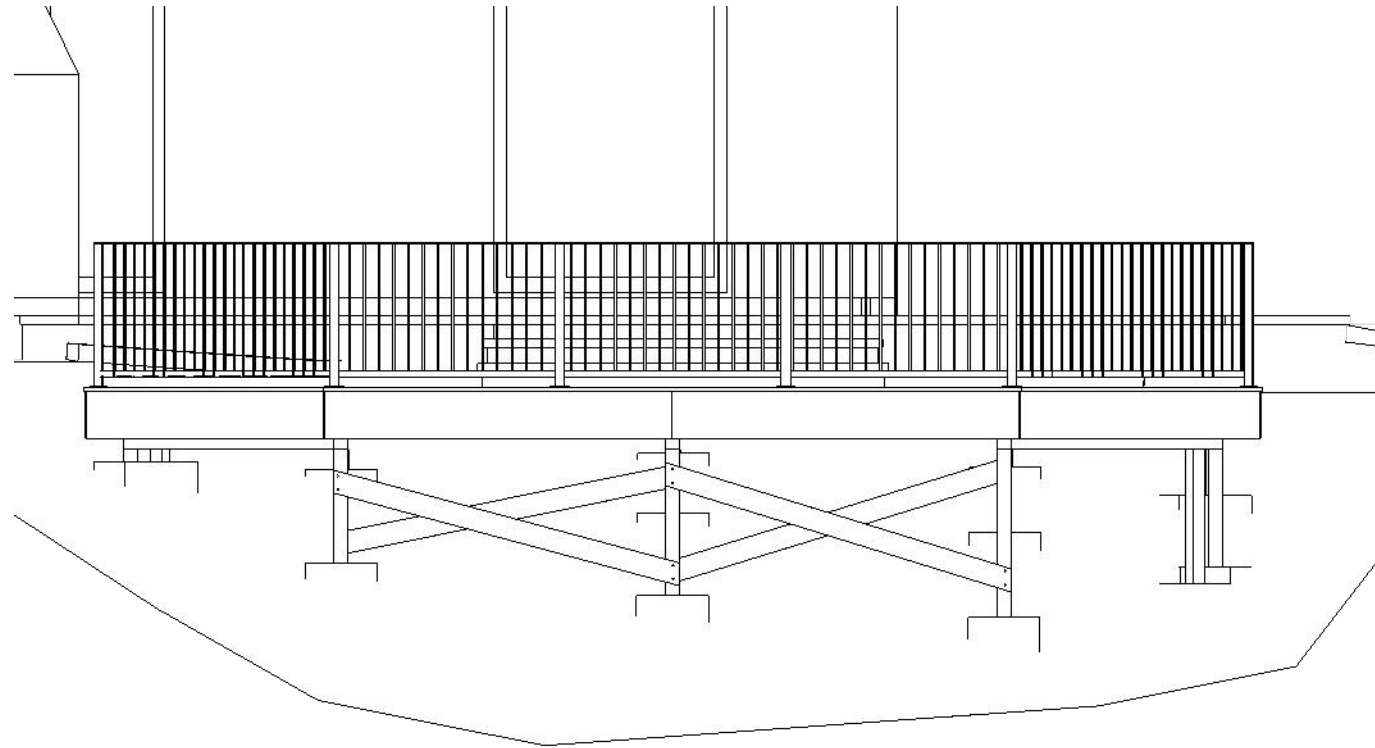
0' 1' 4'
Scale 1/4"=1'

Elevation 1

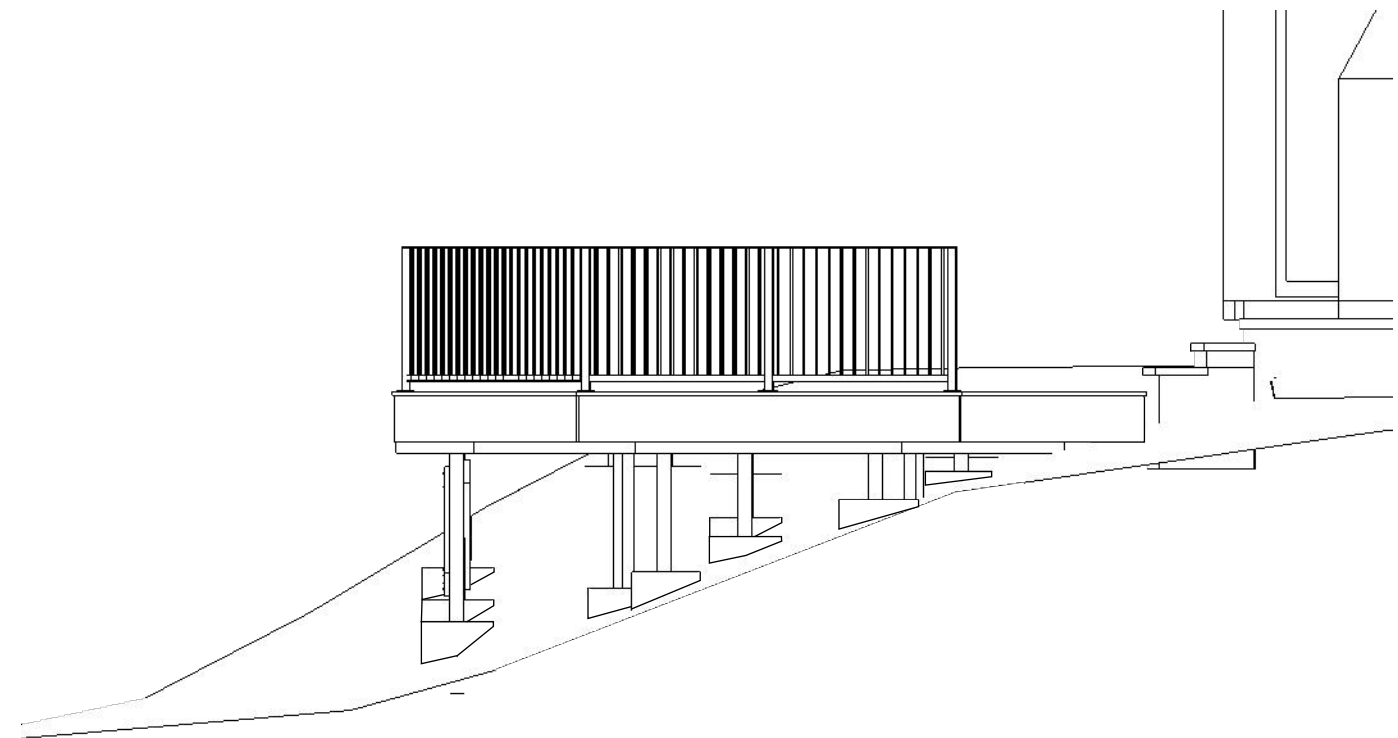
Elevation 2

Garstka- Elevations

Elevation 1



Elevation 2



0' 1' 4'
Scale 1/4"=1'

LOT 2, TANNER WOODS
 LOCATED IN THE
 S.E. 1/4 SECTION 25, T.1S., R.1E., W.M.
 CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON
 OCTOBER 3, 2022 SCALE 1"=10'

SURVEY NOTES:

THE DATUM FOR THIS SURVEY IS BASED UPON A STATIC GPS OBSERVATION OF LOCAL CONTROL POINTS, PROCESSED THROUGH OPUS. DATUM IS NAVD 88.
 HORIZONTAL DATUM FOR THIS SURVEY IS PER MONUMENTS FOUND AND HELD PER THE PLAT OF "TANNER WOODS", RECORDS OF CLACKAMAS COUNTY. THE BASIS OF BEARINGS IS BASED ON GPS STATE PLANE COORDINATES.
 NO WARRANTIES ARE MADE AS TO MATTERS OF UNWRITTEN TITLE, SUCH AS ADVERSE POSSESSION, ESTOPPEL, ACQUIESCENCE, ETC.
 NO TITLE REPORT WAS SUPPLIED OR USED IN THE PREPARATION OF THIS MAP.

UTILITY NOTES:

THE UNDERGROUND UTILITIES AS SHOWN ON THIS MAP ARE SHOWN BASED ON A COMBINATION OF INFORMATION, INCLUDING VISIBLE ABOVE GROUND STRUCTURES, AVAILABLE AS BUILT AND GIS MAPPING FROM LOCAL JURISDICTIONS.
 THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED.
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LEGEND:

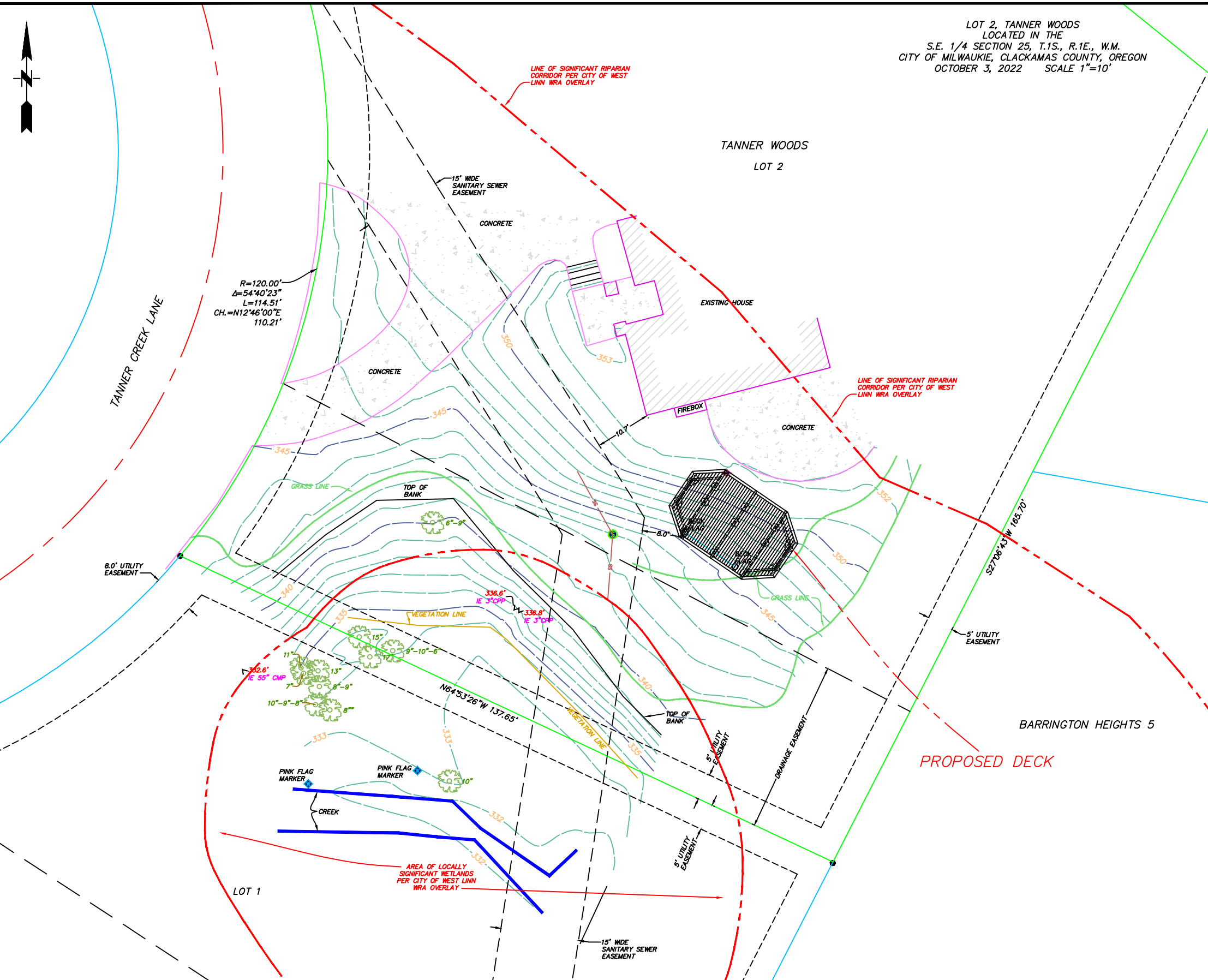
- Some Symbols shown may not be used on map
- 12" DECIDUOUS TREE
 - 24" EVERGREEN TREE
 - DEAD TREE
 - STORM SEWER MANHOLE
 - CATCH BASIN
 - CURB INLET
 - AREA DRAIN
 - DITCH INLET
 - SANITARY SEWER CLEANOUT
 - SANITARY SEWER MANHOLE
 - FIRE HYDRANT
 - WATER MANHOLE
 - WATER METER
 - WATER VALVE
 - HOSE BIB
 - IRRIGATION CONTROL VALVE
 - GAS VALVE
 - GAS METER
 - MAILBOX
 - UTILITY RISER
 - UTILITY BOX
 - TELEPHONE MANHOLE
 - TELEPHONE RISER
 - STORM OUTFALL
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 - BOLLARD
 - FOUND MONUMENT
 - DOWN SPOUT TO STORM SYSTEM
 - DOWN SPOUT TO SPLASH GUARD OR GROUND W/ PIPE DIRECTION
 - TRAFFIC SIGNAL POLE
 - UTILITY POLE
 - LIGHT POLE
 - GUY WIRE
 - ELECTRIC BOX
 - ELECTRIC METER
 - TRANSFORMER
 - ELECTRIC RISER
 - HEAT PUMP
 - GATE POST
 - CABLE TV BOX
 - CABLE TV RISER
 - OVERHEAD LINE
 - GAS LINE
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 - COMMUNICATIONS LINE
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 - FD = FOUND
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 - IR = IRON ROD
 - YPC = YELLOW PLASTIC CAP
 - ALC = ALUMINUM CAP
 - RPC = RED PLASTIC CAP

SIGNED ON:
 REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
 JULY 13, 2004
 TOBY S. BOLDEN
 60377LS
 RENEWS: DECEMBER 31, 2023

Proposed deck by SCS, as shown. All other survey information provided by surveyor.

CENTERLINE CONCEPTS
 LAND SURVEYING, INC.
 19376 MOLALLA AVE., SUITE 120
 OREGON CITY, OREGON 97045
 PHONE 503.650.0188 FAX 503.650.0189



SCS ENGINEERS
 Environmental Consultants and Contractors
 15940 S.W. 72nd Avenue
 Portland, Oregon 97224
 (503) 639-9201 FAX: (503) 684-6948



PROJECT NO.	04222029.00	DES BY	I.H.
SCALE	AS SHOWN	CHK BY	S.L.
CAD FILE	FIGURE 1	APP BY	S.L.

SITE PLAN
 Garstka Residence - WRA Deck Permitting
 2040 Tanner Creek Ln
 West Linn, OR 97068
 Permit Number 935-22-000602-STR

DATE
 NOVEMBER 2022
 FIGURE
 1

EXISTING CONDITIONS MAP

LOT 2, TANNER WOODS
 LOCATED IN THE
 S.E. 1/4 SECTION 25, T.1S., R.1E., W.M.
 CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON
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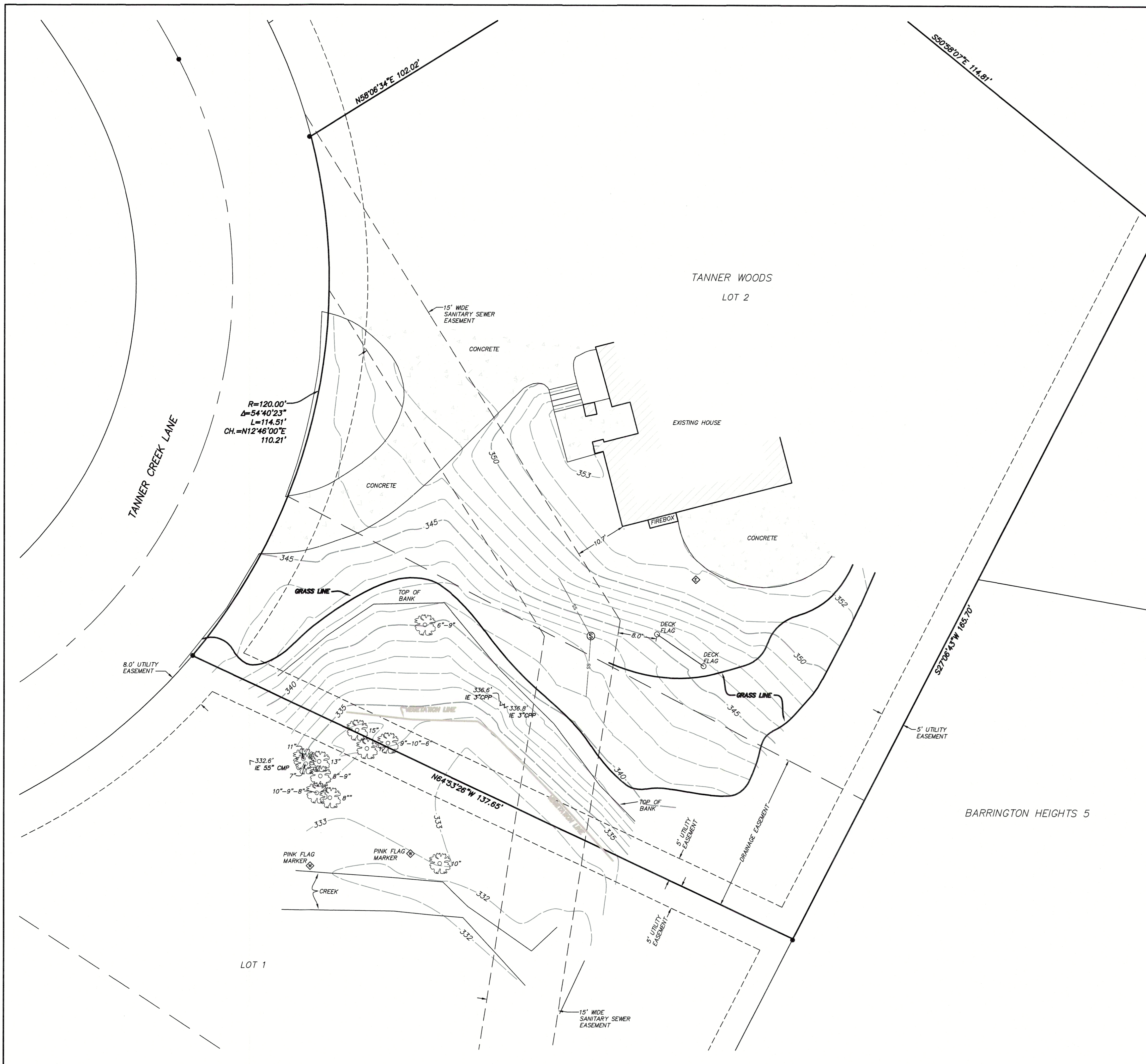
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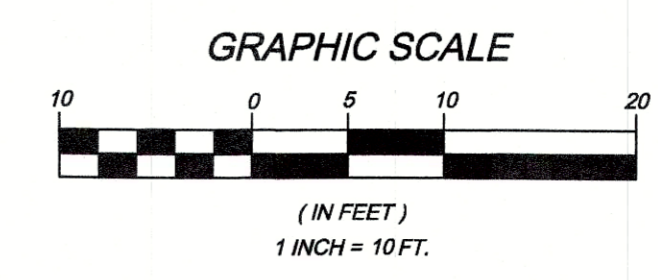


$R=120.00'$
 $\Delta=54^{\circ}40'23''$
 $L=114.51'$
 $CH.=N12^{\circ}46'00''E$
 $110.21'$

LEGEND:

Some Symbols shown may not be used on map

- | | |
|--|--------------------------|
| 12" DECIDUOUS TREE | STP TRAFFIC SIGNAL POLE |
| 24" EVERGREEN TREE | UTILITY POLE |
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| FOUND MONUMENT | ALC = ALUMINUM CAP |
| DOWN SPOUT TO STORM SYSTEM | RPC = RED PLASTIC CAP |
| DOWN SPOUT TO SPLASH GUARD OR GROUND W/ PIPE DIRECTION | |



SIGNED ON: *[Signature]*
REGISTERED PROFESSIONAL LAND SURVEYOR
[Signature]
OREGON
 JULY 13, 2004
TOBY G. BOLDEN
 60377LS
 RENEWS: DECEMBER 31, 2023

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LAND SURVEYING, INC.
 19376 MOLALLA AVE., SUITE 120
 OREGON CITY, OREGON 97045
 PHONE 503.650.0188 FAX 503.650.0189

TANNER WOODS

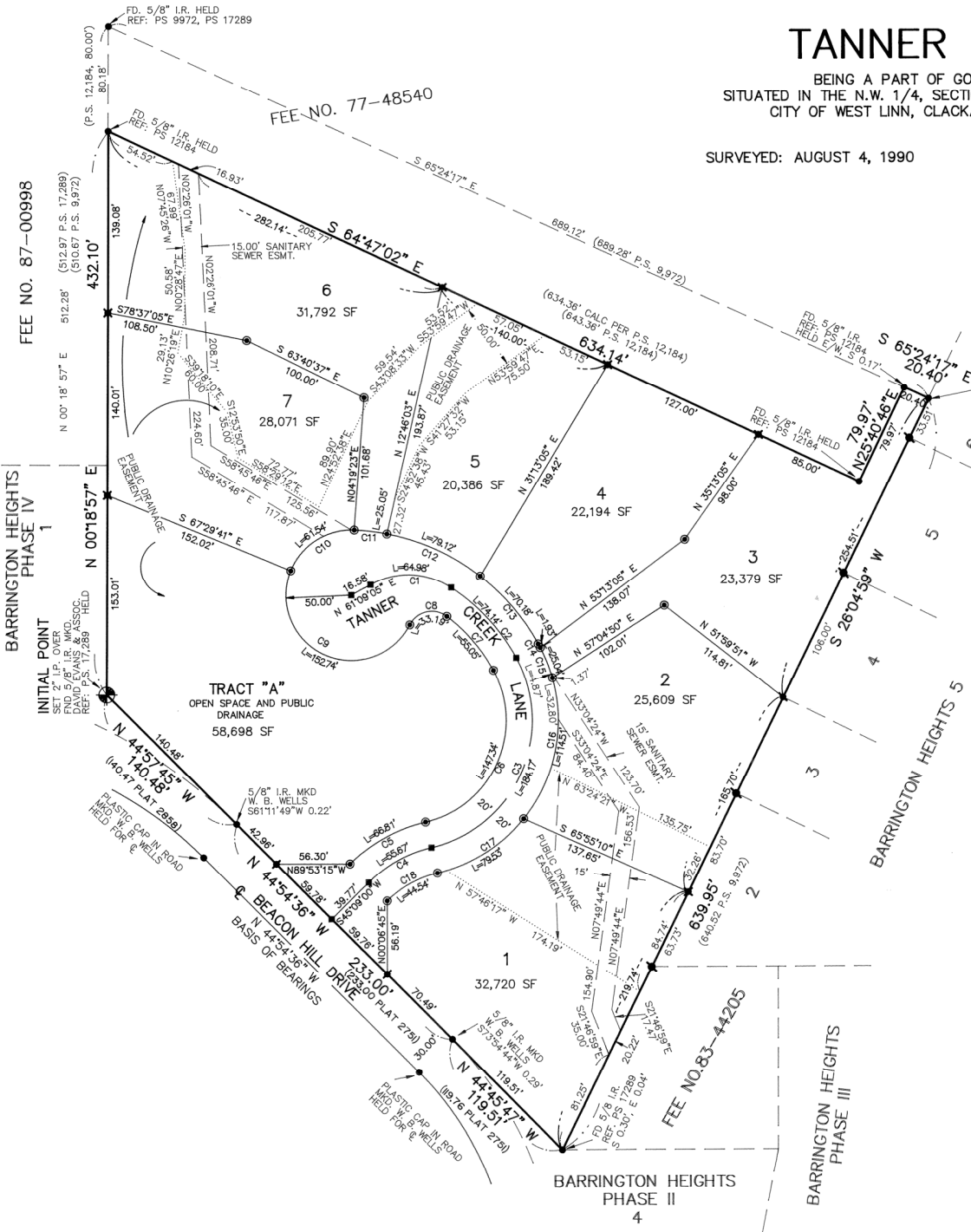
BEING A PART OF GOVERNMENT LOT 2
SITUATED IN THE N.W. 1/4, SECTION 36, T. 2 S., R. 1 E., W.M.
CITY OF WEST LINN, CLACKAMAS COUNTY, OREGON

SURVEYED: AUGUST 4, 1990

ALPHA ENGINEERING, INC.
1750 S.W. SKYLINE BLVD., SUITE 19
PORTLAND, OREGON 97221



SCALE: 1 INCH = 60 FEET



CURVE TABLE

CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	60.00'	64.98'	36.09'	61.85'	N 87°49'15" W	82°03'20"
C2	150.00'	74.14'	37.84'	73.38'	N 42°38'03" W	28°19'05"
C3	100.00'	184.17'	131.56'	159.23'	N 24°17'12" E	105°31'25"
C4	100.00'	55.67'	28.58'	54.96'	N 61°05'58" E	31°53'55"
C5	120.00'	66.81'	34.29'	65.95'	N 61°05'58" E	31°53'55"
C6	80.00'	147.34'	105.25'	127.38'	N 24°17'12" E	105°31'25"
C7	130.00'	55.05'	27.95'	54.64'	N 40°36'27" W	24°15'53"
C8	19.00'	33.19'	22.68'	29.13'	S 77°13'06" W	100°05'01"
C9	50.00'	152.74'	152.53'	99.91'	N 65°18'28" W	175°01'55"
C10	50.00'	61.54'	35.38'	57.73'	S 57°27'57" W	70°30'55"
C11	170.00'	25.05'	12.58'	25.03'	N 83°00'54" W	08°28'35"
C12	170.00'	79.12'	40.29'	78.40'	N 85°27'40" W	26°39'54"
C13	170.00'	70.18'	35.60'	69.68'	N 40°18'06" W	23°39'12"
C14	120.00'	1.93'	0.96'	1.93'	N 28°00'54" W	00°55'12"
C15	120.00'	25.04'	12.56'	24.99'	N 21°34'39" W	11°57'17"
C16	120.00'	114.51'	62.04'	110.21'	N 11°44'13" E	54°40'27"
C17	120.00'	79.53'	41.29'	78.09'	N 58°03'41" E	37°58'29"
C18	60.00'	44.54'	22.86'	43.97'	N 61°05'58" E	31°53'55"

LEGEND

- ✱ DENOTES 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "ALPHA ENG., INC." SET.
- DENOTES 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "ALPHA ENG., INC." FOUND UNLESS OTHERWISE NOTED.
- ✱ DENOTES FOUND 5/8" I.R. WITH RED PLASTIC CAP MK'D "ALS L.S. 1978".
- DENOTES 5/8" x 30" IRON ROD WITH ALUMINUM CAP INSCRIBED "ALPHA ENG., INC." TO BE POST MONUMENTED IN STREET.
- DENOTES 5/8" x 30" IRON ROD WITH PLASTIC CAP INSCRIBED "ALPHA ENG., INC." TO BE SET WITHIN THE TIME SPECIFIED IN THE SURVEYOR'S CERTIFICATE. SET ON _____

I HEREBY CERTIFY THAT THIS TRACING IS A TRUE AND EXACT COPY OF THE PLAT OF "TANNER WOODS".

Michael R. Gates
MICHAEL R. GATES P.L.S. 2449

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Michael R. Gates
OREGON
JULY 25, 1990
MICHAEL R. GATES
2449

BASIS OF BEARINGS AND BOUNDARY DETERMINATION

THE BASIS OF BEARING IS THE CENTERLINE OF IMPERIAL DRIVE BETWEEN FOUND MONUMENTS TAKEN AS S 44° 54' 36" E, PER PLAT OF "BARRINGTON HEIGHTS PHASE II" BOOK 89, PAGE 23, CLACKAMAS COUNTY PLAT RECORDS. ESTABLISHED THE RIGHT-OF-WAY OF IMPERIAL DRIVE PARALLEL AND 30.00 FEET NORTHERLY WITH THE CENTERLINE.

FOUND AND HELD MONUMENTS PER P.S. 9972 & 17289 TO DETERMINE THE NORTHWEST AND SOUTHWEST CORNERS RESPECTIVELY.

ESTABLISHED THE SOUTHEAST CORNER AT RECORD POSITION FROM FOUND 5/8" I.R. AS SHOWN ON P.S. 17289.

THE EAST BOUNDARY WAS ESTABLISHED AS MONUMENTED IN PLAT OF "BARRINGTON HEIGHTS S".

FOUND MONUMENTS FOUND PER P.S. 9972 & 12184 TO ESTABLISH THE NORTH LINE.

PLAT RESTRICTIONS:

1. AN 8.00 FOOT WIDE PUBLIC UTILITY EASEMENT SHALL EXIST ALONG ALL LOT LINES ABUTTING PUBLIC STREETS.
2. FUTURE PARTITIONING OF LOTS IS PROHIBITED.
3. A 5.00 FOOT WIDE PUBLIC UTILITY EASEMENT SHALL EXIST ALONG ALL SIDE AND REAR LOT LINES.

NOTES:
1. THERE IS NO KNOWN GEODETIC CONTROL MONUMENT WITHIN ONE-HALF MILE OF THE BOUNDARY OF THIS PLAT.