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DEVELOPMENT REVIEW APPLICATION

For Office Use Only				
STAFF CONTACT		PROJECT NO(s).		PRE-APPLICATION NO.
Non-Refundable	FEE(S)	REFUNDABLE DEPOSIT(S)	TOTAL	
Type of Review	(Please check all that apply):			
Expediated Lan	int (CDC) Ation (MISC) C(CUP) (DR Vacation (MISC) Doproval (EXT) Flood Hist Min Min Mod Plan Stree Flood Hist Min Mod Plan Stree Flood Hist Hist Min Mod Plan Stree Flood Hist Hist	I Plat (FP) Related File # Id Management Area (FMA) oric Review (HDR) Line Adjustment (LLA) or Partition (MIP) dification of Approval (MOD) -Conforming Lots, Uses & Struined Unit Development (PUD) et Vacation	ctures Water Resource Willamette & Tu Zone Change (Z	s (MISC) (EXT) acation (VAC) Area Protection/Single Lot (WAP Area Protection/Wetland (WAP ualatin River Greenway (WRG) C)
-	ome Occupation, Sidewalk Use	, Addressing, and Sign applica	Assessor's Map No.: 2	
•	West Linn, Oregon 9	7086	Tax Lot(s): 1100	
			Total Land Area: 0.59	3 Acres
Brief Description of Proposal: Reconstruct and replace an existing retaining wall system with integrated pathway and stairs to the lower part of the property along the Willamette River				
City State Zip:	5665 River Street West Linn, Oregon 9708	6	Phone: (773) 3 Email: mike.m	68-0402 nyers@att.net
Owner Name (requ Address: City State Zip:	i ^{red):} Mike Myers 5665 River Street West Linn, Oregon	97086	Phone: (773) 3 Email: mike.m	68-0402 gyers@att.net
Address:	Orake's 7 Dees (ATTN: 1 5645 Southwest Scholls Portland, Oregon 97225	Drake Snodgrass) Ferry Road	Phone: (503) 3 Email: drakes	312-5017 @drakes7dees.com

- 1. Application fees are non-refundable (excluding deposit). Applications with deposits will be billed monthly for time and materials above the initial deposit. *The applicant is financially responsible for all application costs.
- 2. All information provided with the application is considered a public record and subject to disclosure.
- 3. The owner/applicant or their representative should attend all public hearings related to the application.
- 4. A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
- 5. Submit this form, application narrative, and all supporting documents as a single PDF through the web page: https://westlinnoregon.gov/planning/submit-land-use-application.

The undersigned property owner authorizes the application and grants city staff the right of entry onto the property to review the application. The applicant and owner affirm that the information provided in this application is true and correct. Applications with deposits will be billed monthly for time and materials incurred above the initial deposit. The applicant agrees to pay additional billable charges.

Applicant's signature

Date 5/12/2025

Owner's signature (required)

Date 5/12/2025

5565 River Street

WILLAMETTE RIVER GREENWAY & FLOOD MANAGEMENT AREA PERMIT

DATE:

MAY 2025

SUBMITTED TO:

CITY OF WEST LINN 22500 SALAMO ROAD WEST LINN, OREGON 97086

APPLICANT:

MIKE MYERS 5665 RIVER STREET WEST LINN, OREGON 97086

TABLE OF CONTENTS:

Ι.	EXECUTIVE SUMMARY	3
П.	SITE DESCIPTION/SETTING	3
Ш.	APPLICABLE REVIEW CRITERIA	5
	CITY OF WEST LINN COMMUNITY DEVELOPMENT CODE	5
	CHAPTER 11 - RESIDENTIAL, R-10	5
	CHAPTER 27 – FLOOD MANAGEMENT AREAS	7
	CHAPTER 28 – WILLAMETTE AND TUALATIN RIVER PROTECTION	14
	CHAPTER 32 – WATER RESOURCE AREA PROTECTION	29
	CHAPTER 99 - PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL	40

FIGURES:

FIGURE 1: VICINITY MAP

FIGURE 2: PHOTO LOOKING NORTHWEST ALONG TOP OF WALL AND PATH

FIGURE 3: PHOTO LOOKING SOUTHWEST TOWARDS WALL AND STAIRS

EXHIBITS:

EXHIBIT A: APPLICATION FORM

EXHIBIT B: PRELIMINARY LAND USE PLANS

EXHIBIT C: ARCHITECTURAL PLANS

EXHIBIT D: NO RISE ANALYSIS

EXHIBIT E: PRE-APPLICATION CONFERENCE MEETING SUMMARY NOTES

EXHIBIT F: VERIFICATION OF PROPERTY OWNERSHIP

EXHIBIT G: TVF&R SERVICE PROVIDER LETTER DEEMED UNNECESSARY

I. EXECUTIVE SUMMARY

On behalf of Mike Myers (Applicant), Drake's 7 Dees submits this application to gain approval for a Flood Management Area (FMA) Development Permit for Tax Lot 1100 of Clackamas County Assessor's Map 2-2E-30AC. The Applicant plans to reconstruct and replace an existing retaining wall system with integrated pathway and stairs to the lower part of the property along the Willamette River.

The subject property is zoned Single-Family Residential Detached (R-10) and is partially within the Willamette River Greenway (WRG) Overlay Zone. Responses to the provisions of CDC Chapter 28 are included in this narrative to demonstrate that the planned improvements comply with the applicable criteria.

The existing two-tiered wall is failing in sections due to erosion, and the pathway has become hazardous. The new block wall will be engineered and is designed to minimize its appearance from the river by dividing the wall into three tiers with integrated planting beds. The replacement pathway access will have a safety guard rail. The wall and pathway system follows a path resembling the existing wall and pathway. The design has been engineered to not increase base flood elevations. No soil will be disposed of in the Willamette River Greenway (WRG) Overlay Zone. All necessary measures to handle erosion during construction will be taken.

This application package outlines how the standards for natural resource protection, flood management, and access can be met for the planned improvements. Careful consideration for reducing impacts to the protection areas was made in preparation of the layout for the development because it is located within the 100-year floodplain and floodway. This application includes the City application forms, written materials, and preliminary plans necessary for staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

II. SITE DESCRIPTION/SETTING

The subject property is located at 5665 River Street, within West Linn's Bolton Neighborhood Association, along the Willamette River (Figure 1). The property is located partially within the Federal Emergency Management Agency (FEMA) 100-year floodplain and partially within the regulatory floodway which comprises the City's Flood Management Area. Additionally, the property is within the WRG Overlay Zone. The property is developed with an existing home. Site grades drain northeast to the Willamette River. A two-tiered block retaining wall system with integrated pathway and stairs currently accommodate access between the home and the riverfront.



Fig. 1



Fig. 2



Fig. 3

III. APPLICABLE REVIEW CRITERIA

City of West LINN Community Development Code

Chapter 11 – RESIDENTIAL, R-10

[...]

11.030 PERMITTED USES

The following are uses permitted outright in this zoning district:

- 1. Single-family attached or detached residential unit.
 - a. Duplex residential units.
 - b. Triplex residential units.
 - c. Quadplex residential units.
- 2. Cottage clusters.
- 3. Townhouse.
- 4. Community recreation.
- 5. Family day care.
- 6. Residential home.
- 7. Utilities, minor.
- 8. Transportation facilities (Type I).
- 9. Manufactured home.
- 10. Community building on City-owned property at 3706 Cedaroak Drive and indicated on the map below.

Response:

The principal structure on the subject property is a Single-family detached residential unit. This application includes a request to reconstruct and replace an existing retaining wall system with integrated pathway and stairs to the lower part of the subject property. The improvements are considered as an accessory to the existing residence which is a permitted use within the R-10 Zoning District.

11.040 ACCESSORY USES

Accessory uses are allowed in this zone as provided by Chapter <u>34</u> CDC.

Response:

The planned improvements are customary and incidental to principal uses and are considered as an accessory to the existing residence as provided by Chapter 34 of the West Linn Community Development Code (CDC) which is addressed in this narrative.

11.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

- 1. Home occupations, subject to the provisions of Chapter <u>37</u> CDC.
- 2. Sign, subject to the provisions of Chapter <u>52</u> CDC.
- 3. Temporary uses, subject to the provisions of Chapter <u>35</u> CDC.
- 4. Water-dependent uses, subject to the provisions of Chapters <u>28</u> and <u>34</u> CDC.
- 5. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock. These uses are subject to the nuisance provisions found in Section 5.400 et seq. of the West Linn Municipal Code.
- 6. Wireless communication facilities, subject to the provisions of Chapter <u>57</u> CDC.

Response:

The proposed improvements are permitted in R-10 Zoning District as provided by chapter 34 of the West Linn Community Development Code. This narrative addresses the provisions of Chapter 28 CDC.

11.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

STANDARD	REQUIREMENT	ADDITIONAL NOTES
Minimum lot size Average minimum lot or parcel size for a townhouse project	10,000 sf 1,500 sf	For a single-family attached or detached unit
Minimum lot width at front lot line	35 ft	Does not apply to townhouses or cottage clusters
Average minimum lot width	50 ft	Does not apply to townhouses or cottage clusters
Minimum yard dimensions or minimum building setbacks		Except as specified in CDC <u>25.070(C)(1)</u> through (4) for the Willamette Historic District. Front, rear, and side yard setbacks in a cottage cluster project are 10 ft. There are no additional setbacks for individual structures on individual lots, but minimum distance between structures shall follow applicable building code requirements.
Front yard	20 ft	Except for steeply sloped lots where the provisions of CDC <u>41.010</u> shall apply
Interior side yard	7.5 ft	Townhouse common walls that are attached may have a 0-ft side setback.
Street side yard	15 ft	
Rear yard	20 ft	

STANDARD	REQUIREMENT	ADDITIONAL NOTES
Maximum building height	35 ft	Except for steeply sloped lots in which case the provisions of Chapter $\underline{41}$ CDC shall apply.
Maximum lot coverage	35%	Maximum lot coverage does not apply to cottage clusters. However, the maximum building footprint for a cottage cluster is less than 900 sf per dwelling unit. This does not include detached garages, carports, or accessory structures. A developer may deduct up to 200 sf for an attached garage or carport.
Minimum accessway width to a lot which does not abut a street or a flag lot	15 ft	
Maximum floor area ratio	0.45	Maximum FAR does not apply to cottage clusters.
Duplex, triplex, and quadplex	0.60	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.

This project seeks to replace and reconstruct an existing retaining wall system with integrated pathway and stairs and does not increase lot coverage beyond what is existing. No new structures will be built outside of lot setbacks.

[...]

Chapter 27 – FLOOD MANAGEMENT AREAS

27.020 APPLICABILITY

This chapter shall apply to all flood management areas within the jurisdiction of West Linn. A flood management area permit is required for all development in the flood management area overlay zone. The standards that apply to flood management areas apply in addition to State or federal restrictions governing floodplains or flood hazard areas.

- A. Basis for Establishing the Special Flood Hazard Areas (SFHA). The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "Flood Insurance Study: Clackamas County, Oregon and Incorporated Areas," dated 06/2008 and revised 01/2019, FIRM Panels 41005C0018D, 41005C0019D, 41005C0038D, 41005C0257D, 41005C0259D, 41005C0260D, and 41005C0276D are hereby adopted by reference and declared to be a part of this chapter. The FIS and FIRM panels are on file at West Linn City Hall with the Community Development Department.
- B. Coordination with State of Oregon Specialty Codes. Pursuant to the requirement established in ORS 455 that the City of West Linn administers and enforces the

State of Oregon Specialty Codes, the City of West Linn does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this chapter is intended to be administered and enforced in conjunction with the Oregon Specialty Codes. (Ord. 1732 § 3 (Exh. B), 2022.)

Response:

The subject property is located partially within the FMA Overlay zone. The applicant is aware of the requirements for development in this overlay zone. An FMA Development Permit application is included in this submittal.

27.030 EXEMPTIONS

This chapter does not apply to work necessary to protect, repair, or maintain existing public or private structures, utility facilities, roadways, driveways, accessory uses, and exterior improvements, or replace small public structures, utility facilities, or roadways in response to emergencies. Within 30 days after the work has been completed, the party responsible for the work shall initiate a flood management permit designed to analyze any changes effectuated during the emergency and mitigate adverse impacts.

Response:

This application does not relate to work performed in response to emergencies. This exemption does not apply.

27.060 ADMINISTRATION

[...]

- C. Establishment of Development Permit.
 - A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in CDC 27.020(A). The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in Chapter 2 CDC, including fill and other development activities.

Response:

The subject property is located partially within the special flood hazard area. An FMA Development Permit is sought in this application.

- 2. Application for a development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
 - a. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of subsection (B)(2) of this section.
 - b. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.

- c. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any nonresidential structure meet the floodproofing criteria for nonresidential structures in CDC 27.080(C)(3).
- d. Description of the extent to which any watercourse will be altered or relocated.
- e. Base flood elevation data for subdivision proposals or other development when required per subsection (B) of this section and CDC <u>27.070(F)</u>.
- f. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
- g. The amount and location of any fill or excavation activities proposed.

The applicable information is included Site Plan Documents in Exhibit B. These requirements are met. The planned improvements are within the R-10 zoning district and seek to replace an existing retaining wall system with integrated pathway and stairs to provide a safe route to the lower part of the applicant's property, not a nonresidential structure. The No Rise Analysis provided in Exhibit D is prepared by a professional civil engineer licensed to practice in the State of Oregon and verifies the planned improvements maintain flood storage and conveyance capacity and do not increase design flood elevations.

[...]

27.070 GENERAL STANDARDS

In all special flood hazard areas, the following standards shall be adhered to:

- A. <u>Alteration of Watercourses.</u>
 - Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with CDC <u>27.060(B)(3)(b)</u> and (c).

Response: No alteration of watercourses is anticipated as a result of this project.

B. Anchoring.

 All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

Response:

The planned improvements are engineered to prevent collapse or lateral movement of the wall. The design is to withstand the hydrodynamic and hydrostatic load resulting from the 100- year flood event and keep the planned improvements secured to the riverbank. This standard is met.

2. All manufactured dwellings shall be anchored per CDC <u>27.080(C)(4)</u>.

Response: This project does not involve manufactured dwellings. This standard is not applicable.

- C. Construction Materials and Methods.
 - 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

Response:

The existing wall will be replaced with a segmental wall system using geogrid reinforcement. A segmental retaining wall with geogrid reinforcement is resistant to flood damage, resisting lateral pressures exerted by rising water levels and moving sediment. Segmental walls with proper drainage systems (including geogrid-reinforced backfill) allow water to flow through the system rather than accumulating behind it. This helps to prevent excessive pressure that could cause the wall to collapse. Geogrid reinforcement ensures that water is not trapped behind the wall, reducing the risk of hydraulic failure. This criterion is met

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

Response:

Contractors will be made aware in writing to ensure that they use methods and practices during construction that will minimize flood damage. This criterion can be met.

- D. <u>Utilities and Equipment.</u>
 - 1. <u>Water Supply, Sanitary Sewer and On-Site Waste Disposal Systems.</u>
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
 - On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

Response:

This project does not include any new or replacement water supply systems, sanitary sewage systems, or waste disposal systems. This standard is not applicable.

- 2. <u>Electrical, Mechanical, Plumbing, and Other Equipment.</u>
 - a. Electrical, heating, ventilating, air conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above one foot above the base flood level or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air conditioning, plumbing, duct systems, and other equipment and service facilities, if replaced as part of a substantial improvement, shall meet all the requirements of this section.

This project does not include any electrical, heating, ventilating, air conditioning, plumbing, duct systems, or other equipment and service facilities. This standard is not applicable.

- G. <u>Use of Other Base Flood Elevation Data.</u>
 - 1. When base flood elevation data has not been provided in accordance with CDC 27.020, the local floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, State, or other source, in order to administer this section and CDC 27.080, 27.090, and 27.100. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of subsection (F) of this section.
 - 2. Base flood elevations shall be determined for development proposals that are five acres or more in size or are 50 lots or more, whichever is lesser, in any A zone that does not have an established base flood elevation.

 Development proposals located within a riverine unnumbered A zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided base level engineering data, and photographs of past flooding. When no base flood elevation data is available, the elevation requirement for development proposals within a riverine unnumbered A zone is a minimum of two feet above the highest adjacent grade, to be reasonably safe from flooding. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

Response:

The base flood elevation is identified per NAVD88 as 48 feet, therefore, the use of other base flood elevation data is not required. These standards are not applicable.

- H. <u>Structures Located in Multiple or Partial Flood Zones.</u> In coordination with the State of Oregon Specialty Codes:
 - 1. When a structure is located in multiple flood zones on the community's flood insurance rate maps (FIRM) the provisions for the more restrictive flood zone shall apply.
 - 2. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

Response:

This project does not involve the construction of a structure as defined in the Floodplain Definitions in CDC 2.030; however, the planned improvements are located partially within Flood Zone. The planned improvements will meet the applicable requirements for Substantial Improvements.

- I. Balanced Cut and Fill.
 - 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.

The No Rise Analysis provides an evaluation of cuts and fills. The planned improvements will create approximately 104.99 cubic yards of cut within the floodway. This standard is met.

 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.

Response:

The No Rise Analysis provides an evaluation of cuts and fills. The planned improvements will create approximately 104.99 cubic yards of cut within the floodway. No excavation below the ordinary high water line will take place. This standard is met.

3. 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.

Response:

There is no excavation proposed to balance fill because the project is a net Cut, therefore no additional excavation is required.

- K. Other Requirements.
 - New culverts, stream crossings, and transportation projects shall be
 designed as balanced cut and fill projects or designed not to significantly
 raise the design flood elevation. Such projects shall be designed to
 minimize the area of fill in flood management areas and to minimize erosive
 velocities. Stream crossings shall be as close to perpendicular to the
 stream as practicable. Bridges shall be used instead of culverts wherever
 practicable.
 - 2. Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable land. (Ord. 1732 § 3 (Exh. B), 2022.)

Response:

This project does not include any new culverts, stream crossings, transportation projects, or excavation and fill required for the construction of detention facilities or structures. These standards are not applicable.

27.080 SPECIFIC STANDARDS FOR RIVERINE FLOOD ZONES

These specific standards shall apply to all new construction and substantial improvements in addition to the general standards contained in CDC <u>27.070</u>.

[...]

C. For Riverine Special Flood Hazard Areas With Base Flood Elevations. In addition to the general standards listed in CDC <u>27.070</u> the following specific standards shall

apply in riverine (noncoastal) special flood hazard areas with base flood elevations (BFE): zones A1-30, AH, and AE.

1. Before Regulatory Floodway. In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's flood insurance rate map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Response:

The regulatory floodway is designated on the property; therefore, this standard is not applicable. Nevertheless, the cumulative effect of the project will not increase the water surface elevation of the base flood.

- 2. Residential Construction.
 - a. New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at or above one foot above the base flood elevation.
 - b. Enclosed areas below the lowest floor shall comply with the flood opening requirements in subsection (A) of this section.

Response:

The planned improvements are not a residential structure, nor do they enclose areas below a residential structure. These criteria do not apply.

[...]

27.090 STANDARDS FOR FLOODWAYS

Located within the special flood hazard areas established in CDC <u>27.020(A)</u> are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
 - Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; or
 - 2. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations; provided, that a conditional letter of map revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under 44 CFR 65.12 are fulfilled.

Development within the floodway is considered Substantial Improvements and is limited to the reconstruction and replacement of an existing retaining wall system. Replacement of the wall system will reduce the likelihood of projectiles and erosion in a flood event compared to the existing, failing wall system. No fill will be added to the floodway as a result of this project as shown by the No Rise Analysis in Exhibit D which is prepared by a registered professional civil engineer licensed to practice in the State of Oregon.

B. If the requirements of subsection (A) of this section are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of CDC 27.070, 27.080, this section, and CDC 27.100. (Ord. 1732 § 3 (Exh. B), 2022.)

Response:

The requirements of subsection (A) of this section are satisfied, as indicated above. This narrative addresses the applicable flood hazard reduction provisions of CDC 27.070 and 27.080. The provisions of CDC 27.100 are not applicable as the planned improvements are not within a shallow flooding area. This requirement is met.

[...]

Chapter 28 - WILLAMETTE AND TUALATIN RIVER PROTECTION

28.030 APPLICABILITY

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

Response:

The subject property is located partially within the Willamette River Greenway (WRG) Area at its northern corner, and proposed reconstruction and repair of an existing structure is partially within the high habitat conservation area. A WRG Protection Area Permit is included in this application.

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

This project does not include development of a property at the confluence of a stream or creek with the river. Therefore, the transition, setbacks, and other provisions of Chapter 32 CDC are not applicable.

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

Response:

The planned repair and replacement is permitted under the provisions of the underlying base zone. A WRG Protection Area Permit approval under the provisions of this chapter may be required.

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

Response:

The planned development extends no closer to the Willamette River than the existing retaining wall system with integrated pathway and stairs. The planned improvements result in safer access to the river, mitigate further erosion, and provide improved bank stability. A WRG Protection Area Permit approval under the provisions of this chapter may be required.

28.040 EXEMPTIONS/USES PERMITTED OUTRIGHT

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

[...]

G. Maintenance or repair of existing residential houses, structures and docks, provided the work does not involve expansion of building square footage or building footprint.

Response:

The proposed improvements are considered maintenance and repair. The project is characterized as replacement and reconstruction of an existing retaining wall system with integrated pathway and stairs. Neither square footage nor footprint of this structure is expanded. Currently, the pathway within the high HCA area totals approximately 64 square feet. The proposed replacement wall and path system will maintain this amount, replacing it in kind with 64 square feet of impermeable surface. Because there is no expansion in footprint the proposed improvements are exempt.

[...]

S. In cases where the required development standards of this chapter are applied and met with no encroachment into HCAs, and also meeting subsections T and U of this section, where applicable, then no permit under the provisions of this chapter will be required. For example, if the proposed development or action will be located in the "Habitat and Impact Areas Not Designated as HCAs" and keeps out of the habitat conservation areas, a Willamette or Tualatin River Protection Area permit shall not be required. Floodplain management area or other permits may still be required.

The proposed development does not involve any expanded footprint into the HCA. Some of the existing footprint within area designated HCA will be repositioned into area Not Designated as HCA. An existing set of stairs within the HCA will be replaced without expansion and within the existing footprint as much as is practicable. Currently, impermeable surfaces within the high HCA area total approximately 64 square feet. The proposed replacement wall and path system will maintain this amount, replacing it in kind with 64 square feet of impermeable surface.

T. The construction, remodeling or additions of home and accessory structures that take place completely within the "Habitat and Impact Areas Not Designated as HCAs" shall be exempt from a Willamette or Tualatin River Protection Area permit. Where the "Habitat and Impact Areas Not Designated as HCAs" goes to the edge of a clearly defined top of bank, the applicant's home and accessory structures shall be set back at least 15 feet from top of bank. At-grade patios and deck areas within 30 inches of grade may extend to within five feet from top of bank. No overhang or cantilevering of structures is permitted over HCA or over setback area. If these terms are met then no permit will be required under this chapter.

Response:

This application does not relate to work involving construction, remodeling, or additions to a home or accessory structure that takes place completely within the Habitat and Impact Areas Not Designated as HCA. A retaining wall system with integrated pathway and stairs will be replaced within area Not Designated as HCA, and small section of stairs and landing will be replace the existing stairs and landing in an area designated as High HCA.

- U. Maintenance, alteration, expansion, repair and replacement of existing structures are exempt, provided impermeable surfaces do not exceed 5,000 square feet and that it complies with the provisions of Chapters <u>27</u> and <u>28</u> CDC. The following standards shall also apply:
 - Rebuilding of existing residential and non-residential structures within the same foundation lines as the original structure(s) including, but not limited to, those damaged or destroyed by fire or other natural hazards; or
 - 2. The alteration, expansion, repair and replacement of a house or structure per the standards of CDC <u>28.110(E)</u> not to exceed 5,000 square feet of impermeable surface per that section; or
 - 3. The alteration, expansion, repair and replacement of a house or structure vertically where the applicant is adding additional floors or expanding above the footprint of the existing structure regardless of whether the structure's footprint is in an HCA or not.

Response:

The development is characterized as repair and replacement of an existing structure. The replacement retaining wall with integrated walkway and stairs are to be built within the same footprint as much as is practicable without enlargement. The proposed walkway does not exceed 5,000 square feet of replacement impervious area.

28.050 PROHIBITED USES

The following are prohibited:

Residential floating structures, also known as floating homes or houseboats.

- 2. Permanent ski jumps.
- 3. More than one dock with or without a boat house per riverfront lot of record, except City-owned tax lots 100, 200, 300, 400, and 500 of Assessor's Map 21 East 24.
- 4. The location of any dock under any water condition that prevents what would otherwise be historic, safe, uninterrupted water passage.
- 5. Any new lawn area or garden area consisting primarily of non-native vegetation within HCA lands. A lawn area in the "Allowed Development" area is permitted.
- 6. Planting of any species identified as nuisance or prohibited plants on the Metro Native Plant List.
- 7. Non-permitted storage of hazardous materials as defined by the Oregon Department of Environmental Quality and dumping of any materials of any kind.
- 8. Excessive trimming or removal of existing native vegetation within the HCA unless it is to reestablish native vegetation in place of non-native or invasive vegetation. (Ord. 1576, 2008)

This project involves repair and replacement of an existing retaining wall system with integrated pathway and stairs. The planned improvements are not prohibited per CDC 28.050.

28.090 SUBMITTAL REQUIREMENTS: APPLICATION

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

Response:

Application form signed by the property owner is included in Exhibit A. Property owner verification is provided as Exhibit F. These requirements are met.

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

Response:

The Applicant met with City staff for a pre-application conference on June 20, 2024. A copy of the Pre-Application Summary is attached as Exhibit E. This requirement is met.

- C. An application for a protection area permit shall include the completed application and:
 - 1. Narrative which addresses the approval criteria of CDC <u>28.110</u>.

Response:

This narrative and supporting documentation address the applicable approval criteria of CDC 28.110. This requirement is met.

2. A site plan, with HCA boundaries shown and by low, moderate, high type shown (CDC <u>28.120</u>).

A Site Plan illustrating the Habitat Conservation Areas Overlay is provided in Exhibit B and shows the high HCA areas and areas not designated as HCA boundaries. There are no areas of low or moderate value HCA on the subject site. This requirement is met.

3. A grading plan if applicable (CDC <u>28.130</u>).

Response:

Per CDC 28.130, a grading plan is required for the planned improvements; An Erosion and Sediment Control Plan is provided in Exhibit D, which indicates the extent of the grading necessary for the planned improvements. Additionally, the site is considered Type III land per the definition in CDC Chapter 02; therefore, a geologic report is required and will be completed prior to building permit submittal. This requirement is met.

4. Architectural drawings if applicable (CDC <u>28.140</u>).

Response:

Architectural Plans of the planned improvements are provided as Exhibit C. This requirement is met

5. A landscape plan if applicable (CDC <u>28.150</u>).

Response:

No trees or vegetation will be removed from within any areas with HCA designation. Landscaped areas including planting beds are shown on the Site Plan provided in Exhibit B. A Landscape Plan is not applicable.

6. A mitigation plan if applicable (CDC <u>28.160</u>).

Response:

No permanent disturbance to an HCA will occur as a result of the proposed development. Reconstruction and replacement of the retaining wall system with integrated pathway and stairs will take place approximately within the footprint of the existing development for sections that are within the HCA. Otherwise, variations from the existing footprint take place in an area not designated as within HCA boundaries as shown in Exhibit B. A mitigation plan is not required.

7. A storm detention and treatment plan and narrative statement pursuant to CDC 92.010(E).

Response:

A storm detention and treatment plan is not required for this application because no increase in runoff is anticipated. Any increase in impermeable surfaces is marginal. An integrated series of planting beds adjacent to the replacement gravel surfaces allow for gradual absorption rate of runoff further reducing effects of runoff and erosion. Per the City's Public Works Design Standards, section 2.0041, only development creating 1,000 square feet or more of impervious area requires stormwater detention. The proposed improvements create 335 SF of new impervious surface in areas not designated HCA. The proposed improvements create no new impervious area in areas with HCA designation. This criterion does not apply.

One original application form must be submitted. One copy at the original scale and one copy reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. One copy of all other items, including the narrative, must be submitted. The applicant shall also submit one copy of the complete application in a digital format acceptable to the city. When the application submittal is determined to be complete, additional copies may be required as determined by the Planning Director.

One original application form and one copy of all drawings and plans and other items including this narrative is included with this submittal. A digital copy of the complete application is also included. The Applicant understands that additional copies may be required. This requirement is met.

D. The applicant shall pay the requisite fees.

Response: A permit is not required because the project is exempt.

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

Response: The Applicant understands the responsibility to apply for any applicable state and/or federal permits. This criterion can be met.

F. The applicant shall include a map, approved or acknowledged by DSL, of the preference rights and authorized areas if a water surface structure is proposed. (Ord. 1576, 2008; Ord. 1622 § 11, 2014; Ord. 1662 § 4, 2017)

Response: A water surface structure is not proposed as part of this project. This requirement does not apply.

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. <u>Development: All sites</u>.

- 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.)

The subject property encompasses 25,811 square feet and includes areas designated as both high HCA and "Non-HCA." The rear of the house and yard face northeast, toward the Willamette River. Directly behind the house, between the house and the river, lies a "Non-HCA" area measuring approximately 2,980 square feet. Beyond this strip of "Non-HCA" area, the remainder of the property extending to the river consists entirely of land designated as high HCA, totaling approximately 13,790 square feet.

The existing block retaining wall system with integrated pathway and stairs initiates from the rear yard and traverses through the "Non-HCA" area and into the high HCA area, providing the homeowner access to the river. Currently, impermeable surfaces within the high HCA area total approximately 64 square feet. The proposed replacement wall and path system will maintain this amount, replacing it in kind with 64 square feet of impermeable surface.

The replacement wall system will occupy the footprint of the existing structure as closely as possible despite the new design's more linear, engineered configuration, which runs parallel to the house, in contrast to the existing system's outward bow into the HCA area.

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.

Response:

The Erosion and Sediment Control Plan in Exhibit D shows that the site design is configured to accommodate the installation of the planned improvements with the least amount of impact to the HCA. The City's Building Department will ensure that all applicable erosion control measures are in place prior to site construction during review of final construction plans. This criterion is met.

- B. <u>Single-family or attached residential</u>. 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
 - 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.

Response:

The planned structure will not increase ground disturbance within the high HCA area beyond the footprint of the existing impermeable surface.

Moreover, the subject application does not include a request for new single-family attached or detached housing. These criteria do not apply.

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

Response:

The proposed development is characterized as replacement and reconstruction of an already existing retaining wall system with integrated pathway and stairs. The proposed development does not increase 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.

Response:

As previously discussed, the subject application does not include a request for new single-family attached or detached housing.

The reconstructed wall system occupies less HCA land than the existing system. No new impervious surface square footage is created. The section within the HCA area is to be replaced as closely as possible to the footprint of the existing footprint and cannot be placed further from the water resource due to topographical constraints.

Because the improvements are necessary to stabilize the river bank and to improve safe access to the Willamette River, the reconstruction must occupy the existing footprint of the wall system which is partially within the HCA.

5. Driveways, paths, patios, etc., that are constructed of approved water-permeable materials will be exempt from the lot coverage calculations of subsections (B)(1) through (4) of this section and the underlying zone.

Response:

The proposed development is characterized as replacement and reconstruction of an already existing retaining wall system with integrated pathway and stairs. The proposed development does not increase lot coverage. No new impervious surface square footage is created.

6. Table showing development allowed by land classification:

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

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

Response:

The proposed development is characterized as replacement and reconstruction of an already existing retaining wall system with integrated pathway and stairs. Minor variations to the existing footprint will occur in an area designated as Non-HCA. The only development in High HCA areas is the replacement of existing steps. No new square footage is added.

C. Setbacks from top of bank.

- 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."
- 2. At-grade water-permeable patios or decks within 30 inches of grade may encroach into that setback but must keep five feet from top of bank and cannot cantilever over the top of bank or into the five-foot setback area.
- 3. For properties that lack a distinct top of bank the applicant shall identify the boundary of the area designated as "Habitat and Impact Areas Not Designated as HCAs" which is closest to the river. A structural setback of 15 feet is required from that boundary line. That 15-foot measurement extends from the boundary line away from the river. At-grade water-permeable patios or decks within 30 inches of grade may encroach into that setback 10

feet but must keep five feet from the boundary and cannot cantilever into the five-foot setback area. For vacant lots of record that comprise no lands with "Habitat and Impact Areas Not Designated as HCAs" designation or insufficient lands with those designations so that the above setbacks cannot be met, the house shall be set back as far from river as possible to accommodate house as part of the allowed 5,000 square feet of impermeable surfaces.

Response:

As discussed above, the subject application does not include a request for new single-family attached or detached housing, nor does it include a request for a water-permeable patio or deck. The subject property has a distinct top of bank. The subject property is not vacant.

D. <u>Development of lands designated for industrial, commercial, office, public and other non-residential uses.</u>

Response:

The subject property is located within a residential (R-10) zoning district. This criterion does not apply.

[...]

- E. Hardship provisions and non-conforming structures.
 - For the purpose of this chapter, non-conforming structures are existing structures whose building footprint is completely or partially on HCA lands. Any additions, alterations, replacement, or rehabilitation of existing nonconforming non-water-related structures (including decks), roadways, driveways, accessory uses and accessory structures shall avoid encroachment upon the HCAs, especially high HCAs, except that:
 - A 10-foot lateral extension of an existing building footprint is allowed if the lateral extension does not encroach any further into the HCA or closer to the river or water resource area than the portion of the existing footprint immediately adjacent.
 - b. An addition to the existing structure on the side of the structure opposite to the river or water resource area shall be allowed. There will be no square footage limitation in this direction except as described in subsection (E)(1)(c) of this section.
 - c. The same allowance for the use of, and construction of, 5,000 square feet of total impervious surface for sites in HCAs per subsections (B)(2) through (4) of this section shall apply to lots in this section.
 - d. Vertical additions are permitted including the construction of additional floors.
 - e. The provisions of Chapter <u>66</u> CDC, Non-conforming Structures, shall not apply.

Response:

There is an existing block retaining wall system and stair pathway that extend through the HCA. The planned improvements will not be directed further into the HCA or towards the river than the existing development. No additional square footage will be added on the side

opposite of the structure. As the proposed development is the replacement and reconstruction of an existing retaining wall system and not a habitable structure, there will be no construction of additional floors.

- F. Access and property rights.
 - 1. Private lands within the protection area shall be recognized and respected.

Response:

The Applicant understands that the rights of private property owners are 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.

Response:

The subject property does not contain legal public access to the river or elsewhere. This criterion does not apply.

3. To construct a water-dependent structure such as a dock, ramp, or gangway shall require that all pre-existing legal public access or similar legal rights in the protection area be recognized and respected. Where pre-existing legal public access, such as below the OLW, is to be obstructed by, for example, a ramp, the applicant shall provide a reasonable alternate route around, over or under the obstruction. The alternate route shall be as direct as possible. The proposed route, to include appropriate height clearances under ramps/docks and specifications for safe passage over or around ramps and docks, shall be reviewed and approved by the Planning Director for adequacy.

Response:

The proposed improvements do not include the construction of a water-dependent structure. This criterion does not apply.

4. Any public or private water-dependent use or facility shall be within established DSL-authorized areas.

Response:

The proposed development is not characterized as a water-dependent use. This criterion does not apply.

5. Legal access to, and along, the riverfront in single-family residential zoned areas shall be encouraged and pursued especially when there are reasonable expectations that a continuous trail system can be facilitated. The City recognizes the potential need for compensation where nexus and proportionality tests are not met. Fee simple ownership by the City shall be preferred. The trail should be dimensioned and designed appropriate to the terrain it traverses and the user group(s) it can reasonably expect to attract. The City shall be responsible for signing the trail and delineating the boundary between private and public lands or access easements.

Response:

The subject property does not contain a legal public access or similar legal rights and is not identified on the City of West Linn 20 Year Master Plan for West Linn Parks, Recreation, and Open Space (2019) or the West Linn Transportation System Plan (2021) as being near any existing or planned pedestrian paths/trails. Therefore, there are no reasonable expectations that a continuous trail system can be facilitated on the site. This criterion does not apply.

G. <u>Incentives to encourage access in industrial, multi-family, mixed use, commercial, office, public and non-single-family residential zoned areas.</u>

Response:

The subject property is located within the R-10 zoning district. This criterion does not apply.

[...]

H. Partitions, subdivisions and incentives.

Response:

This application does not include a request for a partition or subdivision. This criterion does not apply.

[...]

I. <u>Docks and other water-dependent structures</u>.

[...]

J. Joint docks.

[...]

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

Response:

The proposed development does not involve a dock or other water-dependent structure. This criterion 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. Construction to the minimum dimensional standards for roads is required. Full mitigation and revegetation is required, with the applicant to submit a mitigation plan pursuant to CDC 32.070 and a revegetation plan pursuant to CDC 32.080. The maximum disturbance width for utility corridors is as follows:
 - For utility facility connections to utility facilities, no greater than 10 feet wide.
 - 2. For upgrade of existing utility facilities, no greater than 15 feet wide.
 - 3. For new underground utility facilities, no greater than 25 feet wide, and disturbance of no more than 200 linear feet of water quality resource area,

or 20 percent of the total linear feet of water quality resource area, whichever is greater.

Response:

No utility facilities are included in the planned improvements. These criteria do not apply.

M. <u>Structures</u>. 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.

Response:

No buildings or exterior mechanical equipment are included in the planned improvements. The surfaces of the planned improvements will not be reflective or otherwise visually disruptive to the natural environment as detailed in the Architectural Plans provided in Exhibit C. This criterion 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.

Response:

There are areas of "a" and "d" land classifications on the subject property. The pathways located in areas with "a" land classifications are water permeable gravel pathways. There are no parking lots, driveways, patios, or paths in areas with "d" land classifications.

O. <u>Signs and graphics</u>. 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.

Response:

No signs or graphic displays are included in the planned improvements. These criteria do not apply.

P. <u>Lighting</u>. 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 omnidirectional. Screens and covers will be required.

Response:

No plans for lighting are included in the planned improvements. These criteria do 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 waterpermeable material to construct the parking lot is either encouraged or required depending on HCA classification per CDC $\underline{28.110}(N)(4)$.

Response:

No parking or storage areas are located within or adjacent the protection area boundary. These criteria do not apply.

R. <u>Views</u>. 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.

Response:

The subject property is in West Linn north of the Abertnethy Bridge with frontage along the Willamette River. None of the public viewpoints listed above are within sight of the project. This criterion is met.

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.

Response:

This application does not seek approval for extraction of aggregate deposits. This criterion does not apply.

- T. <u>Changing the landscape/grading</u>.
 - Existing predominant topographical features of the bank line and escarpment shall be preserved and maintained except for disturbance necessary for the construction or establishment of a water related or water dependent use. Measures necessary to reduce potential bank and escarpment erosion, landslides, or flood hazard conditions shall also be taken.

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

Response:

Existing predominant topographical features of the bank line and escarpment shall be preserved and maintained. Grading will occur only to reconstruct the failing retaining wall. A Construction Management and Erosion and Sediment Control Plan is provided in Exhibit B to indicate the extent of the grading necessary for the planned improvements. The replacement wall is engineered and relies on geogrid reinforcement to prevent future erosion. No stabilization will occur by rip rap or gabions. The criteria is met.

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

Response:

The planned improvements will not substantially impact the riparian environment as detailed in this narrative. This criterion is met.

3. The applicant shall demonstrate that stabilization measures shall not cause subsequent erosion or deposits on upstream or downstream properties.

Response:

The planned improvements are to replace an existing, failing retaining wall system. The reconstruction will bring more stability to the bank and reduce potential erosion on neighboring properties.

- 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. That portion of the HCA that includes wetlands, creeks, riparian areas and water resource area shall be identified with City-approved permanent markers at all boundary direction changes and at 30- to 50-foot intervals that clearly delineate the extent of the protected area.
- 5. Full erosion control measures shall be in place and approved by the City Engineer prior to any grading, development or site clearing.

Response:

As shown in the Construction Management, Erosion, and Sediment Control Plan, included in Exhibit B, a sediment fence and straw wattle will be installed. This fencing will be maintained throughout the duration of site construction.

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

Response:

No riparian vegetation below the ordinary high water (OHW) line is planned to be removed during development. Any unanticipated disruption of the native riparian environment will be restored by planting native vegetation species in accordance with code requirements.

 Vegetative improvements to areas within the protection area may be required if the site is found to be in an unhealthy or disturbed state by the City Arborist or their designated expert. "Unhealthy or disturbed" includes those sites that have a combination of native trees, shrubs, and groundcover on less than 80 percent of the water resource area and less than 50 percent tree canopy coverage in the primary and secondary habitat conservation area to be preserved. "Vegetative improvements" will be documented by submitting a revegetation plan meeting CDC 28.160 criteria that will result in the primary and secondary habitat conservation area to be preserved having a combination of native trees, shrubs, and groundcover on more than 80 percent of its area, and more than 50 percent tree canopy coverage in its area. The vegetative improvements shall be guaranteed for survival for a minimum of two years. Once approved, the applicant is responsible for implementing the plan prior to final inspection.

Response: The applicant is aware of the requirements pending the findings of the City Arborist.

- 3. Tree cutting shall be prohibited in the protection area except that:
 - a. Diseased trees or trees in danger of falling may be removed with the City Arborist's approval; and
 - b. Tree cutting may be permitted in conjunction with those uses listed in CDC 28.030 with City Arborist approval; to the extent necessary to accommodate the listed uses;
 - c. Selective cutting in accordance with the Oregon Forest Practices Act, if applicable, shall be permitted with City Arborist approval within the area between the OHW and the greenway boundary provided the natural scenic qualities of the greenway are maintained. (Ord. 1576, 2008; Ord. 1590 § 1, 2009; Ord. 1604 §§ 29 36, 2011; amended during July 2014 supplement; Ord. 1635 § 17, 2014; Ord. 1636 § 27, 2014)

Response:

This project does not include the cutting and/or removal of trees or significant vegetation in the protection area. This criterion does not apply.

Chapter 32 - WATER RESOURCE AREA PROTECTION

32.020 APPLICABILITY

A. This chapter applies to all development, activity or uses within WRAs identified on the WRA Map. It also applies to all verified, unmapped WRAs. The WRA Map shall be amended to include the previously unmapped WRAs.

Response: No development will occur within the WRA.

- B. The burden is on the property owner to demonstrate that the requirements of this chapter are met, or are not applicable to the land, development activity, or other proposed use or alteration of land. The Planning Director may make a determination of applicability based on the WRA Map, field visits, and any other relevant maps, site plans and information, as to:
 - 1. The existence of a WRA:
 - 2. The exact location of the WRA; and/or

3. Whether the proposed development, activity or use is within the WRA boundary.

Response:

The subject property is partially located within a WRA. No development, grading, or vegetation removal will occur within the WRA. Replacement of an existing retaining wall system with integrated pathway and stairs will occur outside of the WRA – nevertheless, there will be no expansion of the development footprint or expansion of site use resulting from this project.

32.030 PROHIBITED USES

Alteration, development, or use of real property designated as, and within, a WRA is strictly prohibited except as specifically allowed or exempted in this chapter.

Table 32-1: Summary of Where Development and Activities May Occur in Areas Subject to This Chapter

Type of Development or Activity	In Water Resource	Water Resource Area
New house, principal structure(s)	No	No, except by hardship, CDC <u>32.100</u> . Geotechnical study may reduce WRA width per Table 32-2 (footnote 4).
Additions to existing house, principal structure(s) and replacement in kind (replacement in kind does not count against the 500 sq. ft. limit so long as it remains within the existing footprint)	t	Yes, so long as it gets no closer to the WRA than building footprint that existed January 1, 2006. Max. 500 sq. ft. of addition(s) to side or 500 sq. ft. to side of building footprint furthest from WRA. No limit on vertical additions within existing footprint. (CDC 32.040(C)). Geotechnical study may reduce the WRA width per Table 32-2 (footnote 4).
New cantilevered decks (over 30 inches), balconies, roof overhangs and pop outs		Yes, but only 5 ft. into the WRA. Foundation or supports of structure cannot extend vertically to grade in the WRA.

Table 32-1: Summary of Where Development and Activities May Occur in Areas Subject to This Chapter

Type of Development or Activity	In Water Resource	Water Resource Area
towards the WRA from existing house or principal structure(s)		Geotechnical study may reduce the WRA width per Table 32-2 (footnote 4).
Decks within 30 inches of grade, at grade patios	No	Yes, but only to within 50 ft. of the water resource or 10 ft. behind the top of slope (ravine), whichever is greater.¹ Geotechnical study may reduce the WRA width per Table 32-2 (footnote 4).
New accessory structure under 120 sq. ft. and 10 ft. tall	No	Yes, but only if it is a minimum of 50 ft. from the water resource or 10 ft. behind the top of slope (ravine), whichever is greater.
Repair and maintenance to existing accessory structures	No	Yes, but no increase in footprint or height.
Storm water treatment and detention (e.g., rain gardens, storm outfall/energy dissipaters)	No	Yes, private and public facilities including outfall and energy dissipaters are permitted if no reasonable alternatives exist.
Driveways/streets/bridges and parking lots	No, unless a WRA crossing is the only available route. No parking lots.	No, unless a WRA crossing is the only available route, or it is part of a hardship application. Parking lots only allowed in

Table 32-1: Summary of Where Development and Activities May Occur in Areas Subject to This Chapter

Type of Development or Activity	In Water Resource	Water Resource Area
		hardship cases the maximum distance from water resource.
New fence(s)	No markers or posts in a water resource.	Yes, but only to within 50 ft. of the water resource or behind the top of slope (ravine), whichever is greater. In remainder of a WRA, only City approved property markers or posts every 25 ft. to delineate property.
Demolition of structure and/or removal of impervious surfaces in the WRA	Yes, restoration and re-vegetation required.	Yes, restoration and re-vegetation required.
Exterior lighting	No	No, except on existing buildings, additions or hardship cases, but light must be directed away from the WRA and less than 12 ft. high.
Public passive recreation facilities	No, except for bridges and utility crossings.	Yes, but only soft or permeable surface trails, bridges and elevated paths, interpretive facilities and signage. Hard surface ADA trails are allowed in WRA above top of slope associated with well-defined ravine WRAs.

Table 32-1: Summary of Where Development and Activities May Occur in Areas Subject to This Chapter

Type of Development or Activity	In Water Resource	Water Resource Area
Public active recreation facilities	No, except for bridges and utility crossings.	Yes, but natural surface playing fields and playground areas only in WRA above top of slope associated with well-defined ravine WRAs.
Grading, fill (see also TDAs)	No, except for bridges and utility crossings.	Yes, after a WRA permit is obtained. Restoration and revegetation required.
Temporarily disturbed areas (TDAs) (e.g., buried utilities)	No, except as allowed by WRA permit.	Yes, restoration and re-vegetation required.
Removal of existing vegetation or planting new vegetation	No, except invasive plants and hazard trees per CDC 32.040(A)(2) or per CDC 32.100.	Yes, if it is replaced by native vegetation. Exemption CDC 32.040(A)(3) applies.
Realigning water resources	Yes, after "alternate review" process	Not applicable

Development to within 50 feet of the water resource applies to Table 32-2 WRA types (A), (C), (D), and (H). Development behind top of slope (ravine) applies to WRA type (B).

The proposed development does not take place within the WRA. The improvements are characterized as "Repair and maintenance to existing accessory structures."

32.040 EXEMPTIONS

Alteration, development, or use of real property designated as, and within, a WRA is strictly prohibited except as specifically allowed or exempted in this chapter.

A. <u>Vegetation maintenance, planting and removal.</u>

The routine maintenance of any existing WRA, consistent with the
provisions of this chapter such as, but not limited to, removing pollutants,
trash, unauthorized fill, and dead or dying vegetation that constitutes a
hazard to life or property.

- 2. Removal of plants identified as nuisance, invasive or prohibited plants; provided, that after plant removal, re-vegetation of disturbed areas is performed pursuant to CDC <u>32.100</u>.
- 3. The planting or propagation of plants identified as native plants on the Portland Plant List.
- 4. Maintenance of existing gardens, pastures, lawns, and landscape perimeters, including the installation of new irrigation systems within existing gardens, lawns, and landscape perimeters.
- 5. The use of pesticides and herbicides with applicable state (e.g., Oregon DEQ) permits.

Response: No vegetation maintenance, planting, or removal is anticipated to take place within a WRA.

- B. <u>Building, paving, grading, and testing.</u>
 - Maintenance. Routine repair, maintenance and replacement of legally established above and below ground utilities and related components (including storm water catch basins, intakes, etc.), roads, driveways, paths, trails, fences and human-made water control facilities such as constructed ponds, wastewater facilities, and storm water treatment facilities that do not expand the disturbed area at grade or footprint, provided re-vegetation of disturbed areas or corridors is performed pursuant to CDC 32.100.

Response:

The proposed improvements are considered maintenance in that the project is characterized as replacement and reconstruction of an existing retaining wall system with integrated pathway and stairs. The area at grade and footprint is not expanded.

2. <u>Trails</u>. The establishment of unpaved trails constructed of non-hazardous, pervious materials with a maximum width of four feet in generalized corridors approved in a parks or trails master plan; provided, that:

[...]

Response: No trails will be established as a part of this project.

3. <u>Site investigations</u>. Temporary and minor clearing outside of wetlands not to exceed 200 square feet per acre or site, whichever is more; provided, that no individual area is greater than 200 feet in size, for the purpose of site investigations and pits for preparing soil profiles; provided, that such areas are restored to their original condition when the investigation is complete. While such temporary and minor clearing is exempt from the provisions of this chapter, it is subject to all other City codes, including provisions for erosion control and tree removal.

Response: No clearing for the purpose of site investigations will take place as a part of this project.

4. Support structures for overhead power or communication lines where the support structures are outside of the WRA.

Response: No support structures for overhead power or communication as a part of this project.

5. The installation, within the developed portions of street rights-of-way, of new utilities, the maintenance or replacement of existing utilities and street repaying projects.

Response: No installation of new utilities or street repaving projects will occur as a part of this project.

- C. <u>Non-conforming structures</u>.
 - Expansion of the principal non-conforming structure. Additions to the
 existing building footprint of a principal non-conforming structure within, or
 partially within, the WRA are exempt, and additionally exempt from
 Chapter 66 CDC, Non-Conforming Structures, as long as the addition(s)
 meets the following restrictions:
 - a. Re-vegetation of temporarily disturbed areas will be performed per CDC 32.100 after the addition is completed;
 - b. There is no net increase in storm water runoff flowing toward the water resource as a result of the addition(s);
 - c. The addition to the principal structure is not closer to the water resource than the existing principal structure;
 - d. If it is a lateral addition, it does not extend more than 25 feet laterally from the side of the existing principal structure;
 - e. The addition does not increase the footprint of the existing principal structure by more than 500 square feet, at any one time or incrementally;
 - Lateral additions to decks cannot come closer to the water resource than the existing deck;
 - g. Vertical additions to existing principal structures that comply with the maximum height requirements of the underlying zone are exempt.

Response: No expansion of a non-conforming structure will occur as a part of this project.

- 2. Repair, replacement and removal of non-conforming structures.
 - a. Interior remodeling of a non-conforming structure.
 - b. Repair, maintenance, rehabilitation and replacement of non-conforming structures, accessory structures, utilities and related components, roads, driveways, paths, trails, fences, and human-made water and storm water control facilities that do not expand the disturbed area or footprint. Re-vegetation of temporarily disturbed areas or corridors pursuant to CDC 32.100 is required.
 - c. This section also applies in the event that a non-conforming structure burned down or was otherwise damaged by natural or other disaster. The structure could be re-built so long as the structure did not expand the original footprint and the original access driveway (PDA) was used.

d. Demolition and removal of non-conforming structure's impervious surfaces are exempt as long as the affected areas are restored with native vegetation pursuant to CDC 32.100.

Response:

The proposed improvements are characterized as replacement and reconstruction of existing stairs, not a non-conforming structure, therefore this code section does not apply.

- D. <u>New construction activities allowed in the WRA</u>.
 - Structures shall be located out of the WRA, except that eaves, balconies, decks, "pop outs," and similar additions, may cantilever over the outer boundary of the WRA a maximum of five feet. No vertical supports may extend down to grade within the WRA.
 - 2. Construction of an accessory structure, less than 120 square feet in size and under 10 feet tall, may be constructed to within 50 feet of the water resource or 10 feet behind the top of slope (ravine, per Figure 32-4), whichever is greater. No more than one accessory structure is permitted in the WRA. Accessory structures in the WRA that existed prior to January 1, 2006, may remain in place and not count against the limitation in new accessory structures.
 - 3. Construction of a water permeable patio or deck within 30 inches of the original grade and construction of approved water permeable footpaths may be constructed to within 50 feet of the water resource or 10 feet behind the top of slope (ravine, per Figure 32-4), whichever is greater.
 - 4. Fences may be built to within 50 feet of the water resource or behind the top of slope (ravine), whichever is greater.

Response:

The proposed improvements are not considered new construction. The proposed improvements are characterized as replacement and reconstruction of an existing retaining wall system with integrated pathway and stairs and are outside of the WRA.

- E. <u>Emergency activities</u>. Actions authorized by the City Manager that must be taken immediately or within a period of time too short to fully comply with this chapter to:
 - 1. Prevent immediate danger to life or property;
 - 2. Prevent immediate threat of serious environmental degradation;
 - 3. Restore existing utility service; or
 - 4. Reopen a public thoroughfare to traffic.

However, after the emergency has passed any disturbed area shall be restored, pursuant to CDC 32.100.

Response:

The proposed improvements are not related to Emergency Activities.

- F. Exempt areas.
 - 1. The Tualatin or Willamette Rivers are regulated by Chapter <u>28</u> CDC and are not subject to this chapter. However, wetlands and buffers, regardless of

their proximity to these rivers, are subject to this chapter. In areas where there is overlap with Chapter 28 CDC, this chapter shall prevail.

Response:

The proposed improvements do not occur on wetlands, and as demonstrated above, conform to the applicable standards of this chapter.

2. Existing enclosed or piped sections of streams, including any development at right angles to the enclosed or piped sections.

Response:

No enclosed or piped sections of streams exist on the subject property.

G. Metro Code Chapter 3.07 Urban Growth Management Functional Plan – Exempt uses and conditioned activities. Where construction of a residence was completed before January 1, 2006, the owners or residents shall not be restricted from engaging in any development that was allowed prior to September 22, 2005; unless such development required obtaining a land use decision, or a building, erosion control, or grading permit. (Ord. 1623 § 1, 2014; Ord. 1647 § 4, 2016)

Response:

The construction of the residence was completed prior to 2006.

32.050 APPLICATION

A. An application requesting approval for a use or activity regulated by this chapter shall be initiated by the property owner, or the owner's authorized agent, and shall include an application form and the appropriate deposit or fee as indicated on the master fee schedule.

Response:

Included is an application for a Water Resource Area Permit as well as the appropriate fee.

B. A pre-application conference shall be a prerequisite to the filing of the application.

Response:

The pre-application conference meeting was held June 20, 2024 and Summary Notes are included within Exhibit E.

C. The applicant shall submit maps and diagrams at 11 by 17 inches and a written narrative addressing the approval criteria and requirements of this chapter, and any additional copies required by the Planning Director.

Response:

Maps and Diagrams are submitted in accordance with these standards. The written Narrative addresses the approval criteria of this chapter as demonstrated above.

D. Where review of soil maps, Department of Geology and Mineral Industries (DOGAMI) maps, or on-site inspection by the City Engineer reveals evidence of slope failures or that WRA slopes are potentially unstable or prone to failure, geotechnical studies may be required to demonstrate that the proposed development will not cause, or contribute to, slope failure or increased erosion or sedimentation in the WRA or adversely impact surface or modify groundwater flow or hydrologic conditions. These geotechnical studies shall include all necessary measures to avoid or correct the potential hazard.

Response:

The applicant is aware of the possible requirements for geotechnical studies pending the findings of the City Engineer.

E. Applications proposing that streets or utilities cross water resources, or any other development that modifies the water resource, shall present evidence in the form of

adopted utility master plans or transportation master plans, or findings from a registered Oregon civil engineer, certified engineering geologist or similarly qualified professional to demonstrate that the development or improvements are consistent with accepted engineering practices.

Response:

There is no anticipation of modification of a water resource as a result of the proposed improvements.

- F. Site plan. The applicant shall submit a site plan which contains the following information, as applicable:
 - 1. The name, address, and telephone number of the applicant, the scale (lineal) of the plan, and a north arrow.
 - 2. Property lines, rights-of-way, easements, etc.
 - 3. A storm detention and treatment plan and narrative statement pursuant to CDC 92.010(E).
 - 4. Tables and maps identifying acreage, location and type of development constraints due to site characteristics such as slope, drainage and geologic hazards. For Type I, II, and III lands (refer to definitions in Chapter <u>02</u> CDC), the applicant must provide a geologic report, with text, figures and attachments as needed to meet the industry standard of practice, prepared by a certified engineering geologist and/or a geotechnical professional engineer, that includes:
 - a. Site characteristics, geologic descriptions and a summary of the site investigation conducted;
 - b. Assessment of engineering geological conditions and factors;
 - c. Review of the City of West Linn's Natural Hazard Mitigation Plan and applicability to the site; and
 - d. Conclusions and recommendations focused on geologic constraints for the proposed land use or development activity, limitations and potential risks of development, recommendations for mitigation approaches and additional work needed at future development stages including further testing and monitoring.
 - 5. Boundaries of the WRA, specifically delineating the water resource, and any riparian corridor boundary. If the proposal includes development of a wetland, a wetlands delineation prepared by a professional wetland specialist will be required. The wetland delineation may be required to be accepted or waived through the Department of State Lands (DSL) delineation review process.

Response:

Boundaries of the WRA are shown on the Site Plan in Exhibit B. The proposed improvements do not involve development of a wetland.

6. Location of existing and proposed development, including all existing and proposed structures, accessory structures, any areas of fill or excavation,

water resource crossings, alterations to vegetation, or other alterations to the site's natural state.

Response: The items are included as a part of drawings within Exhibit B.

7. Identify the location and square footage of previously disturbed areas, areas that are to be temporarily disturbed, and area to be permanently disturbed or developed.

Response: The items are included in the Site Plans within Exhibit B.

- 8. When an application proposes development within the WRA, an inventory of vegetation within the WRA, sufficient to categorize the existing condition of the WRA, including:
 - The type and general quality of ground cover, including the identification of dominant species and any occurrence of nonnative, invasive species;
 - b. Square footage of ground cover; and
 - c. Square footage of tree canopy as measured either through aerial photographs or by determining the tree drip lines. Where only a portion of a WRA is to be disturbed, the tree inventory need only apply to the impacted area. The remaining treed area shall be depicted by outlining the canopy cover.

Response:

Development within a WRA will not occur. The proposed improvements involve replacement and reconstruction of an existing retaining wall system with integrated pathway and stairs and within approximately the same footprint as the existing structure.

9. Locations of all significant trees as defined by the City Arborist.

Response: No significant trees exist within the WRA on the subject property.

10. Identify adopted transportation, utility and other plan documents applicable to this proposal.

Response: All applicable documents are listed in the table of contents of this narrative.

11. For cases processed under CDC <u>32.110</u> (hardship), provide the maximum disturbed area (MDA) calculations.

Response: This proposal is not to be processed under hardship provisions.

- G. <u>Construction management plan</u>. The applicant shall submit a construction management plan which includes the following:
 - 1. The location of proposed TDAs (site ingress/egress for construction equipment, areas for storage of material, construction activity areas, grading and trenching, etc.) that will subsequently be restored to original grade and replanted with native vegetation, shall be identified, mapped and enclosed with fencing per subsection (G)(3) of this section.

- 2. Appropriate erosion control measures consistent with Clackamas County Erosion Prevention and Sediment Control Planning and Design Manual, rev. 2008, and a tentative schedule of work.
- 3. The WRA shall be protected, prior to construction, with an anchored chain link fence (or equivalent approved by the City) at its perimeter that shall remain undisturbed, except as specifically authorized by the approval authority. Additional fencing to delineate approved TDAs may be required. Fencing shall be mapped and identified in the construction management plan and maintained until construction is complete.

Response:

Erosion and Sediment Control Plan showing erosion control measures is included as a part of this application within Exhibit D.

H. Mitigation plan prepared in accordance with the requirements in CDC <u>32.090</u>.

Response:

A mitigation plan is not required because the proposed improvements do not include development within the WRA

I. Re-vegetation plan prepared in accordance with the requirements in CDC 32.100.

Response:

Re-vegetaion is not anticipated. The stairs to be replaced within the WRA will be replaced within the same footprtint of the existing WRA as much as is practicable. Any temporary disturbance to vegetation buffering this reconstruction will be re-vegetated in accordance with the standards set by 32.100 CDC.

J. The Planning Director may modify the submittal requirements per CDC 99.035.

Response:

The applicant is aware the Planning Director may modify the submittal requirements.

K. The following additional requirements apply to applications being submitted under the alternative review process pursuant to CDC <u>32.070</u> and <u>32.080</u>.

[...]

Response: The applicant do

The applicant does not seek an alternative review process.

Chapter 99 – PROCEDURES FOR DECISION MAKING: QUASI-JUDICIAL

[...]

99.030 APPLICATION PROCESS: WHO MAY APPLY, PRE-APPLICATION CONFERENCE, REQUIREMENTS, REFUSAL OF APPLICATION, FEES

- A. Who may apply.
 - 1. Applications for approval required under this chapter may be initiated by:
 - a. The owner of the property that is the subject of the application or the owner's duly authorized representative;
 - The purchaser of such property who submits a duly executed written contract or copy thereof, which has been recorded with the Clackamas Clerk;

- A lessee in possession of such property who submits written c. consent of the owner to make such application; or
- d. Motion by the Planning Commission or City Council.
- 2. Any person authorized by this chapter to submit an application for approval may be represented by an agent who is authorized in writing by such a person to make the application.

Response:

This application is initiated by the property owner. An application form signed by the property owner is included in the attached Exhibit A.

- B. Pre-application conferences.
 - 1. Subject to subsection (B)(4) of this section, a pre-application conference is required for, but not limited to, each of the following applications:

[...]

- Development subject to Chapter 32 CDC, Water Resource Area p. Protection;
- Development subject to Chapter 27 CDC, Flood Management q. Areas;
- r. Development subject to Chapter 28 CDC, Willamette and Tualatin River Protection;

[...]

Response:

A pre-application conference is required for an FMA Development Permit application. A preapplication meeting was held on June 20, 2024. A summary of the meeting is provided in Exhibit E.

- C. The requirements for making an application.
 - 1. The application shall be made on forms provided by the Director as provided by CDC 99.040(A)(1);

Response:

The required application forms are signed by the property owner and provided in Exhibit A. This requirement is met.

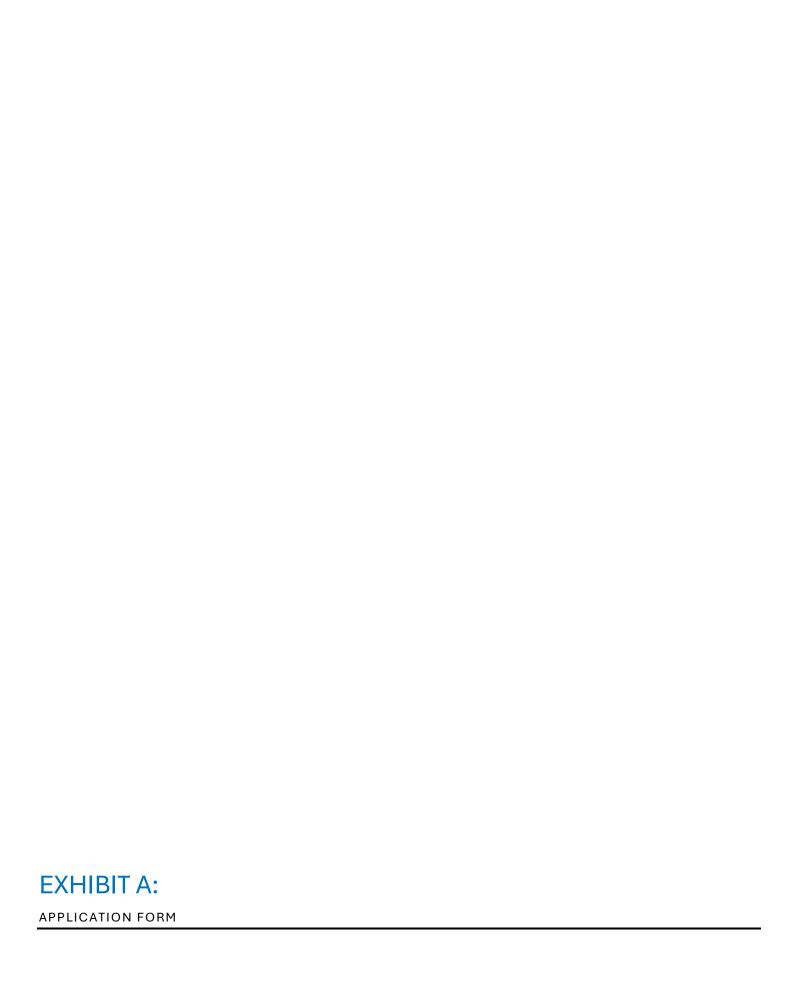
2. The application shall be complete and shall contain the information requested on the form, shall address the appropriate submittal requirements and approval criteria in sufficient detail for review and action, and shall be accompanied by the deposit or fee required by CDC 99.033. No application will be accepted if not accompanied by the required fee or deposit. In the event an additional deposit is required by CDC 99.033 and not provided within the time required, the application shall be rejected without further processing or deliberation and all application materials shall be returned to the applicant, notwithstanding any determination of completeness. (Ord. 1527, 2005; Ord. 1568, 2008; Ord. 1590 § 1, 2009; Ord. <u>1599</u> § 6, 2011; Ord. <u>1614</u> § 14, 2013; Ord. <u>1622</u> § 30, 3014; Ord. 1635 § 36, 2014; Ord. 1636 § 60, 2014; Ord. 1638 § 3, 2015; Ord. 1675 § 55, 2018; Ord. 1745 § 1 (Exh. A), 2023)

41

Response:

This application contains all requested information on the application forms provided in Exhibit A. Responses to the applicable submittal requirements and approval criteria are included within this narrative. All required fees will be paid. These requirements are met.

[...]





Planning & Development • 22500 Salamo Rd #1000 • West Linn, Oregon 97068

Telephone 503.656-3535 · westlinnoregon.gov

DEVELOPMENT REVIEW APPLICATION

为2660年,在1950年,1950年,1950年,1950年,1950年	For Office Use Only	大型是一层型的 对图象是	
STAFF CONTACT	PROJECT NO(S).	,	PRE-APPLICATION NO.
NON-REFUNDABLE FEE(5)	REFUNDABLE DEPOSIT(S)	TOTAL	
Type of Review (Please check all that apply):			
Appeal (AP) CDC Amendment (CDC) Code Interpretation (MISC) Conditional Use (CUP) Design Review (DR Tree Easement Vacation (MISC) Expediated Land Division (ELD)	Plat (FP) Related File # d Management Area (FMA) oric Review (HDR) Line Adjustment (LLA) or Partition (MIP) diffication of Approval (MOD) -Conforming Lots, Uses & Structures ned Unit Development (PUD) et Vacation	Water Resource Ar ✓ Willamette & Tual ✓ Zone Change (ZC)	MISC) XT) ation (VAC) ea Protection/Single Lot (WAP) ea Protection/Wetland (WAP) atin River Greenway (WRG)
Site Location/Address: 5665 River Street	Addressing, and sign applications r	Assessor's Map No.: 2 2	
West Linn, Oregon 9	7086	Tax Lot(s): 1100	
		Total Land Area: 0.593	Acres
Brief Description of Proposal: Reconstruct and replace an existing re part of the property along the Willamett		egrated pathway and	stairs to the lower
Applicant Name*: Mike Myers Address: 5665 River Street City State Zip: West Linn, Oregon 9708	6	Phone: (773) 36 Email: mike.my	8-0402 ers@att.net
Owner Name (required): Mike Myers Address: 5665 River Street City State Zip: West Linn, Oregon	97086	Phone: (773) 36 Email: mike.my	8-0402 ers@att.net
Consultant Name: Drake's 7 Dees (ATTN: I Address: 5645 Southwest Scholls City State Zip: Portland, Oregon 97225	Drake Snodgrass) Ferry Road	Phone: (503) 31 Email: drakes@	2-5017 drakes7dees.com

- 1. Application fees are non-refundable (excluding deposit). Applications with deposits will be billed monthly for time and materials above the initial deposit. *The applicant is financially responsible for all application costs.
- 2. All information provided with the application is considered a public record and subject to disclosure.
- 3. The owner/applicant or their representative should attend all public hearings related to the application.
- 4. A decision may be reversed on appeal. The decision will become effective once the appeal period has expired.
- 5. Submit this form, application narrative, and all supporting documents as a single PDF through the web page: https://westlinnoregon.gov/planning/submit-land-use-application.

The undersigned property owner authorizes the application and grants city staff the right of entry onto the property to review the application. The applicant and owner affirm that the information provided in this application is true and correct. Applications with deposits will be billed monthly for time and materials incurred above the initial deposit. The applicant agrees to pay additional billable charges.

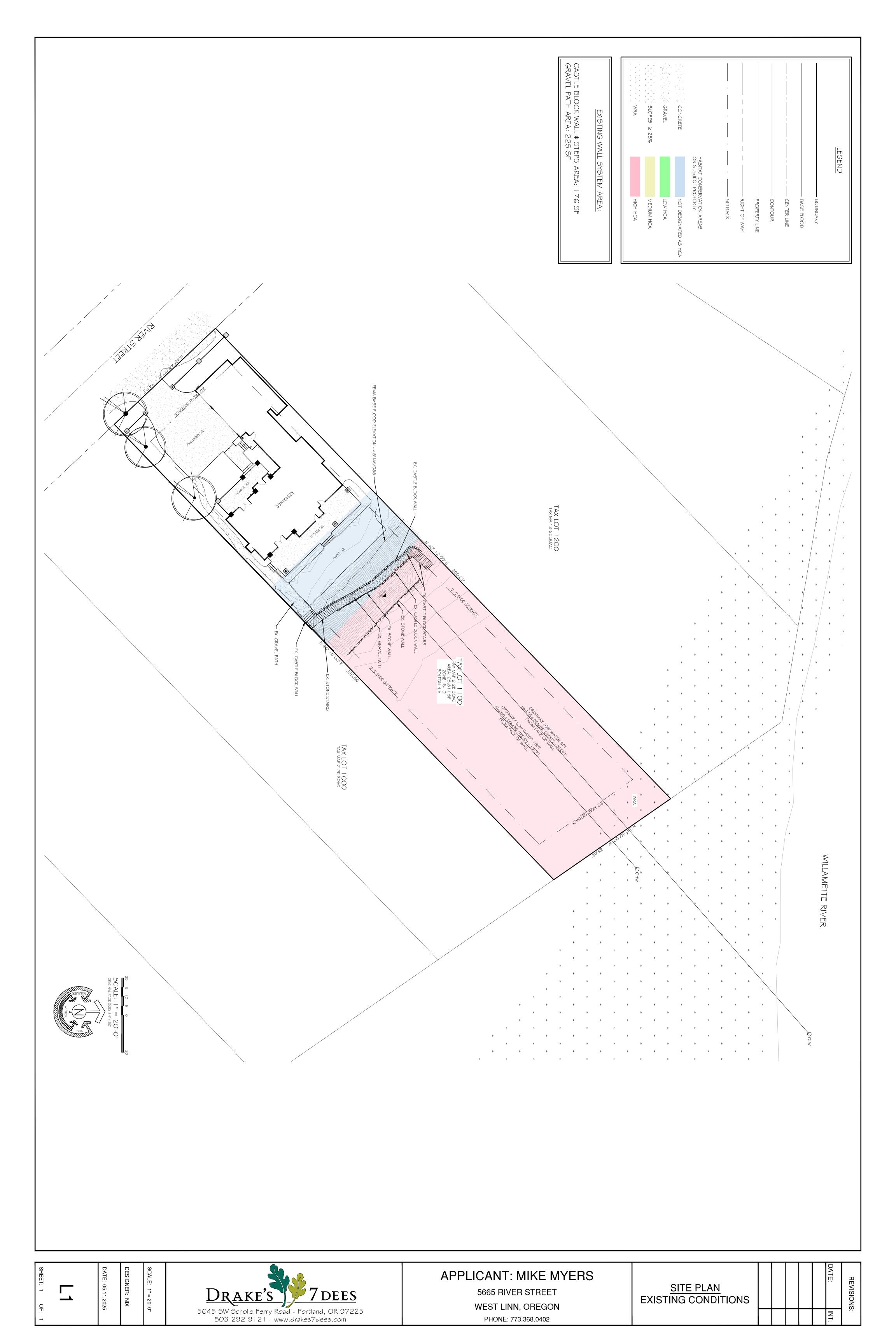
Applicant's signature

Date 5/12/2025

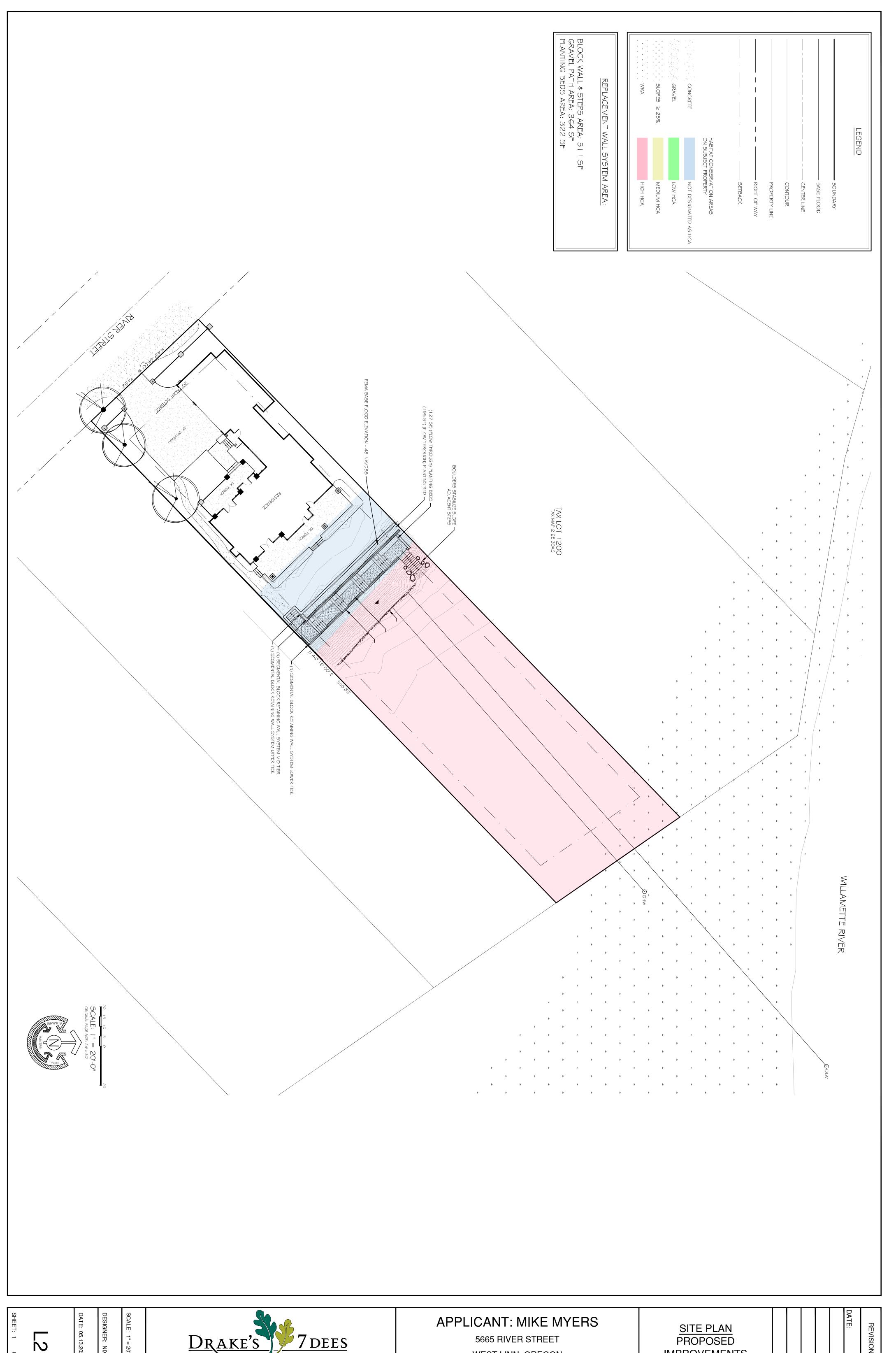
Owner's signature (required)

Date 5/12/2025











5665 RIVER STREET WEST LINN, OREGON PHONE: 773.368.0402

SITE PLAN PROPOSED IMPROVEMENTS			DATE:	REVISIONS
			INT.	9,7



REA Analysis

Project: 5665 River Street
Location: West Linn, OR
Designer: Mia Mahedy, PE GE

Date: 10/30/2023 Section: Wall 1, Section 1

Design Method: NCMA_09_3rd_Ed, Ignore Vert. Force

Design Unit: MiraStone

Leveling Pad: Crushed Stone

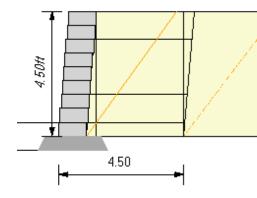
GEOMETRY

Design Height: 4.50ft (4.00ft Exp.) Live Load: 0psf Wall Batter/Tilt: 4.80/ 0.00 deg Live Load Offset: 0.00ft Embedment: 0.50ft LL2 Width: Oft Leveling Pad Depth: 0.50ft Dead Load: 0psf Slope Angle: 0.0 deg Dead Load Offset: 0.0ft Slope Length: 0.0ft Dead Load Width: Oft

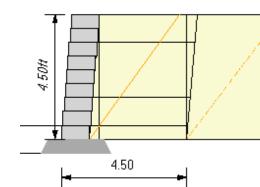
Slope Toe Offset: 0.0ft Vertical δ on Single Depth

FACTORS OF SAFETY

Sliding: 1.50 Pullout: 1.50 Overturning: 2.00 Uncertainties: 1.50 Bearing: 2.00 Connection: 1.50 Shear: 1.50 Bending: 1.50







RESULTS

FoS Sliding:	5.05	FoS Overturning:	13.70
Bearing	540	FoS Bearing:	13.24
Pullout	2.29		

Pullout 2.29

Total Pullout2,397FoS Total Pullout8.59Top FoSot:15.70FoS Connection:10.71

	D	Height	Length	Geogrid.	Tallow	EP(Pa)	LL (PqI)	DL (Pqd)	TMax	FS Str	Tal Cn	FS Pk Cn	FS PO/[Tmax]	FS Sldg [fndn]	Grid Embed
Γ	3	3.5	4.5	3XT	1330	61	0	0	61	32.57	843	20.66	2.29/[61]	100.00	1.27
	2	1.5	4.5	3XT	1330	126	0	0	126	15.79	902	10.71	6.70/[126]	22.39	2.54
Γ	1	0.5	4.5	3XT	1330	89	0	0	89	22.41	844	14.22	15.85/[89]	13.47 [5.05]	3.18

Column Descriptions:

Ta: allowable geogrid strength

Rc %: percent coverage for geosynthetics

EP (Pa) internal active earth pressure

LL (PqI) earth pressure due to live load surcharge

DL (Pqd) earth pressure due to dead load surcharge

Tmax maximum earth pressure on geosynthetic layer

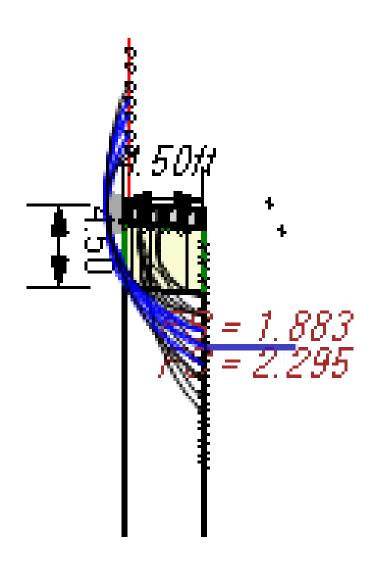
FSstr factor of safety on geogrid strength (Ta/Tmax)

Ta cn allowable tension on the connection

FS Pkcn, factor of safety on the connection (Ta cn/Tmax)

FS PO, factor of safety on pullout (Ta pullout/(Tmax - LL)

Grid Embedment, depth of embedment beyond the theorectical failure plane.





COMPOUND RESULTS

Compound stability is a global analysis (Bishop) with the failure planes originating at the top of the slope / wall and exiting out through the face of the wall. For MSE walls, the resistance of the geogrid reinforcement is included in the analysis and the shear resistance of the face units is included.

ID	Enter Point X	Enter Point Y	Exit Point X	Exit Point Y	Center X	Center Y	Radius	FoS
2	7.74	4.50	1.08	1.00	1.35	8.56	7.56	2.295
2	6.84	4.50	1.08	1.00	1.27	7.16	6.17	2.335
2	8.64	4.50	1.08	1.00	1.43	10.15	9.16	2.349
2	9.54	4.50	1.08	1.00	1.50	11.95	10.96	2.407
2	5.94	4.50	1.08	1.00	1.19	5.97	4.97	2.472
2	10.44	4.50	1.08	1.00	1.57	13.95	12.96	2.574
2	5.04	4.50	1.08	1.00	1.08	4.98	3.98	2.588
2	11.34	4.50	1.08	1.00	1.63	16.16	15.17	2.754
2	5.04	4.50	1.17	2.00	1.93	5.06	3.15	2.763
2	5.94	4.50	1.17	2.00	2.10	6.02	4.12	2.862

GLOBAL RESULTS

Global stability is a global analysis (Bishop) with the failure planes originating at the top of the slope / wall and exiting out below the wall in the area infront of the structure. For MSE walls, the resistance of the geogrid reinforcement is included in the resisting forces. The curve may go through the base of the wall and the wall shear would be included. In most cases the failure plane will pass below the structure.

ID	Enter Point X	Enter Point Y	Exit Point X	Exit Point Y	Center X	Center Y	Radius	FoS
2	7.74	4.50	-4.76	0.50	-0.24	7.90	8.67	1.883
2	8.64	4.50	-5.66	0.50	-0.58	9.90	10.68	1.906
2	7.74	4.50	-3.86	0.50	0.38	7.01	7.77	1.925
2	6.84	4.50	-3.86	0.50	0.11	6.18	6.93	1.940
2	8.64	4.50	-4.76	0.50	0.04	8.86	9.64	1.967
2	6.84	4.50	-2.96	0.50	0.74	5.43	6.16	1.984
2	7.74	4.50	-5.66	0.50	-0.86	8.86	9.64	1.987
2	6.84	4.50	-4.76	0.50	-0.52	7.01	7.77	1.988
2	5.94	4.50	-2.96	0.50	0.48	4.75	5.46	2.005
2	9.54	4.50	-6.56	0.50	-0.91	12.16	12.96	2.028



REA Analysis

Project:

5665 River Street

Location: Designer: West Linn, OR

Date:

Mia Mahedy, PE GE

10/30/2023

Section:

Wall 1, Section 1

Design Method:

NCMA_09_3rd_Ed, Ignore Vert. Force

Design Unit:

MiraStone

SOIL PARAMETERS

coh

Reinforced Soil:

30 deg 0psf 120pcf

Retained Soil:

30 deg 0psf 0psf

120pcf

Foundation Soil:

30 deg

120pcf

Leveling Pad: Crushed Stone

GEOMETRY

Design Height:

8.50ft (8.00ft Exp.)

Live Load:

0psf

8.5011

7.00

Wall Batter/Tilt:

4.80/ 0.00 deg

Live Load Offset:

0.00ft

Embedment:

0.50ft

LL2 Width:

Oft

Leveling Pad Depth:

0.50ft

Dead Load:

0psf

Slope Angle:

0.0 deg

Dead Load Offset:

0.0ft

Slope Length:

0.0ft 0.0ft

Dead Load Width:

Oft

Slope Toe Offset: Vertical δ on Single Depth

man nation and the

FACTORS OF SAFETY

Sliding:

1.50

Pullout:

1.50

Uncertainties:

Overturning:

2.00

1.50

Bearing:

2.00

Connection:

Shear:

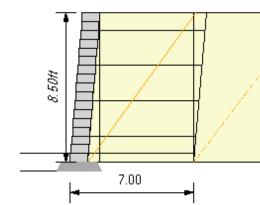
1.50

Bending:

1.50

1.50





RESULTS

FoS Sliding: 4.11 FoS Overturning: 9.46
Bearing 1,020 FoS Bearing: 10.31

Pullout 2.20

Total Pullout 12,004 FoS Total Pullout 11.07 Top FoSot: 19.65 FoS Connection: 4.75

ID	Height	Length	Geogrid.	Tallow	EP(Pa)	LL (PqI)	DL (Pqd)	TMax	FS Str	Tal Cn	FS Pk Cn	FS PO/[Tmax]	FS Sldg [fndn]	Grid Embed
5	7.5	7	3XT	1330	61	0	0	61	32.57	843	20.66	2.20/[61]	100.00	1.22
4	5.5	7	3XT	1330	184	0	0	184	10.86	902	7.37	4.51/[184]	33.94	2.49
3	3.5	7	3XT	1330	306	0	0	306	6.51	776	3.80	6.82/[306]	14.08	3.77
2	1.5	7	3XT	1330	310	0	0	310	6.43	641	3.10	12.62/[310]	8.16	5.04
1	0.5	7	3XT	1330	181	0	0	181	11.03	573	4.75	27.85/[181]	6.63 [4.11]	5.68

Column Descriptions:

Ta: allowable geogrid strength

Rc %: percent coverage for geosynthetics

EP (Pa) internal active earth pressure

LL (PqI) earth pressure due to live load surcharge

DL (Pqd) earth pressure due to dead load surcharge

Tmax maximum earth pressure on geosynthetic layer

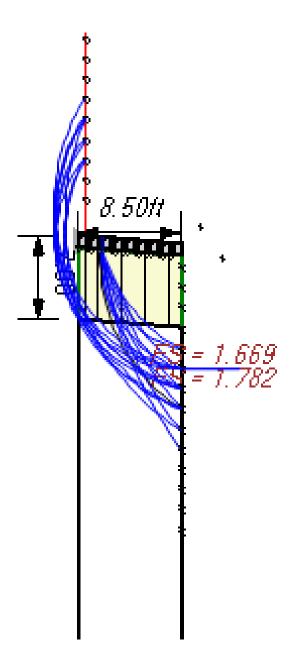
FSstr factor of safety on geogrid strength (Ta/Tmax)

Ta cn allowable tension on the connection

FS Pkcn, factor of safety on the connection (Ta cn/Tmax)

FS PO, factor of safety on pullout (Ta pullout/(Tmax - LL)

Grid Embedment, depth of embedment beyond the theorectical failure plane.





COMPOUND RESULTS

Compound stability is a global analysis (Bishop) with the failure planes originating at the top of the slope / wall and exiting out through the face of the wall. For MSE walls, the resistance of the geogrid reinforcement is included in the analysis and the shear resistance of the face units is included.

ID	Enter Point X	Enter Point Y	Exit Point X	Exit Point Y	Center X	Center Y	Radius	FoS
3	11.17	8.50	1.17	2.00	1.87	11.87	9.90	1.782
2	14.57	8.50	1.17	2.00	-4.02	29.76	28.24	1.803
2	12.87	8.50	1.17	2.00	-3.61	24.40	22.90	1.815
2	11.17	8.50	1.17	2.00	-3.25	19.75	18.29	1.833
2	9.47	8.50	1.17	2.00	-2.94	15.80	14.40	1.844
2	16.27	8.50	1.17	2.00	-4.44	35.84	34.30	1.879
3	9.47	8.50	1.17	2.00	1.65	9.94	7.95	1.896
3	12.87	8.50	1.17	2.00	2.07	14.17	12.20	1.907
2	17.97	8.50	1.17	2.00	-4.89	42.63	41.08	1.972
3	14.57	8.50	1.17	2.00	2.25	16.83	14.87	2.071

GLOBAL RESULTS

Global stability is a global analysis (Bishop) with the failure planes originating at the top of the slope / wall and exiting out below the wall in the area infront of the structure. For MSE walls, the resistance of the geogrid reinforcement is included in the resisting forces. The curve may go through the base of the wall and the wall shear would be included. In most cases the failure plane will pass below the structure.

ID	Enter Point X	Enter Point Y	Exit Point X	Exit Point Y	Center X	Center Y	Radius	FoS
3	11.17	8.50	-8.06	0.50	-0.76	10.07	12.04	1.669
3	12.87	8.50	-9.76	0.50	-1.44	12.99	15.00	1.681
4	12.87	8.50	-8.06	0.50	-0.26	11.47	13.46	1.728
3	11.17	8.50	-9.76	0.50	-1.96	11.47	13.46	1.734
4	11.17	8.50	-6.36	0.50	0.44	8.81	10.74	1.739
3	14.57	8.50	-11.46	0.50	-2.10	16.40	18.45	1.740
3	16.27	8.50	-9.76	0.50	-1.45	19.83	21.04	1.750
3	14.57	8.50	-6.36	0.50	0.52	13.89	15.05	1.750
3	12.87	8.50	-6.36	0.50	0.05	12.20	13.34	1.757
3	14.57	8.50	-9.76	0.50	-0.92	14.63	16.67	1.761



REA Analysis

Project:

5665 River Street

Location:

West Linn, OR

Designer:

Mia Mahedy, PE GE

Date:

10/30/2023

Section:

Wall 1, Section 1

Design Method:

NCMA_09_3rd_Ed, Ignore Vert. Force

Design Unit:

MiraStone

SOIL PARAMET

coh

Reinforced Soil:

30 dea

120pcf

Retained Soil:

30 deg

0psf

Opsf

120pcf

Foundation Soil:

0psf 30 deg

120pcf

Leveling Pad: Crushed Stone

GEOMETRY

Design Height:

13.50ft (13.00ft Exp.)

Live Load:

0psf

Wall Batter/Tilt:

4.80/ 0.00 deg

Live Load Offset:

0.00ft

Embedment:

0.50ft

LL2 Width:

0ft

Leveling Pad Depth:

0.50ft

Dead Load:

0psf

Slope Angle:

0.0 deg

Dead Load Offset: Dead Load Width:

0.0ft Oft

Slope Length: Slope Toe Offset: 0.0ft

0.0ft

Vertical δ on Single Depth

FACTORS OF SAFETY

1.50

Pullout:

1.50

Sliding:

2.00

Uncertainties:

Overturning:

1.50

Bearing:

2.00

Connection:

1.50

Bending:

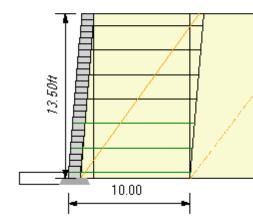
Shear*

1.50

1.50

10.00





RESULTS

FoS Sliding:3.67FoS Overturning:7.73Bearing1,620FoS Bearing:8.98

Pullout 1.86

Total Pullout 34,288 FoS Total Pullout 12.23 Top FoSot: 24.59 FoS Connection: 3.80

ID	Height	Length	Geogrid.	Tallow	EP(Pa)	LL (PqI)	DL (Pqd)	TMax	FS Str	Tal Cn	FS Pk Cn	FS PO/[Tmax]	FS Sldg [fndn]	Grid Embed
7	12.5	10	3XT	1330	61	0	0	61	32.57	843	20.66	1.86/[61]	100.00	1.03
6	10.5	10	3XT	1330	184	0	0	184	10.86	902	7.37	4.17/[184]	48.22	2.30
5	8.5	10	3XT	1330	306	0	0	306	6.51	776	3.80	6.48/[306]	20.09	3.58
4	6.5	10	3XT	1330	429	0	0	429	4.65	641	2.24	8.79/[429]	11.67	4.86
3	4.5	10	5XT	1786	551	0	0	551	4.86	1138	3.10	11.09/[551]	7.94	6.13
2	2.5	10	5XT	1786	674	0	0	674	3.98	1181	2.63	13.40/[674]	5.91	7.41
1	0.5	10	5XT	1786	483	0	0	483	5.54	1223	3.80	25.88/[483]	4.67 [3.67]	8.68

Column Descriptions:

Ta: allowable geogrid strength

Rc %: percent coverage for geosynthetics

EP (Pa) internal active earth pressure

LL (PqI) earth pressure due to live load surcharge

DL (Pqd) earth pressure due to dead load surcharge

Tmax maximum earth pressure on geosynthetic layer

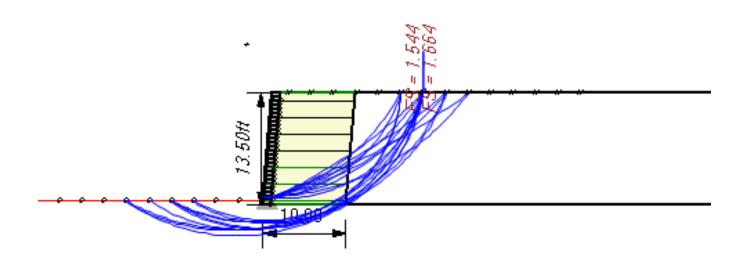
FSstr factor of safety on geogrid strength (Ta/Tmax)

Ta cn allowable tension on the connection

FS Pkcn, factor of safety on the connection (Ta cn/Tmax)

FS PO, factor of safety on pullout (Ta pullout/(Tmax - LL)

Grid Embedment, depth of embedment beyond the theorectical failure plane.





COMPOUND RESULTS

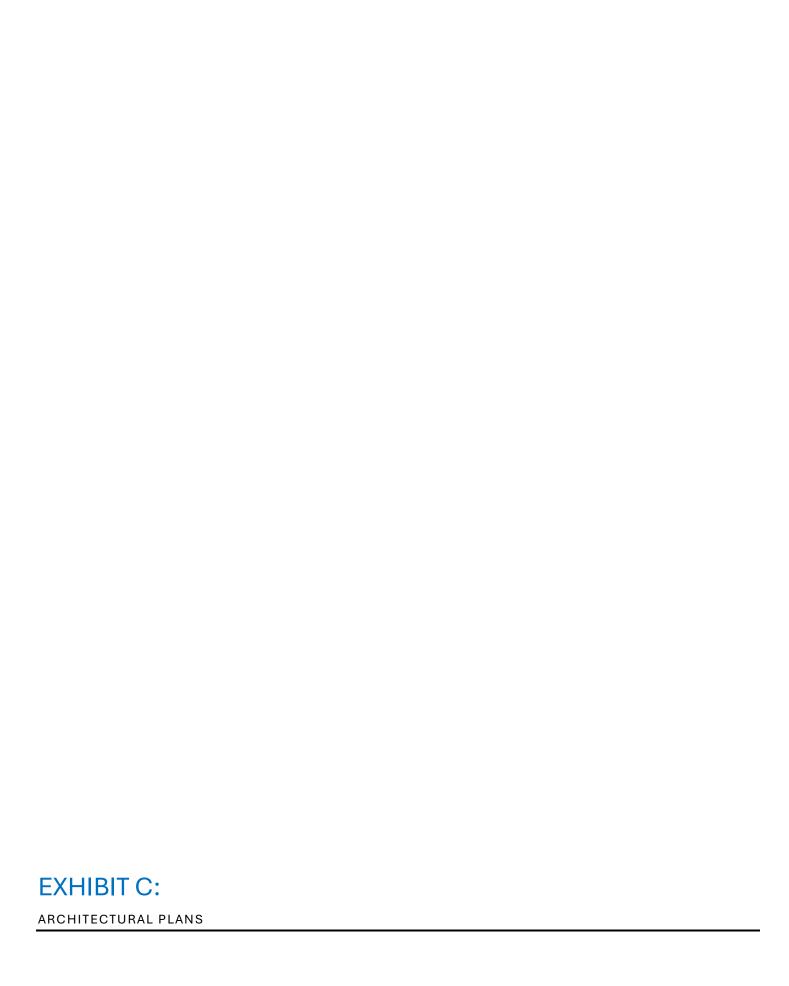
Compound stability is a global analysis (Bishop) with the failure planes originating at the top of the slope / wall and exiting out through the face of the wall. For MSE walls, the resistance of the geogrid reinforcement is included in the analysis and the shear resistance of the face units is included.

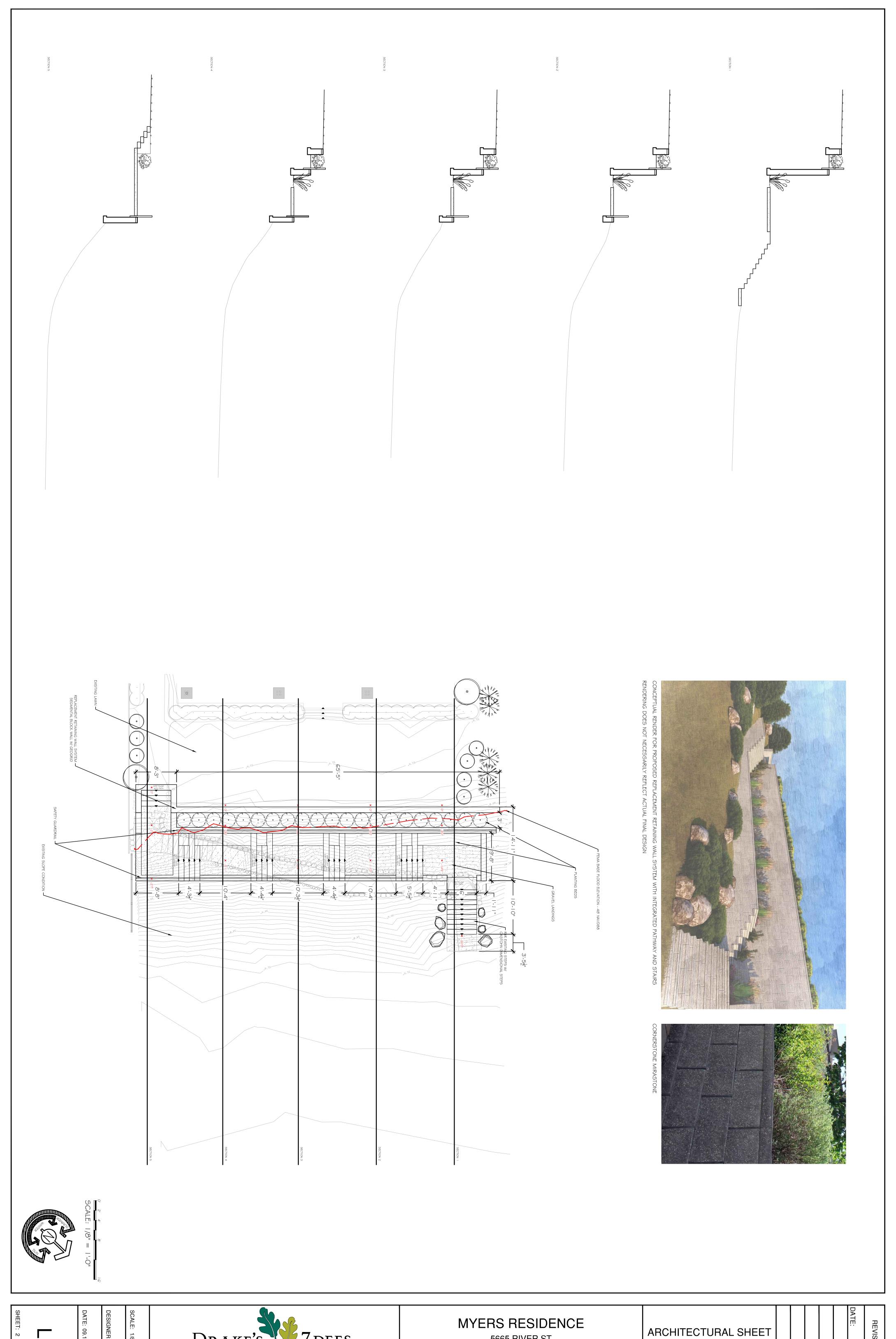
ID	Enter Point X	Enter Point Y	Exit Point X	Exit Point Y	Center X	Center Y	Radius	FoS
3	19.29	13.50	1.08	1.00	-6.50	31.56	31.49	1.664
2	21.99	13.50	1.08	1.00	-26.27	70.48	74.67	1.675
3	16.59	13.50	1.08	1.00	-6.10	25.78	25.80	1.676
3	21.99	13.50	1.08	1.00	-6.98	38.22	38.09	1.685
2	19.29	13.50	1.08	1.00	-24.04	57.10	61.47	1.714
2	24.69	13.50	1.08	1.00	-28.62	85.64	89.70	1.714
4	16.59	13.50	1.08	1.00	-0.59	18.95	18.03	1.721
5	19.29	13.50	1.08	1.00	2.69	18.17	17.24	1.743
4	24.69	13.50	1.08	1.00	-0.32	32.20	31.23	1.760
4	19.29	13.50	1.08	1.00	-0.47	22.77	21.82	1.760

GLOBAL RESULTS

Global stability is a global analysis (Bishop) with the failure planes originating at the top of the slope / wall and exiting out below the wall in the area infront of the structure. For MSE walls, the resistance of the geogrid reinforcement is included in the resisting forces. The curve may go through the base of the wall and the wall shear would be included. In most cases the failure plane will pass below the structure.

ID	Enter Point X	Enter Point Y	Exit Point X	Exit Point Y	Center X	Center Y	Radius	FoS
4	19.29	13.50	-13.76	0.50	-2.00	19.11	22.02	1.544
4	16.59	13.50	-11.06	0.50	-0.84	14.66	17.47	1.562
4	21.99	13.50	-16.46	0.50	-3.12	24.41	27.38	1.622
4	21.99	13.50	-11.06	0.50	-0.28	21.62	23.71	1.628
5	19.29	13.50	-16.46	0.50	-3.06	19.30	23.09	1.634
4	19.29	13.50	-8.36	0.50	0.96	16.58	18.59	1.634
4	19.29	13.50	-16.46	0.50	-3.91	21.66	24.60	1.635
5	19.29	13.50	-11.06	0.50	-0.07	16.78	19.64	1.637
4	16.59	13.50	-8.36	0.50	0.25	14.42	16.37	1.645
4	19.29	13.50	-11.06	0.50	-1.01	18.98	21.03	1.645







PROPOSED NEW STAIRCASE

NO RISE ANALYSIS PLANS 5665 RIVER ST WEST LINN, OR

Burnside Park

West Linn High School

Hammerle

Goat Island

Crumbl - West Linn

Maddax

Woods

SHEET INDEX

- 1- COVER
- 2- EXISTING CONDITIONS
- 3 PROPOSED CONDITIONS/ EC PLAN
- 4- CROSS SECTION PROFILES/ EC NOTES AND DETAIL

CONTRACTOR RESPONSIBLE FOR UTILITY LOCATES ON PRIVATE PROPERTY:

NOTICE TO EXCAVATORS: ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503)-232-1987.

POTENTIAL UNDERGROUND FACILITY OWNERS

Dig Safely.

Call the Oregon One-Call Center DIAL 811 or 1-800-332-2344

APPLICANT:

DRAKE SNODGRASS EMAIL: DRAKES@DRAKES7DEES.COM

SITE INFORMATION:

5665 RIVER ST WEST LINN, OR 0.59 AC

VICINITY MAP SCALE: 1"= N.T.S.

ENGINEER OF RECORD:

FIRWOOD DESIGN GROUP, LLC KELLI A. GROVER, P.E. 359 E. HISTORIC COLUMBIA RIVER HWY. TROUTDALE, OR 97060 PHONE: (503) 668-3737 EMAIL: kg@firwooddesign.com

SURVEY PROVIDED BY:

ANDY PARIS & ASSOCIATES BRIAN LEGGS, PLS 15450 BOONES FERRY ROAD, SUITE 7 LAKE OSWEGO, OR 97035 PHONE: (503) 636-3341 EXT. 100 EMAIL: bleggs@andyparis.com

Dahl Beach City Park

Clackamette RV Park

Best Western Plus Rivershore Hotel

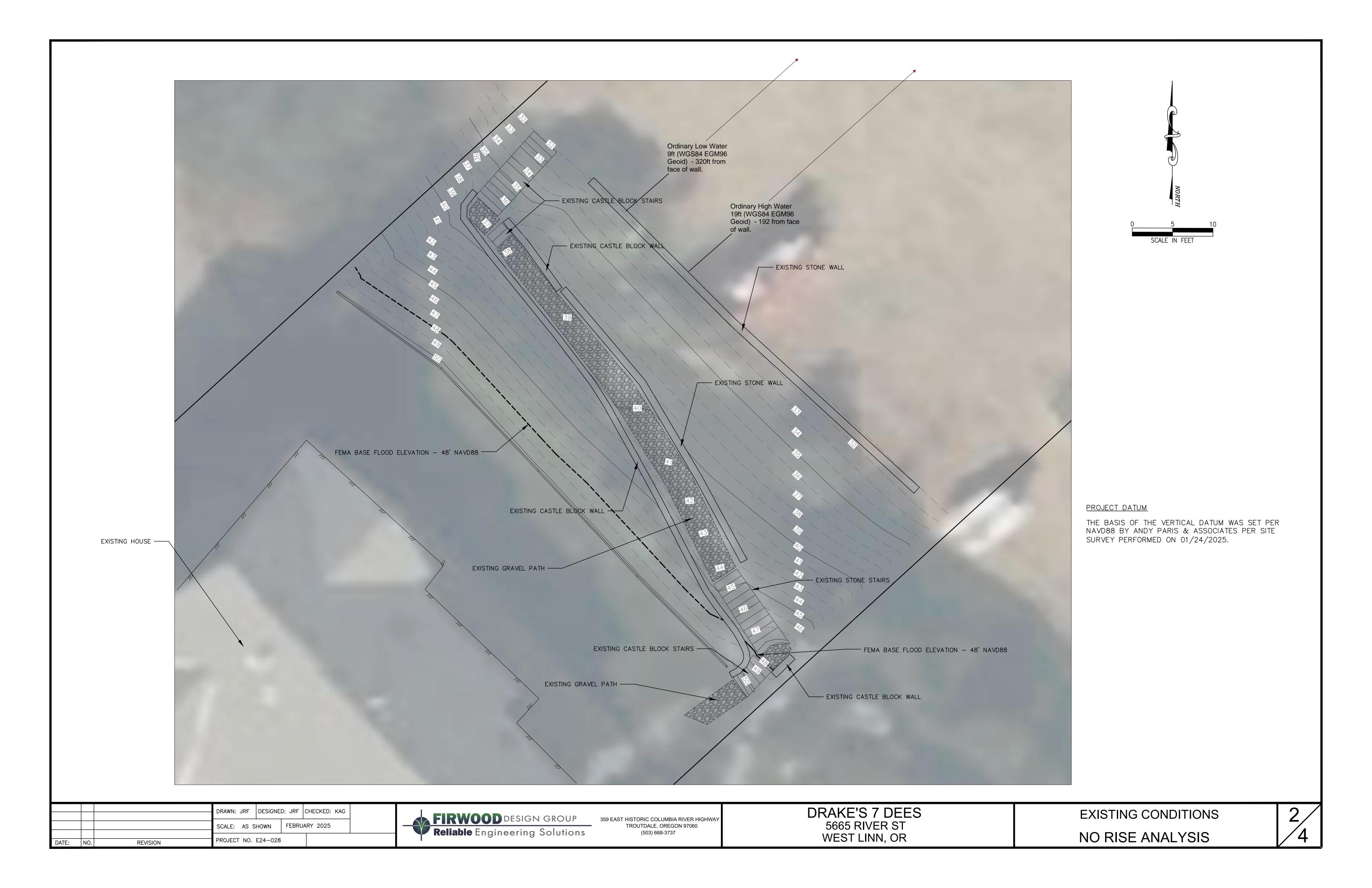
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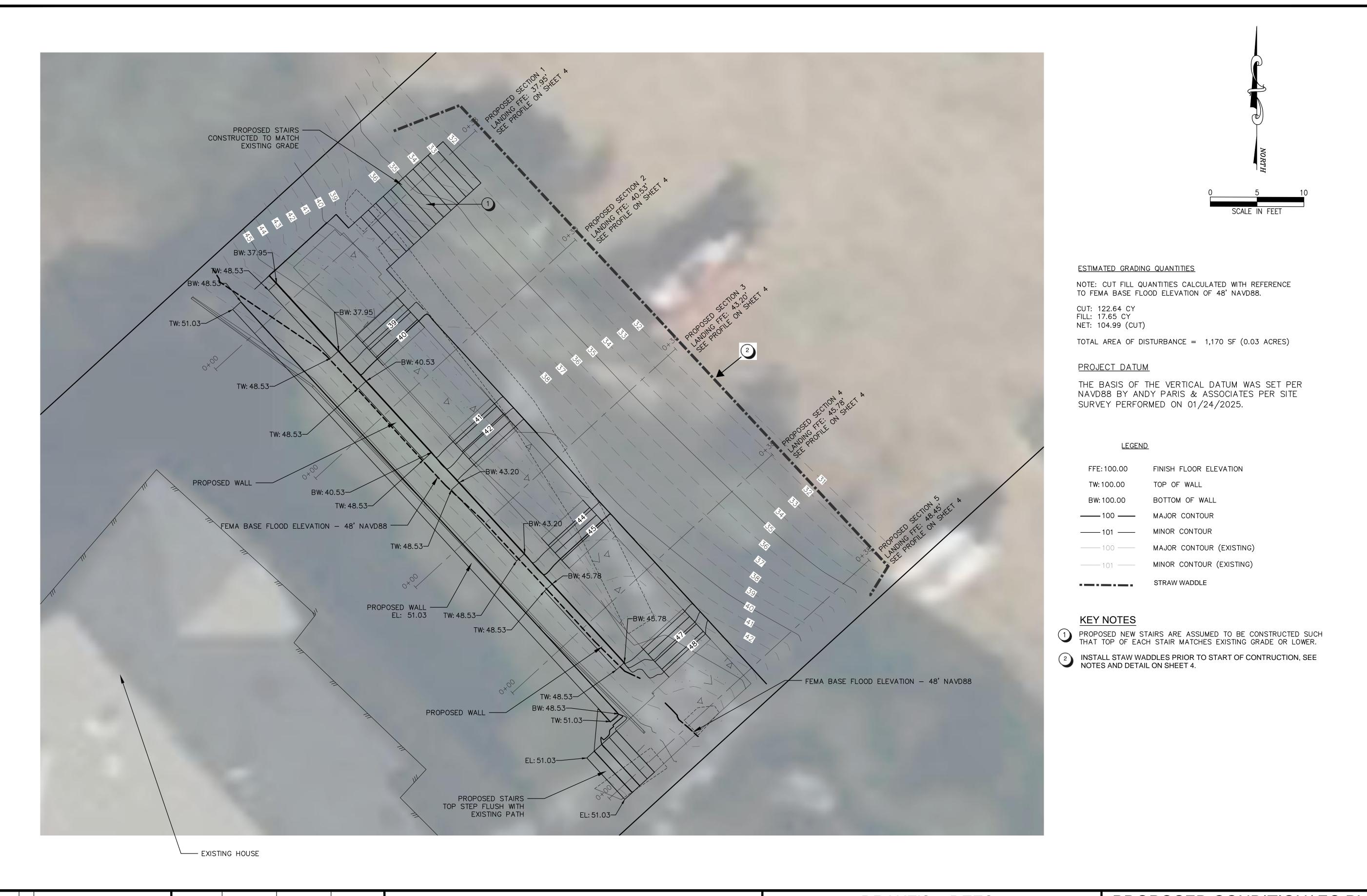
TAXLOT: 22E30AC01100 CLACKAMAS COUNTY, OREGON

PROJECT LOCATION

			DRAWN: JRF	DESIGNE	D: JRF	CHECKED: KAG	
			SCALE: AS	SCALE: AS SHOWN		FEBRUARY 2025	
DATE:	NO.	REVISION	PROJECT NO. E24-028				







DRAWN: JRF DESIGNED: JRF CHECKED: KAG

SCALE: AS SHOWN FEBRUARY 2025

PROJECT NO. E24-028

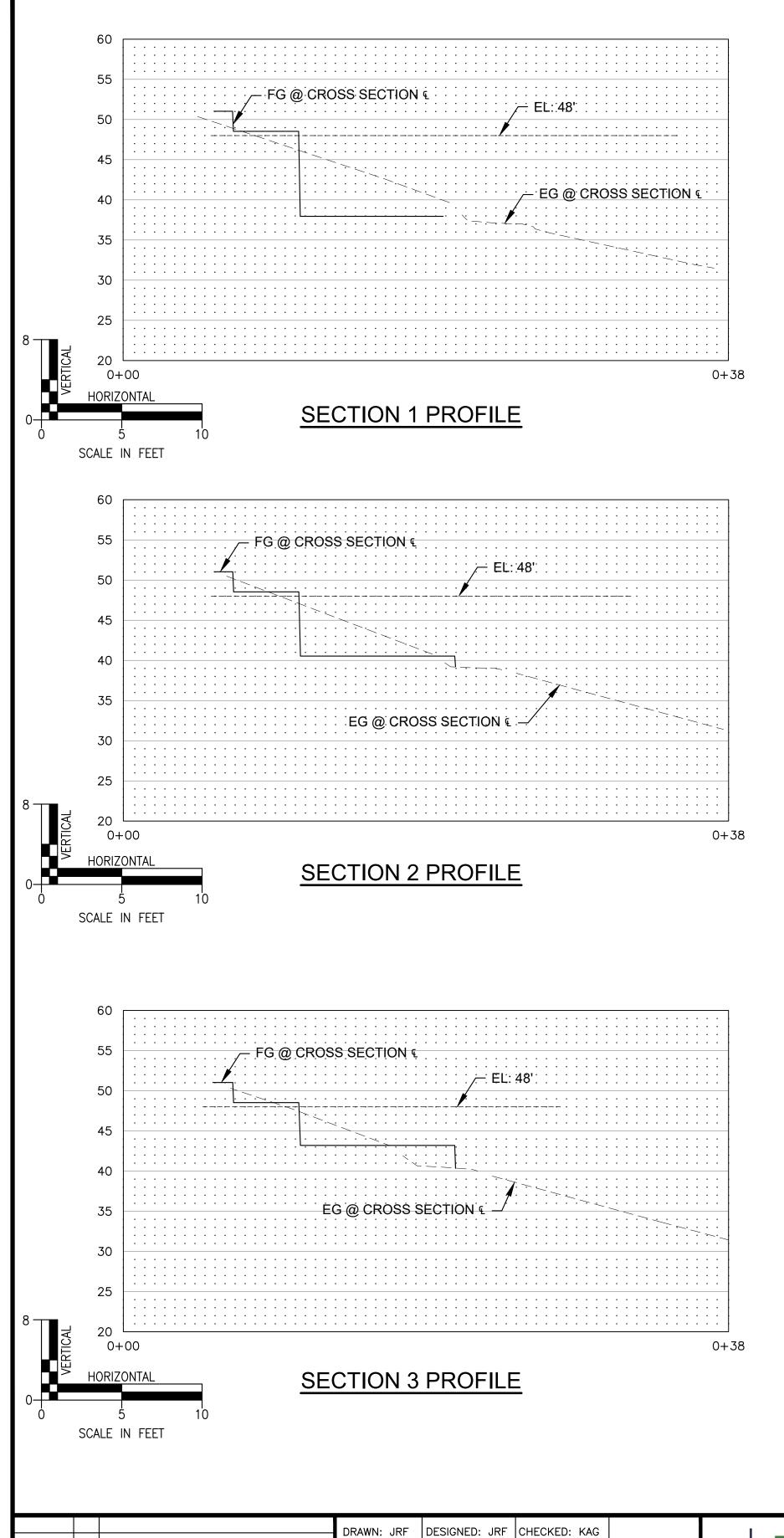
FIRWOOD DESIGN GROUP

Reliable Engineering Solutions

DATE: NO.

REVISION

359 EAST HISTORIC COLUMBIA RIVER HIGHWAY TROUTDALE, OREGON 97060 (503) 668-3737 DRAKE'S 7 DEES 5665 RIVER ST WEST LINN, OR PROPOSED CONDITION/ EC PLAN
NO RISE ANALYSIS



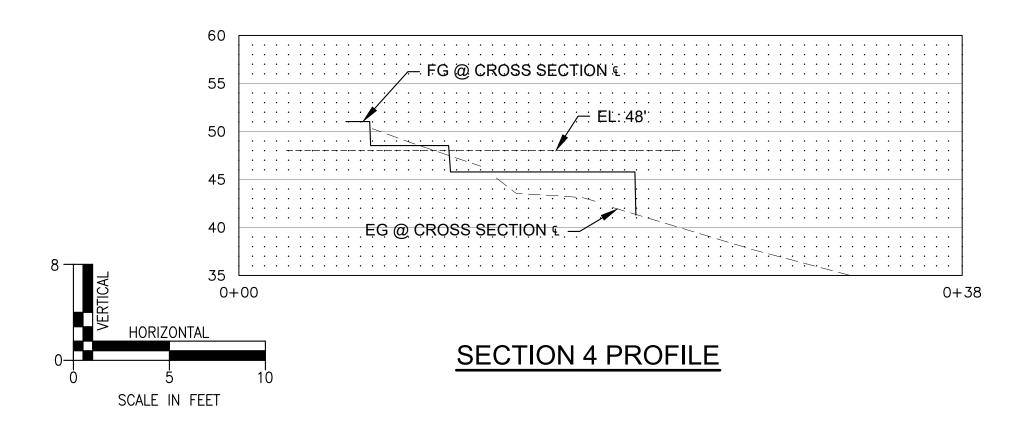
FEBRUARY 2025

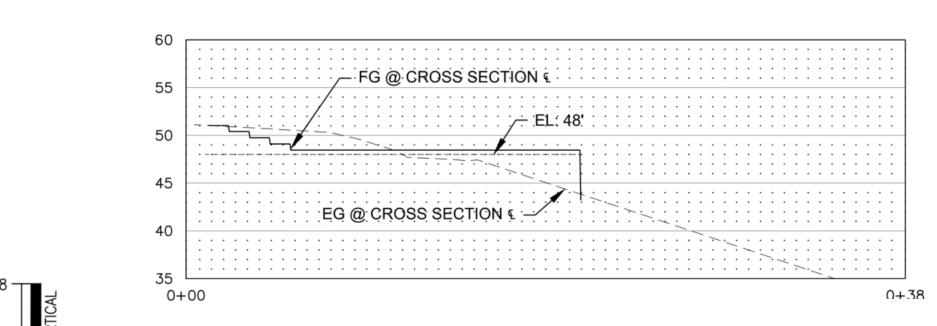
SCALE: AS SHOWN

NO.

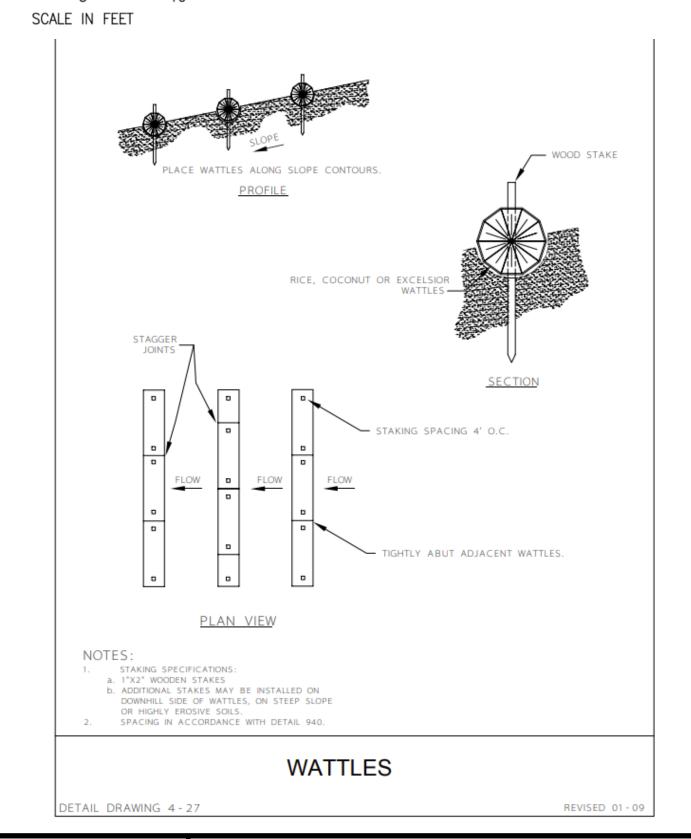
REVISION

PROJECT NO. E24-028





SECTION 5 PROFILE



EROSION AND SEDIMENTCONTROL NOTES

GENERAL:

- ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IN ACCORDANCE WITH THE CURRENT CLACKAMAS COUNTY ORDINANCES & REFERENCED DOCUMENTS AND EROSION CONTROL MANUAL.
- THE ESC FACILITIES SHOWN ON THIS PLAN MUST BE CONSTRUCTED PRIOR TO ALL CLEARING AND GRADING ACTIVITIES, AND IN SUCH A MANNER AS TO ENSURE THAT SEDIMENT AND SEDIMENT LADEN WATER DO NOT ENTER THE DRAINAGE SYSTEM, ROADWAYS, OR VIOLATE APPLICABLE WATER STANDARDS.
- 3. THE ESC FACILITIES SHOWN ON THIS PLAN ARE THE MINIMUM REQUIREMENT FOR ANTICIPATED SITE CONDITIONS. DURING THE CONSTRUCTION PERIOD, THESE ESC FACILITIES SHALL BE UPGRADED AS NEEDED FOR EXPECTED STORM EVENTS AND TO ENSURE THE SEDIMENT LADEN WATER DOES NOT LEAVE THE SITE.
- 4. NO VISIBLE AND MEASURABLE SEDIMENT OR POLLUTANT SHALL EXIT THE SITE, ENTER THE PUBLIC RIGHT-OF-WAY, OR BE DEPOSITED INTO ANY WATER BODY OR STORM DRAINAGE SYSTEM.
- 5. ANY SOIL THAT ENTERS THE PUBLIC RIGHT-OF-WAY SHALL BE REMOVED WITHIN 24 HOURS.
- CONTRACTOR SHALL PROVIDE ANY ADDITIONAL EROSION CONTROL MEASURES AS MAY BE REQUIRED TO MEET DEQ AND CLACKAMAS COUNTY STANDARDS AS NECESSARY TO PREVENT SEDIMENT DISCHARGE FROM THE SITE.
- 7. ESC FACILITIES SHALL BE INSPECTED EVERY 24 HOURS DURING STORM OR RAIN EVENTS TO ENSURE THE MEASURES ARE FUNCTIONING PROPERLY.
- 8. PERMANENT OR TEMPORARY SOIL STABILIZATION MEASURES SHALL BE APPLIED TO DENUDED DEVELOPMENT SITES IN CONFORMANCE WITH THE FOLLOWING SCHEDULE:
 - BETWEEN OCTOBER 1 AND APRIL 30, ALL DENUDED SITES SHALL IMMEDIATELY BE PROVIDED WITH EITHER TEMPORARY OR PERMANENT SOIL STABILIZATION.
- b. BETWEEN MAY 1 AND SEPTEMBER 30, TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES TO REDUCE DUST AND SEDIMENT TRANSPORT SHALL BE APPLIED AS SOON AS PRACTICABLE, BUT IN NO CASE MORE THAN SEVEN DAYS AFTER GROUND DISTURBING ACTIVITY OCCURS.
- c. GROUND COVER SHALL BE INSTALLED ON ANY PORTION OF A SITE THAT IS DENUDED FOR MORE THAN 6 MONTHS.
- d. TEMPORARY MEASURES SHALL BE MAINTAINED UNTIL PERMANENT MEASURES ARE
- ESTABLISHED.

 e. STOCKPILES SHALL BE SECURED OR PROTECTED THROUGHOUT THE PROJECT WITH
- TEMPORARY OR PERMANENT SOIL STABILIZATION MEASURES.

 f. REPLACEMENT GROUND COVER VEGETABLE SHALL NOT INCLUDE PLANTS LISTED AS
- NUISANCE OR PROHIBITED PLANTS ON THE CITY OF PORTLAND PLANT LIST,
- g. EROSION CONTROL MEASURES SHALL BE MAINTAINED DURING CONSTRUCTION AND FOR 1 YEAR AFTER DEVELOPMENT IS COMPLETED (MAY BE REDUCED BY THE BUILDING OFFICIAL UPON FINDING THAT SOILS ARE COMPLETELY STABILIZED).
- THE ESC FACILITIES SHALL BE INSPECTED DAILY BY THE CONTRACTOR AND MAINTAINED AS NECESSARY TO ENSURE THEIR CONTINUED FUNCTIONING.

FIRWOOD DESIGN GROUP
Reliable Engineering Solutions

359 EAST HISTORIC COLUMBIA RIVER HIGHWAY TROUTDALE, OREGON 97060 (503) 668-3737 DRAKE'S 7 DEES 5665 RIVER ST WEST LINN, OR

CROSS SECTION PROFILES/ EC NOTES AND DETAIL



CITY OF WEST LINN PRE-APPLICATION CONFERENCE MEETING SUMMARY NOTES June 20, 2024

SUBJECT: Proposed retaining wall

FILE: PA-24-14

APPLICANTS PRESENT: Alex Peters

STAFF PRESENT: Chris Myers, Associate Planner

PUBLIC PRESENT: Patrick Hogan, President of Bolton Neighborhood Association

These pre-application summary notes have been prepared for the applicant to identify applicable code sections and critical issues for the proposed application and summarize the application process and fees*. Pre-Application summary notes are based on preliminary information and may not include all considerations. Contact the assigned planner for additional information regarding the process, approval criteria, submittal requirements, questions, and clarifications. Pre-Application Conference summary notes are valid for eighteen months from the meeting date. Once a complete application is submitted, the final decision can take 6-10 months.

SITE INFORMATION:

Site Address: 5665 River Street
Tax Lot No.: 22E30AC01100
Site Area: 0.593 Acres

Neighborhood: Bolton Neighborhood Association

Comp. Plan: Low Density Residential

Zoning: Residential R-10

Zoning Overlays: Willamette River Greenway, Wetland Inventory, Flood Management Area,

PROJECT DESCRIPTION:

The applicant proposes a new multi-wall retaining wall system including pathway and stairs in a Flood Management Area, Water Resource Area, and Willamette River Protection Area.

APPLICABLE COMMUNITY DEVELOPMENT CODE SECTIONS:

Approval standards and criteria in effect when an application is *received* will be applied to the proposed development. The following Community Development Code (CDC) Chapters apply to this proposal:

- Chapter 11: Residential, R-10
- Chapter 27: Flood Management Areas
 - 27.020 Applicability Section B
 - o 27.030 Exemptions
 - o 27.060 Administration
 - o 27.070 General Standards
 - Alteration of Watercourses
 - Anchoring
 - Construction Materials and Methods
 - Utilities and Equipment
 - Base Flood Elevation Data
 - Structures Located in Multiple or Partial Flood Zones
 - Balanced Cut and Fill
 - Other Requirements
 - o 27.080 Specific Standards for Riverine Flood Zones
 - 27.090 Standards for Floodways

- Chapter 28: Willamette and Tualatin River Protection
 - o 28.030 Applicability
 - o 28.040 S,T,U Exemptions/Uses Permitted Outright
 - o 28.050 Prohibited Uses
 - o 28.090 Submittal Requirements
 - o 28.110 Approval Criteria
- Chapter 32: Water Resource Area Protection
 - o 32.020 Applicability
 - 32.020A, B,
 - o 32.030 Prohibited Uses
 - o 32.040 Exemptions
 - o 32.050 Application
- Chapter 99: Procedures for Decision Making: Quasi-Judicial

KEY ISSUES & CONSIDERATIONS

Staff has identified the following development issues, design considerations, or procedural issues that you should be aware of as you prepare your formal application for submittal. The identification of these issues or considerations here does not preclude the future identification of additional issues or considerations:

Development on the subject property has already surpassed the 5000 square feet of Maximum Disturbed Area (MDA) for properties within the Water Resource Area. The subject property has nearly 12,000 square feet of disturbed area therefore extending development into the Habitat Conservation Area would not be permitted by the West Linn Community Development Code.

Replacement of the existing wall, without enlargement would be allowed but may require a Water Resource Area Permit or Floodplain Management Permit. A more detailed and accurate site plan will be needed in order to determine if such a land use action will be needed.

Balance cut and fill is required. Development will not be allowed to leave the cut within any environmentally protected area of the property. And the cut must be contained on the property.

The proposed application may require a Water Resource Area Permit, a Floodplain Management Permit, or a Willamette River Greenway Permit or a combination of 2 or 3 of those permits. The determining factor for the permit requirements will be the final proposed project and its location.

RESPONSE TO APPLICANT QUESTIONS:

The applicant did not present any specific questions rather the questions raised have been addressed in the above Key Issues section.

PUBLIC COMMENT:

None.

ENGINEERING:

The Engineering department comments are attached. For further details, contact Clark Ida at 503-722-3437 or Clde@westlinnoregon.gov.

BUILDING:

For building code and ADA questions, contact Adam Bernert at <u>abernert@westlinnoregon.gov</u> or 503-742-6054 or Alisha Bloomfield@westlinnoregon.gov or 503-742-6053.

TUALATIN VALLEY FIRE & RESCUE:

A Service Provider Permit must be provided with this application - https://www.tvfr.com/399/Service-Provider-Permit. Contact Jason Arn at jason.arn@tvfr.com or 503-259-1510 with any questions.

TREES:

For information on the tree requirements for this proposal, contact the Ron Jones, City Arborist at rjones@westlinnoregon.gov or 503-722-4728.

PROCESS:

A Water Resource Area Permit is a Planning Director's decision. No public hearing is required. Once the application is declared complete, staff will review the application, send a 20-day public comment notice, and post a notice sign on the property. When the public comment period closes, the Planning Director will prepare a decision. A final decision can take 6-10 months.

There is a 14-day appeal period after the decision. If the decision is not appealed, the applicant may proceed with the development.

NEIGHBORHOOD MEETING:

A neighborhood meeting is not required for a Water Resource Area Permit,

HOW TO SUBMIT AN APPLICATION:

Submit a complete application in a single PDF document through the <u>Submit a Land Use Application</u> web portal. A complete application should include:

- 1. A development application;
- 2. Application materials identified in the Development Review Checklist.

COMPLIANCE NARRATIVE:

Written responses supported by substantial evidence must address all applicable approval standards and criteria. Written materials must explain how and why the proposed application will meet each applicable approval criteria. "Not Applicable" is not an acceptable response to the approval criteria.

Submittal requirements may be waived, but the applicant must first identify the specific submittal requirement and request, in writing, that the Planning Manager waive the requirement. The applicant must identify the specific grounds for the waiver. The Planning Manager will respond with a written determination about the waiver request before applying.

APPLICATION FEES & DEPOSITS:

The Planning Division Fee Schedule can be found on our website: https://westlinnoregon.gov/finance/current-fee-schedule

- Fee for a Water Resource Area Permit = \$2,850
- Fee for a Floodplain Management Permit = \$2850
- Fee for a Willamette River Greenway Permit = \$2850
- Combination of 2 permits = \$4275
- Combination of 3 permits = \$5700

Applications with deposits will be billed monthly for time and materials. Please provide the name and address of the party responsible for the final invoice in your application.

Timelines:

Once the application and payment are received, the City has 30 days to determine if the application is complete. If the application is incomplete, the applicant has 180 days to complete it or provide written notice to staff that no other information will be provided. Once complete, the City has 120 days from the completeness determination to make a final decision on the application. Typical land use applications can take 6-10 months from beginning to end.

* DISCLAIMER: These pre-application notes have been prepared per <u>CDC Section 99.030.B.7.</u> The information provided is an overview of the proposal considerations and requirements. Staff responses are based on limited material presented at the pre-application conference. New issues and requirements can emerge as the application is developed. Failure to provide information does not constitute a waiver of the applicable standards or requirements. The applicant has the burden of proof to demonstrate that all approval criteria have been satisfied. These notes do not constitute an endorsement of the proposed application or assure project approval.



5665 River St

W Linn OR 97068 (Clackamas County)

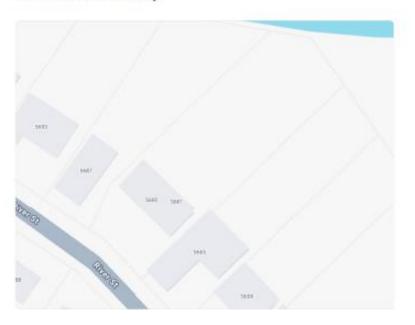
ESTIMATED VALUE

\$1.17M - \$1.29M

Built in 2000 • Residential • 4,790 sq. ft. Living Area • 4 Bed

4.5 Bath

Satellite View & Map



Owners & Residents

MOST RECENT OWNER OR RESIDENT

Angela Heeseung Lee

54 Years Old

DATES AT LOCATION: 07/31/2023 to 04/25/2025

MOST RECENT OWNER OR RESIDENT

Michael Wade Myers

54 Years Old

DATES AT LOCATION: 01/22/2014 to 04/25/2025



David Nix

From: Arn, Jason S. <Jason.Arn@tvfr.com>
Sent: Tuesday, April 22, 2025 11:14 AM

To: David Nix

Subject: RE: 5665 River St - Service Provider Letter

Hi David,

Thanks for reaching out. After reviewing your project, it does not meet our criteria for review. This retaining wall does not change the existing fire access to this residence.

No service provider permit required.

Thank you,

Jason Arn | Deputy Fire Marshal CFI

Tualatin Valley Fire & Rescue

Direct: 503-259-1510

www.tvfr.com

From: David Nix <davidn@drakes7dees.com>
Sent: Tuesday, April 22, 2025 10:20 AM
To: Arn, Jason S. <Jason.Arn@tvfr.com>

Subject: 5665 River St - Service Provider Letter

崔 External Sender Alert 准

This email is from outside TVF&R. Do not click links or open attachments unless you are sure they are safe.

Hi Jason,

Pleasure speaking with you this morning. Our project at **5665 River St. West Linn** involves the replacement of an existing retaining wall with integrated walkway. Our replacement wall and walkway system will be engineered. There are no roads below this wall – our clients property extends to the Willamette River. Our project will not impact existing fire access.

The city planning office has asked us to fulfill a development review checklist as part of the permitting process that includes an item: "A Service Provider Letter from Tualatin Valley Fire and Rescue."

I appreciate any assistance you can provide.

Best Regards,

David Nix

Landscape Designer
Design & Sales Support Associate
Email: davidn@drakes7dees.com

Work: 971.442.6609 Mobile: 503.206.1322