



CITY OF
West Linn
PLANNING MANAGER DECISION

DATE: October 22, 2025

FILE NO.: WRG-25-02/FMA-25-02

REQUEST: Request for a Willamette River Greenway and Flood Management Area permit to reconstruct and add to an existing retaining wall system with integrated pathway and stairs at 5665 River Street.

PLANNER: Chris Myers, Associate Planner

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GENERAL INFORMATION

APPLICANT/

OWNER: Mike Myers
5665 River Street
West Linn, OR. 97068

CONSULTANT: Drake's 7 Dees
Attn: Drake Snodgrass
5645 SW Scholls Ferry Road
Portland OR. 97225

SITE LOCATION: 5665 River Street, West Linn, OR 97068

SITE SIZE: 0.59 acres

LEGAL DESCRIPTION: Clackamas County Assessor Map 22E30AC 01100

COMP PLAN DESIGNATION: Low Density Residential

ZONING: Single-Family Residential Detached, R-10

APPROVAL CRITERIA: Community Development Code (CDC) Chapter 11, 27, 28, 32, 34, 38, and 99

120-DAY RULE: The application was declared complete on June 26, 2025. The 120-day period ends on October 24, 2025.

PUBLIC NOTICE: Notice was mailed to property owners within 500 feet of the project boundary, to the Robinwood Neighborhood Association, and to the Dept. of State Lands and Army Corps of Engineers on July 21, 2025 and posted on the City's website on July 21, 2025. A sign was placed on the property on July 24, 2025. Therefore, public notice requirements of CDC Chapter 99 have been met.

EXECUTIVE SUMMARY

The subject property is located along the Willamette River and is developed with a single-family home. The proposed development is in the rear yard of the home. The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on the subject property. The rear yard of the subject property is located within the 100-year floodplain of the Willamette River and requires a Flood Management Area Permit. The proposed improvements are also within the Willamette River Greenway (WRG) and Habitat Conservation Area (HCA), thus requiring a Willamette River Greenway Permit.

Public comment:

No public comments were received prior to the close of the comment period.

DECISION

The Planning Manager (designee) approves this application (WRG-25-02/FMA-25-02), based on: 1) the findings submitted by the applicant, which are incorporated by this reference, 2) supplementary staff findings included in the Addendum, and 3) the addition of conditions of approval. With these findings, the applicable approval criteria are met. The conditions are as follows:

1. **Site Plan, Elevations, and Narrative.** With the exception of modifications required by these conditions, the project shall conform to the submitted plans, elevations, and narrative submitted in Exhibit PD-1 dated May 28, 2025.
2. **Engineering Standards.** All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. The City may partner with the applicant to fund additional improvements as part of the project.
3. **Balanced Cut/Fill Report.** The applicant shall provide the City with a stamped report from a certified professional engineer that documents the cubic feet of fill and its location versus the cubic feet of cut and its location. The report shall be submitted prior to final building permit inspections. The cut and fill must balance. (Staff Findings 12 and 13)
4. **Erosion Control Measures.** Full erosion control measures, as approved by the City Engineer, shall be in place prior to any grading, development, or site clearing and shall remain for the duration of the project (Staff Finding 28).

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

Chris Myers

Chris Myers, Associate Planner

October 22, 2024

DATE

Appeals to this decision must be filed with the West Linn Planning Department within 14 days of the mailing date listed below. The cost of an appeal is \$400. The appeal must be filed by an individual who has established standing by submitting comments prior to the date identified in the public notice. Appeals will be heard by City Council.

This city-level approval does not guarantee compliance with other laws, such as the federal and state Endangered Species Acts (ESA). All applicants are responsible for ensuring their actions comply with all applicable regulations.

Mailed this 22nd day of October, 2025. Therefore, the 14-day appeal period ends at 5 p.m., on November 5, 2025.

ADDENDUM
APPROVAL CRITERIA AND FINDINGS
WRG-25-02/FMA-25-02

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.*

(...)

Staff Finding 1: The subject property contains an existing single-family home. The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on the subject property per CDC chapters 27 and 28 (see staff findings 3-75). The criteria are met.

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

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

(...)

- 5. Except as specified in CDC [25.070](#)(C)(1) through (4) for the Willamette Historic District, the minimum yard dimensions or minimum building setback area from the lot line shall be:*

- a. For the front yard, 20 feet; except for steeply sloped lots where the provisions of CDC [41.010](#) shall apply.*

- b. For an interior side yard, seven and one-half feet.*

- c. For a side yard abutting a street, 15 feet.*

- d. For a rear yard, 20 feet.*

(...)

Staff Finding 2: The subject property contains an existing single-family home. The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on the subject property in the rear yard of the subject property and meet the 20-foot rear yard and 7.5-foot side yard setbacks for the R-10 zone. The property does not abut a side street. The criteria are met.

CHAPTER 27, FLOOD MANAGEMENT AREAS

27.070 General Standards

A. Alteration of Watercourses.

- 1. 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 [27.060](#)(B)(3)(b) and (c).*

Staff Finding 3: No alteration of watercourses is anticipated as a result of this project. A letter from a professional civil engineer licensed to practice in the State of Oregon is provided in Exhibit C and provides certification that the planned improvements will maintain flood storage and conveyance capacity and not increase design flood elevations. This requirement is not applicable. The criteria are met.

B. Anchoring.

- 1. 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.*
- 2. All manufactured dwellings shall be anchored per CDC 27.080(C)(4).*

Staff Finding 4: 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. The criteria are met.

C. Construction Materials and Methods.

- 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.*
- 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.*

Staff Finding 5: Staff incorporates applicant findings.

“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.” The criteria are met.

D. Utilities and Equipment.

- 1. Water Supply, Sanitary Sewer and On-Site Waste Disposal Systems.*
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.*
 - b. 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.*
 - c. 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.*

Staff Finding 6: The applicant does not propose any new water supply, sanitary sewer, or on-site waste disposal systems below the base flood elevation. The criteria are met.

2. Electrical, Mechanical, Plumbing, and Other Equipment.

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.

Staff Finding 7: The applicant does not propose any new electrical, heating, ventilation, air conditioning, plumbing, duct systems, or any other equipment and services associated with a structure. The criteria are met.

E. Tanks.

1. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.

2. Above-ground tanks shall be installed at or above one foot above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

Staff Finding 8: The applicant does not propose any new above or below ground tanks. The criteria are not applicable.

F. Subdivision Proposals and Other Proposed Developments.

1. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall include within such proposals base flood elevation data.

2. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for any land division proposal.

3. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:

a. Be consistent with the need to minimize flood damage.

b. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

c. Have adequate drainage provided to reduce exposure to flood hazards.

Staff Finding 9: The applicant does not propose a subdivision or other new development. The criteria are not applicable.

G. Use of Other Base Flood Elevation Data.

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.*

Staff Finding 10: The applicant utilized the base flood elevation in CDC 27.020, which was identified by the Federal Insurance Administrator in a scientific and engineering report entitled “Flood Insurance Study: Clackamas County, Oregon, and Incorporated Areas (FIRMETTE 41005C0019D – NVAD 88). The base flood elevation is 48.00 feet and is associated with Zone AE. The criteria are met.

H. Structures Located in Multiple or Partial Flood Zones. 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.*

Staff Finding 11: The applicant does not propose to construct or substantially improve any structure as part of the project, including manufactured dwellings. The CDC defines a structure “for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling”.

The definition of structure is utilized as the CDC definitions for start of construction “includes substantial improvement and means the date the building permit was issued...” and substantial improvement “any reconstruction, rehabilitation, addition, or other improvement of a structure...”. The applicant does not propose any structures or storage tanks. Planned development will meet applicable requirements for new construction within the AE Zone. The criteria are met.

I. Balanced Cut and Fill.

1. *Development, excavation, and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.*

Staff Finding 12: Staff incorporates applicant findings.

“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.”

The applicant has submitted a report signed/stamped by a certified professional engineer to verify balanced cut/fill occurred. The criteria are met.

2. *No net fill increase in any floodplain is allowed. All fill placed in a floodplain shall be balanced with an equal amount of soil material removal. Excavation areas shall not exceed fill areas by more than 50 percent of the square footage. Any excavation below the ordinary high water line shall not count toward compensating for fill.*

Staff Finding 13: Staff incorporates applicant findings.

“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.”

The applicant has submitted a report signed/stamped by a certified professional engineer to verify balanced cut/fill occurred. The criteria are 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.*

Staff Finding 14: Staff incorporates applicant findings.

“There is no excavation proposed to balance fill because the project is a net Cut, therefore no additional excavation is required.” The criteria are met.

J. Minimum Finished Floor Elevation.

1. *Minimum finished floor elevations must be at least one foot above the design flood height or highest flood of record, whichever is higher, for new habitable structures in the flood area*

Staff Finding 15: The applicant does not propose to construct any new habitable structures as part of this project. The criteria do not apply.

K. Other Requirements.

1. *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.*

Staff Finding 16: The applicant does not propose to construct any new culverts, stream crossings, or transportation projects. The criteria do not apply.

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.

Staff Finding 17: The applicant does not propose to construct any new detention facilities, habitable structures, or levees as part of this project. The criteria do not apply.

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 27.070.

A. Flood Openings

1. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements:

2. Enclosed areas below the base flood elevation, including crawl spaces, shall:

a. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;

b. Be used solely for parking, storage, or building access;

c. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:

1) A minimum of two openings,

2) The total net area of nonengineered openings shall be not less than one square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,

3) The bottom of all openings shall be no higher than one foot above grade,

4) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area,

5) All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

Staff Finding 18: The applicant does not propose to construct or substantially improve any structure as part of the project. The CDC defines a structure “for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling”.

The definition of structure is utilized as the CDC definitions for start of construction “includes substantial improvement and means the date the building permit was issued...” and substantial improvement “any reconstruction, rehabilitation, addition, or other improvement of a structure...”. As there are no proposed structures, there are no flood opening requirements. The criteria are not applicable.

B. Garages.

- 1. Attached garages may be constructed with the garage floor slab below the base flood elevation (BFE) in riverine flood zones, if the following requirements are met:*
 - a. If located within a floodway the proposed garage must comply with the requirements of CDC 27.090.*
 - b. The floors are at or above grade on not less than one side;*
 - c. The garage is used solely for parking, building access, and/or storage;*
 - d. The garage is constructed with flood openings in compliance with subsection (A) of this section to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater;*
 - e. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;*
 - f. The garage is constructed in compliance with the standards in CDC 27.070; and*
 - g. The garage is constructed with electrical and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.*
- 2. Detached garages must be constructed in compliance with the standards for appurtenant structures in subsection (C)(6) of this section or nonresidential structures in subsection (C)(3) of this section depending on the square footage of the garage.*

Staff Finding 19: The applicant does not propose to construct any garages. The criteria are not applicable.

C. For Riverine Special Flood Hazard Areas With Base Flood Elevations. In addition to the general standards listed in CDC 27.070 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.*

Staff Finding 20: Staff incorporates applicant findings.

"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." The criteria are met.

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.

Staff Finding 21: The applicant does not propose residential construction. The criteria are not applicable.

3. Nonresidential Construction.

a. New construction, conversion to, and substantial improvement of any commercial, industrial, or other nonresidential structure shall:

1) Have the lowest floor, including basement, elevated at or above one foot above the base flood elevation (BFE) or, together with attendant utility and sanitary facilities:

(A) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(B) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(C) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth in CDC 27.060(B)(2).

b. Nonresidential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in subsection (A) of this section.

c. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).

Staff Finding 22: The applicant does not propose commercial, industrial, or other non-residential structure construction. The criteria are not applicable.

4. Manufactured Dwellings.

a. Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with subsection (A) of this section.

b. The bottom of the longitudinal chassis frame beam shall be at or above base flood elevation.

c. Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

d. Electrical crossover connections shall be a minimum of 12 inches above base flood elevation (BFE).

Staff Finding 23: The applicant does not propose any manufactured dwellings. The criteria are not applicable.

5. *Recreational Vehicles. Recreational vehicles placed on sites are required to:*
- a. *Be on the site for fewer than 180 consecutive days; and*
 - b. *Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or*
 - c. *Meet the requirements of subsection (C)(4) of this section, including the anchoring and elevation requirements for manufactured dwellings.*

Staff Finding 24: The applicant does not propose placing recreational vehicles on site. The criteria are not applicable.

6. *Appurtenant (Accessory) Structures. Relief from elevation or floodproofing requirements for residential and nonresidential structures in riverine (noncoastal) flood zones may be granted for appurtenant structures that meet the following requirements:*
- a. *Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in CDC 27.090.*
 - b. *Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation.*
 - c. *In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as nonresidential are limited in size to 120 square feet.*
 - d. *The portions of the appurtenant structure located below the base flood elevation must be built using flood resistant materials.*
 - e. *The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.*
 - f. *The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in subsection (A) of this section.*
 - g. *Appurtenant structures shall be located and constructed to have low damage potential.*
 - h. *Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with CDC 27.070(E).*
 - i. *Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.*

Staff Finding 25: The applicant does not propose any appurtenant structures. The criteria are not applicable.

7. *Below-Grade Crawl Spaces.*

- a. *The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required flood openings stated in subsection (A) of this section. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.*
- b. *The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.*
- c. *Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.*
- d. *Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.*
- e. *The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.*
- f. *The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.*
- g. *There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.*
- h. *The velocity of floodwaters at the site shall not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used.*

Staff Finding 26: The applicant does not propose any below grade crawlspaces. The criteria are not applicable.

27.090 Standards for Floodways

Located within the special flood hazard areas established in CDC [27.020](#)(A) 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:
 - 1. 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.
- 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](#).

Staff Finding 27: Staff incorporates applicant findings.

“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. (see Exhibit PD-1, Exhibit D). 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.” The criteria are met.

CHAPTER 28: WILLAMETTE AND TUALATIN RIVER PROTECTION AREA

28.110 APPROVAL CRITERIA

- A. Development: All sites.
 - 1. Sites shall first be reviewed using the HCA Map to determine if the site is buildable or what portion of the site is buildable. HCAs shall be verified by the Planning Director per CDC [28.070](#) and site visit. Also, “tree canopy only” HCAs shall not constitute a development limitation and may be exempted per CDC [28.070](#)(A). The municipal code protection for trees and Chapters 55 and 85 CDC tree protection shall still apply.
 - 2. HCAs shall be avoided to the greatest degree possible and development activity shall instead be directed to the areas designated “Habitat and Impact Areas Not Designated as HCAs,” consistent with subsection (A) (3) of this section.
 - 3. If the subject property contains no lands designated “Habitat and Impact Areas Not Designated as HCAs” and development within HCA land is the only option it shall be directed

towards the low HCA areas first, then medium HCA areas and then to high HCA as the last choice. The goal is to, at best, avoid or, at least, minimize disturbance of the HCAs. (Water-dependent uses are exempt from this provision.)

Staff Finding 28: Staff incorporate applicant findings.

“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.” The criteria are met.

4. All development, including exempted activities of CDC [28.040](#), shall have approved erosion control measures per Clackamas County Erosion Prevention and Sediment Control Planning and Design Manual, rev. 2008, in place prior to site disturbance and be subject to the requirements of CDC [32.070](#) and [32.080](#) as deemed applicable by the Planning Director.

Staff Finding 29: Staff incorporates applicant findings.

“The Construction Management, Erosion, and Sediment Control Plan in Exhibit B 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.”

The applicant shall install erosion control measures prior to any site work per Condition of Approval 4. Subject to the Conditions of Approval, the criteria are met.

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

- a “Habitat and Impact Areas Not Designated as HCAs”***
- b Low HCA***

c Moderate HCA

d High HCA

1. Development of land classifications in “b,” “c” and “d” shall not be permitted if at least a 5,000-square-foot area of buildable land (“a”) exists for home construction, and associated impermeable surfaces (driveways, patios, etc.).
2. If 5,000 square feet of buildable land (“a”) are not available for home construction, and associated impermeable surfaces (driveways, patios, etc.) then combinations of land classifications (“a,” “b” and “c”) totaling a maximum of 5,000 square feet shall be used to avoid intrusion into high HCA lands. Development shall emphasize area “a” prior to extending construction into area “b,” then “c” lands.

Staff Finding 30: Staff incorporates applicant findings.

“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.” The criteria are met.

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

Staff Finding 31: Staff incorporates applicant findings.

“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.” The criteria are met.

4. Development may occur on legal lots and non-conforming lots of record located completely within the HCA areas or that have the majority of the lot in the HCA to the extent that the applicant has less than 5,000 square feet of non-HCA land.
Development shall disturb the minimum necessary area to allow the proposed use or activity, shall direct development to any available non-HCA lands and in any situation shall create no more than 5,000 square feet of impervious surface. (Driveways, paths, patios, etc., that are constructed of approved water-permeable materials will not count in calculating the 5,000-square-foot lot coverage.) The underlying zone FAR and allowable lot coverage shall also apply and may result in less than 5,000 square feet of lot coverage.
When only HCA land is available then the structure shall be placed as far away from the water resource area or river as possible. To facilitate this, the front setback of the structure or that side which is furthest away from the water resource or river may be reduced to a five-foot setback from the front property line without a variance. Any attached garage must provide a 20-foot by 20-foot parking pad or driveway so as to provide off-street parking exclusive of the garage. The setbacks of subsection C of this section shall still apply.

Staff Finding 32: Staff incorporates applicant findings.

“As previously discussed, the application may not be characterized as development, and 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 riverbank 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.” The criteria are met.

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.*

Staff Finding 33: The proposed improvements are designed to be water-permeable and are not calculated in the lot coverage for the subject property. The criteria are met.

6. *Table showing development allowed by land classification:*

	<i>Development Allowed</i>
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

Staff Finding 34: Staff incorporates applicant findings.

“A large portion of the property between the existing home and the Willamette river is comprised of high HCA lands. No access to the river would be possible without crossing the high HCA land.

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.” The criteria are met.

- C. *Setbacks from top of bank.*

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

Staff Finding 35: Staff incorporates applicant findings

“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.” The criteria are met.

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

1. Development of lands designated for industrial, multi-family, mixed use, commercial, office, public and other non-single-family residential uses shall be permitted on the following land designations and in the following order of preference with “a” being the most appropriate for development and “d” being the least appropriate:

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

Staff Finding 36: The proposal does not include any industrial, commercial, office, public, and other non-residential uses. The project was designed to have the least possible impact on HCAs by avoiding and minimizing development activities in HCAs to the extent possible. The criteria are not applicable.

E. Hardship provisions and non-conforming structures.

1. For the purpose of this chapter, non-conforming structures are existing structures whose building footprint is completely or partially on HCA lands. Any additions, alterations, replacement, or rehabilitation of existing non-conforming 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. 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 66 CDC, Non-conforming Structures, shall not apply.

Staff Finding 37: Staff incorporates applicant findings.

“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.”

The criteria are met

- 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.

Staff Finding 38: The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on the subject property. No additions to the side of the existing home opposite the river are proposed. The criteria do not apply.

- 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.

Staff Finding 39: The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on the subject property. No vertical additions to the home are proposed. The criteria do not apply.

F. Access and property rights.

- 1. Private lands within the protection area shall be recognized and respected.*
- 2. Where a legal public access to the river or elsewhere in the protection area exists, that legal public right shall be recognized and respected.*

Staff Finding 40: The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on the subject property in the rear yard of the subject property. No legal public access to the river exists on the subject property. The criteria do 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.*

Staff Finding 41: The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on the subject property. No legal public access to the river exists on the subject property. The criteria are met.

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

Staff Finding 42: The applicant proposal is not characterized as a water dependent use. The criteria do 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.*

Staff Finding 43: Staff incorporate applicant findings.

“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.” The criteria are not applicable.

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

1. For all industrial, multi-family, mixed use, commercial, office, public and other non-single-family residential zones, this section encourages the dedication or establishment of access easements to allow legal public access to, and along, the river. Support for access may be found in the Parks Master Plan, a neighborhood plan or any applicable adopted sub-area plans. The emphasis will be upon locating paths where there is a reasonable expectation that the path can be extended to adjacent properties to form a connective trail system in the future, and/or where the trail will provide opportunities for appreciation of, and access to, the river.

2. Height or density incentives may be available to developers who provide public access. Specifically, commercial, industrial, multi-family, mixed use, and public projects may be constructed to a height of 60 feet. No variance is required for the 60-foot height allowance regardless of the underlying zone height limitations; however, the following conditions must be met:

a. Provide a minimum 20-foot-wide all-weather public access path along the project's entire river frontage (reduced dimensions would only be permitted in response to physical site constraints such as rock outcroppings, significant trees, etc.); and

b. Provide a minimum 10-foot-wide all-weather public access path from an existing public right-of-way to that riverfront path or connect the riverfront path to an existing riverfront path on an adjoining property that accesses a public right-of-way.

c. Fencing may be required near steep dropoffs or grade changes.

Staff Finding 44: The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on the subject property on private residentially zoned property. No access in industrial, multi-family, mixed use, commercial, office, public, and non-single-family zoned areas is proposed. The criteria are not applicable.

H. Partitions, subdivisions and incentives.

1. When dividing a property into lots or parcels, an applicant shall verify the boundaries of the HCA on the property.

2. Applicant shall partition or subdivide the site so that all lots or parcels have a buildable site or envelope available for home construction located on non-HCA land or areas designated "Habitat and Impact Areas Not Designated as HCAs" per the HCA Map.

3. Development of HCA-dominated lands shall be undertaken as a last resort. A planned unit development (PUD) of Chapter 24 CDC may be required.

4. Incentives are available to encourage provision of public access to, and/or along, the river. By these means, planned unit developments shall be able to satisfy the shared outdoor recreation area requirements of CDC 55.100(F). Specifically, for every square foot of riverfront path, the applicant will receive credit for two square feet in calculating the required shared outdoor recreation area square footage. Applicants shall also be eligible for a density bonus under CDC 24.150(B). To be eligible to receive either of these incentives, applicants shall:

a. Provide a minimum 20-foot-wide all-weather public access path along the project's entire river frontage (reduced dimensions would only be permitted in response to physical site constraints such as rock outcroppings, significant trees, etc.); and

- b. Provide a minimum 10-foot-wide all-weather public access path from an existing public right-of-way to that riverfront path or connect the riverfront path to an existing riverfront path on an adjoining property that accesses a public right-of-way;*
- c. Fencing may be required near steep dropoffs or grade changes.*

Staff Finding 45: The application is neither requesting a partition or subdivision. The criteria are not applicable.

I. Docks and other water-dependent structures.

- 1. Once the preference rights area is established by DSL, the property owner identifies where the water-dependent use will be located within the authorized portion of the preference rights area. The water-dependent use should be centered or in the middle of the preference rights/authorized area or meet the side yard setbacks of the underlying zone.*

Private and public non-commercial docks are permitted where dredging is required so long as all applicable federal and State permits are obtained. Dredging is encouraged if deposits silt up under an existing dock. Dredging is seen as preferable to the construction of longer docks/ramps.

Staff Finding 46: The applicant proposal does not include any docks or water dependent structures. The criteria do not apply.

- 2. Both joint and single use docks shall not extend into the water any further than necessary to provide four feet between the ship's keel or fixed propeller/rudder and the bottom of the water at any time during the water's lowest point.*

Staff Finding 47: The applicant proposal does not include any docks or water dependent structures. The criteria do not apply.

- 3. In no case except as provided in this section shall a private ramp and private dock extend more than 100 feet from OLW towards the center of the river or slough. In the case of L-shaped docks, the 100 feet shall be measured from the OLW to the furthest part of the private dock closest to the center of the river.*

Staff Finding 48: The applicant proposal does not include any docks or water dependent structures. The criteria do not apply.

- 4. Docks on sloughs and similar channels shall not extend more than 30 percent of the distance between two land masses at OHW, such as between the mainland and an island or peninsula, measured in a lineal manner at right angle to the dominant shoreline. In no way shall a dock impede existing public usage or block navigation of a channel.*

Staff Finding 49: The applicant proposal does not include any docks or water dependent structures. The criteria do not apply.

Boat storage associated with a rail launch facility shall be located above the OHW, either vertically raised above the ordinary high water line or set back behind the OHW. Such boat storage structure will be natural wood colors or similar earth tones. Private railed launch facilities are permitted for individual boat owners. The onshore setback of the storage structure is equal distance on both sides as extended perpendicular to the thread of the stream, or seven and one-half feet, whichever is the greater setback.

Staff Finding 50: The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on private residentially zoned property. No boat storage is proposed. The criteria are not applicable.

6. The width of each deck section shall be no more than 12 feet wide.

Staff Finding 51: The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on private residentially zoned property. The applicant proposal does not include any docks or water dependent structures. The criteria are not applicable.

7. For only single-user and joint-user docks, pilings shall not exceed a maximum height of eight feet above the 100-year flood elevation.

Staff Finding 52: The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on private residentially zoned property. The applicant proposal does not include any docks or water dependent structures. The criteria are not applicable.

5. A single user non-commercial dock shall not exceed 400 square feet in deck area. The boat slip is not included in the calculation of this square footage limitation.

Staff Finding 53: The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on private residentially zoned property. No dock is proposed. The criteria are not applicable.

9. Private non-commercial boat houses are allowed but only if they are within 50 feet of OLW and/or in locations sufficiently screened from view so that they do not have a significant visual impact on views from adjacent and nearby homes. Building and roof colors shall be brown, gray, beige, natural or similar earth tones. Non-commercial boat houses shall not exceed 12 feet in height measured from the boat house deck level to the roof peak. The size of the boat house shall be sized to accommodate one boat only and shall not exceed a footprint greater than 500 square feet. Boatlifts are permitted within the boat house. The above provisions also apply to open-walled boat shelters with or without boatlifts.

Staff Finding 54: The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on private residentially zoned property. No boat storage is proposed. The criteria are not applicable.

J. Joint docks.

- 1. Joint use boat docks may be permitted by the reviewing authority where the applicants are riverfront property owners, ideally owners of adjacent lots of record.*
- 2. Co-owners of the joint dock use shall be prohibited from having their own non-joint dock.*
- 3. A joint use agreement shall be prepared which will be included in the application for review by the reviewing authority and subsequently recorded. A copy of the recorded document with the County Recorder's stamp shall be submitted to the City.*
- 4. A condition of approval for any joint use permit shall be that the dock must be used to serve the same lots of record for which the dock permit was issued. Joint use cannot be transferred to, or used by, any party other than the original applicants or the future owners of those properties.*
- 5. Joint docks may go on the common property line between the two landowners who are sharing the dock. Unless agreed to by the adjoining owner, joint docks not being shared with the adjacent property owner must be at least 15 feet from the preference rights area side lines or centered in the middle of the preference rights area.*

Staff Finding 55: The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on private residentially zoned property. No joint dock is proposed. The criteria are not applicable.

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.

Staff Finding 56: The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on private residentially zoned property. No pre-existing non-conforming structures are a part of the application. The criteria are not applicable.

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:

1. 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.

Staff Finding 57: The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on private residentially zoned property. No utility facilities are included in this application. The criteria are not applicable.

M. Structures. All buildings and structures in HCAs and riparian areas, including all exterior mechanical equipment, should be screened, colored, or surfaced so as to blend with the riparian environment. Surfaces shall be non-polished/reflective or at least expected to lose their luster within a year. In addition to the specific standards and criteria applicable to water-dependent uses (docks), all other provisions of this chapter shall apply to water dependent uses, and any structure shall be no larger than necessary to accommodate the use.

Staff finding 58: The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on private residentially zoned property. 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. The criteria are met.

N. Water-permeable materials for hardscapes. The use of water-permeable materials for parking lots, driveways, patios, and paths as well as flow-through planters, box filters, bioswales and drought tolerant plants are strongly encouraged in all “a” and “b” land classifications and shall be required in all “c” and “d” land classifications. The only exception in the “c” and “d” classifications would be where it is demonstrated that water-permeable driveways/hardscapes could not structurally support the axle weight of vehicles or equipment/storage load using those areas. Flow through planters, box filters, bioswales, drought tolerant plants and other measures of treating and/or detaining runoff would still be required in these areas.

Staff finding 59: Staff incorporates applicant findings.

“The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on private residentially zoned property. The applicant proposal does not include any docks or water dependent structures.

No hardscapes are planned. Nevertheless, the materials for the planned improvements will include open joint decking paired with a structural pier system that allows the structure to sit lightly on the terrain and allows water to drain through the surface.” The criteria are met.

O. Signs and graphics. No sign or graphic display inconsistent with the purposes of the protection area shall have a display surface oriented toward or visible from the Willamette or Tualatin River. A limited number of signs may be allowed to direct public access along legal routes in the protection area.

Staff finding 60: The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on private residentially zoned property. No signs or graphic displays are included in this project. The criteria are met.

P. Lighting. Lighting shall not be focused or oriented onto the surface of the river except as required by the Coast Guard. Lighting elsewhere in the protection area shall be the minimum necessary and shall not create off-site glare or be omni-directional. Screens and covers will be required.

Staff finding 61: The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on private residentially zoned property. No lighting is included in this project. The 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 water-permeable material to construct the parking lot is either encouraged or required depending on HCA classification per CDC 28.110(N)(4).

Staff finding 62: The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on private residentially zoned property. No parking or unenclosed storage is included in this project. The criteria do not apply.

R. Views. Significant views of the Willamette and Tualatin Rivers shall be protected as much as possible as seen from the following public viewpoints: Mary S. Young Park, Willamette Park, Cedar Oak Park, Burnside Park, Maddox Park, Cedar Island, the Oregon City Bridge, Willamette Park, and Fields Bridge Park.

Where options exist in the placement of ramps and docks, the applicant shall select the least visually intrusive location as seen from a public viewpoint. However, if no options exist, then the ramp, pilings and dock shall be allowed at the originally proposed location.

Staff finding 63: The applicant proposes to construct a new three-tiered wall with integrated planting beds, a replacement pathway, and guardrail on private residentially zoned property. The criteria do not apply.

S. Aggregate deposits. Extraction of aggregate deposits or dredging shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise and safety, and to promote necessary reclamation.

Staff Finding 64: The applicant does not propose any extraction of aggregate deposits or dredging. The criteria are not applicable.

T. Changing the landscape/grading.

1. Existing predominant topographical features of the bank line and escarpment shall be preserved and maintained except for disturbance necessary for the construction or establishment of a water related or water dependent use. Measures necessary to reduce potential bank and escarpment erosion, landslides, or flood hazard conditions shall also be taken.

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.

Staff Finding 65: Staff incorporates applicant findings.

"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 are 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).

Staff Finding 66: The applicant does not propose any improvements or disturbance to the riparian environment from top of bank to ordinary low water mark. The criteria are not applicable.

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

Staff Finding 67: The applicant does not propose any stabilization measures. The criteria are not applicable.

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.

Staff Finding 68: Staff incorporates applicant findings.

“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.”

The applicant shall install erosion control measures prior to any site work per Condition of Approval 4. Subject to the Conditions of Approval, the criteria are met.

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

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

Staff Finding 69: The applicant does not propose any disturbance to vegetation below the ordinary high water line. The criteria are met.

2. 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.

Staff Finding 70: Staff incorporates applicant findings.

“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.” The criteria are met.

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.

Staff Finding 71: This project does not include the cutting and/or removal of trees or significant vegetation in the protection area. The criteria does not apply.

CHAPTER 32: WATER RESOURCE AREA PROTECTION

32.090 MITIGATION PLAN

A. A mitigation plan shall only be required if development is proposed within a WRA (including development of a PDA). (Exempted activities of CDC 32.040 do not require mitigation unless specifically stated. Temporarily disturbed areas, including TDAs associated with exempted activities, do not require mitigation, just grade and soil restoration and re-vegetation.) The mitigation plan shall satisfy all applicable provisions of CDC 32.100, Re-Vegetation Plan Requirements.

Staff Finding 72: Staff incorporates applicant findings.

"A mitigation plan is not required because the proposed improvements do not include development within the WRA." The criteria are met.

- B. Mitigation shall take place in the following locations, according to the following priorities (subsections (B)(1) through (4) of this section):
1. On-site mitigation by restoring, creating or enhancing WRAs.
 2. Off-site mitigation in the same sub-watershed will be allowed, but only if the applicant has demonstrated that:
 - a. It is not practicable to complete mitigation on-site, for example, there is not enough area on-site; and
 - b. The mitigation will provide equal or superior ecological function and value.
 3. Off-site mitigation outside the sub-watershed will be allowed, but only if the applicant has demonstrated that:
 - a. It is not practicable to complete mitigation on-site, for example, there is not enough area on-site; and
 - b. The mitigation will provide equal or superior ecological function and value.
 4. Purchasing mitigation credits through DSL or other acceptable mitigation bank.

Staff Finding 73: Staff incorporates applicant findings.

"A mitigation plan is not required because the proposed improvements do not include development within the WRA." The criteria are met.

C. Amount of mitigation.

- 1. The amount of mitigation shall be based on the square footage of the permanent disturbance area by the application. For every one square foot of non-PDA disturbed area, on-site mitigation shall require one square foot of WRA to be created, enhanced or restored.*
- 2. For every one square foot of PDA that is disturbed, on-site mitigation shall require one half a square foot of WRA vegetation to be created, enhanced or restored.*
- 3. For any off-site mitigation, including the use of DSL mitigation credits, the requirement shall be for every one square foot of WRA that is disturbed, two square feet of WRA shall be created, enhanced or restored. The DSL mitigation credits program or mitigation bank shall require a legitimate bid on the cost of on-site mitigation multiplied by two to arrive at the appropriate dollar amount.*

Staff Finding 74: Staff incorporates applicant findings.

“A mitigation plan is not required because the proposed improvements do not include development within the WRA.” The criteria are met.

D. The Planning Director may limit or define the scope of the mitigation plan and submittal requirements commensurate with the scale of the disturbance relative to the resource and pursuant to the authority of Chapter 99 CDC. The Planning Director may determine that a consultant is required to complete all or a part of the mitigation plan requirements.

E. A mitigation plan shall contain the following information:

- 1. A list of all responsible parties including, but not limited to, the owner, applicant, contractor, or other persons responsible for work on the development site.*
- 2. A map showing where the specific adverse impacts will occur and where the mitigation activities will occur.*
- 3. A re-vegetation plan for the area(s) to be mitigated that meets the standards of CDC 32.100.*
- 4. An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, and reporting. All in-stream work in fish bearing streams shall be done in accordance with the Oregon Department of Fish and Wildlife.*
- 5. Assurances shall be established to rectify any mitigation actions that are not successful within the first three years. This may include bonding or other surety. (Ord. 1623 § 1, 2014)*

Staff Finding 75: Staff incorporates applicant findings.

“A mitigation plan is not required because the proposed improvements do not include development within the WRA.” The criteria are met.

32.100 RE-VEGETATION PLAN REQUIREMENTS

A. In order to achieve the goal of re-establishing forested canopy, native shrub and ground cover and to meet the mitigation requirements of CDC 32.090 and vegetative enhancement of CDC 32.080, tree and vegetation plantings are required according to the following standards:

- 1. All trees, shrubs and ground cover to be planted must be native plants selected from the Portland Plant List.*

2. *Plant size. Replacement trees must be at least one-half inch in caliper, measured at six inches above the ground level for field grown trees or above the soil line for container grown trees (the one-half inch minimum size may be an average caliper measure, recognizing that trees are not uniformly round), unless they are oak or madrone which may be one gallon size. Shrubs must be in at least a one-gallon container or the equivalent in ball and burlap and must be at least 12 inches in height.*

Staff Finding 76: Staff incorporates applicant findings.

“A mitigation plan is not required because the proposed improvements do not include development within the WRA” The criteria are met.

3. *Plant coverage.*

a. *Native trees and shrubs are required to be planted at a rate of five trees and 25 shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example, if there will be 330 square feet of disturbance area, then 330 divided by 500 equals 0.66, and 0.66 times five equals 3.3, so three trees must be planted, and 0.66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs.*

b. *Trees shall be planted between eight and 12 feet on center and shrubs shall be planted between four and five feet on center, or clustered in single species groups of no more than four plants, with each cluster planted between eight and 10 feet on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing measurements.*

Staff Finding 77: Staff incorporates applicant findings.

“A mitigation plan is not required because the proposed improvements do not include development within the WRA” The criteria are met.

4. *Plant diversity. Shrubs must consist of at least two different species. If 10 trees or more are planted, then no more than 50 percent of the trees may be of the same genus.*

5. *Invasive vegetation. Invasive non-native or noxious vegetation must be removed within the mitigation area prior to planting.*

Staff Finding 78: Staff incorporates applicant findings.

“A mitigation plan is not required because the proposed improvements do not include development within the WRA.” The criteria are met.

6. *Tree and shrub survival. A minimum survival rate of 80 percent of the trees and shrubs planted is expected by the third anniversary of the date that the mitigation planting is completed.*

7. *Monitoring and reporting.* Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die must be replaced in kind.
8. *To enhance survival of tree replacement and plantings, the following practices are required:*
 - a. *Mulching.* Mulch new plantings a minimum of three inches in depth and 18 inches in diameter to retain moisture and discourage weed growth.
 - b. *Irrigation.* Water new plantings one inch per week between June 15th to October 15th, for the three years following planting.
 - c. *Weed control.* Remove, or control, non-native or noxious vegetation throughout maintenance period.
 - d. *Planting season.* Plant bare root trees between December 1st and February 28th, and potted plants between October 15th and April 30th.
 - e. *Wildlife protection.* Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and resulting damage to plants.
- B. *When weather or other conditions prohibit planting according to schedule, the applicant shall ensure that disturbed areas are correctly protected with erosion control measures and shall provide the City with funds in the amount of 125 percent of a bid from a recognized landscaper or nursery which will cover the cost of the plant materials, installation and any follow up maintenance. Once the planting conditions are favorable the applicant shall proceed with the plantings and receive the funds back from the City upon completion, or the City will complete the plantings using those funds. (Ord. 1623 § 1, 2014)*

Staff Finding 79: Staff incorporates applicant findings.

“A mitigation plan is not required because the proposed improvements do not include development within the WRA.” The criteria are met.

EXHIBIT PD-1 APPLICANT SUBMITTAL

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):

- | | | |
|---|---|---|
| ☐ Annexation (ANX) | ☐ Final Plat (FP) Related File # _____ | ☐ Subdivision (SUB) |
| ☐ Appeal (AP) | ☒ Flood Management Area (FMA) | ☐ Temporary Uses (MISC) |
| ☐ CDC Amendment (CDC) | ☐ Historic Review (HDR) | ☐ Time Extension (EXT) |
| ☐ Code Interpretation (MISC) | ☐ Lot Line Adjustment (LLA) | ☐ Right of Way Vacation (VAC) |
| ☐ Conditional Use (CUP) | ☐ Minor Partition (MIP) | ☐ Variance (VAR) |
| ☐ Design Review (DR) | ☐ Modification of Approval (MOD) | ☒ Water Resource Area Protection/Single Lot (WAP) |
| ☐ Tree Easement Vacation (MISC) | ☐ Non-Conforming Lots, Uses & Structures | ☐ Water Resource Area Protection/Wetland (WAP) |
| ☐ Expediated Land Division (ELD) | ☐ Planned Unit Development (PUD) | ☒ Willamette & Tualatin River Greenway (WRG) |
| ☐ Extension of Approval (EXT) | ☐ Street Vacation | ☐ Zone Change (ZC) |

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

Site Location/Address: 5665 River Street
West Linn, Oregon 97086

Assessor's Map No.: 2 E 30AC

Tax Lot(s): 1100

Total Land Area: 0.593 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

Applicant Name*: Mike Myers
Address: 5665 River Street
City State Zip: West Linn, Oregon 97086

Phone: (773) 368-0402
Email: mike.myers@att.net

Owner Name (required): Mike Myers
Address: 5665 River Street
City State Zip: West Linn, Oregon 97086

Phone: (773) 368-0402
Email: mike.myers@att.net

Consultant Name: Drake's 7 Dees (ATTN: Drake Snodgrass)
Address: 5645 Southwest Scholls Ferry Road
City State Zip: Portland, Oregon 97225

Phone: (503) 312-5017
Email: drakes@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
WRG-25-02/FMA-25-02

Date
5/12/2025

Owner's signature (required)
35

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

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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.

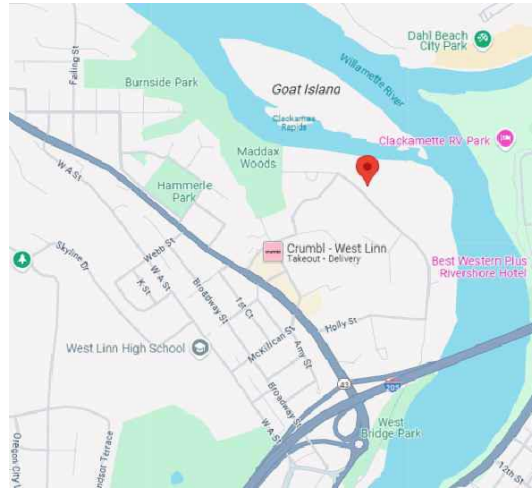


Fig. 1



Fig. 2

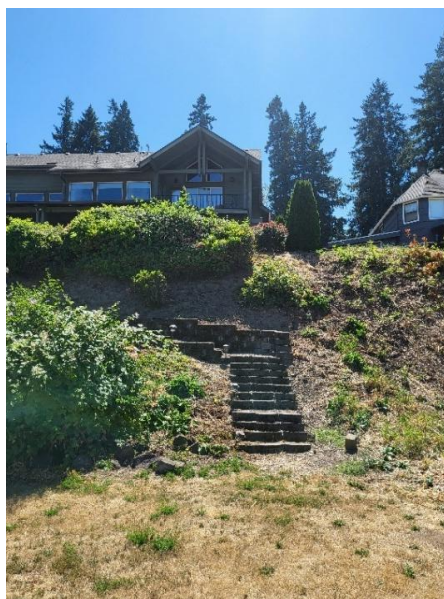


Fig. 3

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 34 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 [37](#) CDC.
2. Sign, subject to the provisions of Chapter [52](#) CDC.
3. Temporary uses, subject to the provisions of Chapter [35](#) CDC.
4. Water-dependent uses, subject to the provisions of Chapters [28](#) and [34](#) 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 [57](#) 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 25.070(C)(1) 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 41.010 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 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.

Response: 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.

1. 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 27.070(F).
- 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.

Response: 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. Alteration of Watercourses.

- 1. 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 27.060(B)(3)(b) and (c).

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

B. Anchoring.

- 1. 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 27.080(C)(4).

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. Utilities and Equipment.

1. Water Supply, Sanitary Sewer and On-Site Waste Disposal Systems.

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- b. 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.
- c. 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. Electrical, Mechanical, Plumbing, and Other Equipment.

- 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.

Response: 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. Use of Other Base Flood Elevation Data.

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. Structures Located in Multiple or Partial Flood Zones. 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.

1. 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.

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. This standard is met.

2. 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.

1. 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 27.070.

[...]

- C. For Riverine Special Flood Hazard Areas With Base Flood Elevations. In addition to the general standards listed in CDC 27.070 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 27.020(A) 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:
 1. 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.

Response: 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.

Response: 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 pre-existing 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.

Response: 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 27 and 28 CDC. The following standards shall also apply:

1. 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 28.110(E) 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:

1. 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)

Response: 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 [28.110](#).

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 [28.120](#)).

Response: 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 \(CDC 28.130\).](#)

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 \(CDC 28.140\).](#)

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

5. [A landscape plan if applicable \(CDC 28.150\).](#)

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 \(CDC 28.160\).](#)

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.](#)

Response: 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. Development: All sites.

1. Sites shall first be reviewed using the HCA Map to determine if the site is buildable or what portion of the site is buildable. HCAs shall be verified by the Planning Director per CDC 28.070 and site visit. Also, “tree canopy only” HCAs shall not constitute a development limitation and may be exempted per CDC 28.070(A). The municipal code protection for trees and Chapters 55 and 85 CDC tree protection shall still apply.
2. HCAs shall be avoided to the greatest degree possible and development activity shall instead be directed to the areas designated “Habitat and Impact Areas Not Designated as HCAs,” consistent with subsection (A)(3) of this section.
3. If the subject property contains no lands designated “Habitat and Impact Areas Not Designated as HCAs” and development within HCA land is the only option it shall be directed towards the low HCA areas first, then medium HCA areas and then to high HCA as the last choice. The goal is to, at best, avoid or, at least, minimize disturbance of the HCAs. (Water-dependent uses are exempt from this provision.)

Response: 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. [Single-family or attached residential](#). Development of single-family homes or attached housing shall be permitted on the following HCA designations and in the following order of preference with “a” being the most appropriate and “d” being the least appropriate:

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

1. Development of land classifications in “b,” “c” and “d” shall not be permitted if at least a 5,000-square-foot area of buildable land (“a”) exists for home construction, and associated impermeable surfaces (driveways, patios, etc.).
2. If 5,000 square feet of buildable land (“a”) are not available for home construction, and associated impermeable surfaces (driveways, patios, etc.) then combinations of land classifications (“a,” “b” and “c”) totaling a

maximum of 5,000 square feet shall be used to avoid intrusion into high HCA lands. Development shall emphasize area “a” prior to extending construction into area “b,” then “c” lands.

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.

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

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.

1. 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 non-conforming 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. 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 66 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. [Incentives to encourage access in industrial, multi-family, mixed use, commercial, office, public and non-single-family residential zoned areas.](#)

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. [Docks and other water-dependent structures.](#)

[...]

- 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:

1. 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. Structures. All buildings and structures in HCAs and riparian areas, including all exterior mechanical equipment, should be screened, colored, or surfaced so as to blend with the riparian environment. Surfaces shall be non-polished/reflective or at least expected to lose their luster within a year. In addition to the specific standards and criteria applicable to water-dependent uses (docks), all other provisions of this chapter shall apply to water dependent uses, and any structure shall be no larger than necessary to accommodate the use.

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. Signs and graphics. No sign or graphic display inconsistent with the purposes of the protection area shall have a display surface oriented toward or visible from the Willamette or Tualatin River. A limited number of signs may be allowed to direct public access along legal routes in the protection area.

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

P. Lighting. Lighting shall not be focused or oriented onto the surface of the river except as required by the Coast Guard. Lighting elsewhere in the protection area shall be the minimum necessary and shall not create off-site glare or be omni-directional. Screens and covers will be required.

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 water-

permeable material to construct the parking lot is either encouraged or required depending on HCA classification per CDC 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. Views. Significant views of the Willamette and Tualatin Rivers shall be protected as much as possible as seen from the following public viewpoints: Mary S. Young Park, Willamette Park, Cedar Oak Park, Burnside Park, Maddox Park, Cedar Island, the Oregon City Bridge, Willamette Park, and Fields Bridge Park.

Where options exist in the placement of ramps and docks, the applicant shall select the least visually intrusive location as seen from a public viewpoint. However, if no options exist, then the ramp, pilings and dock shall be allowed at the originally proposed location.

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. Changing the landscape/grading.

1. Existing predominant topographical features of the bank line and escarpment shall be preserved and maintained except for disturbance necessary for the construction or establishment of a water related or water dependent use. Measures necessary to reduce potential bank and escarpment erosion, landslides, or flood hazard conditions shall also be taken.

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

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

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.

2. 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 32.100 . 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)	No	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	No	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. ¹
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. ¹ 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 re-vegetation 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

1 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).

Response: 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. Vegetation maintenance, planting and removal.

1. 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 [32.100](#).
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. [Building, paving, grading, and testing.](#)

1. [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. [Trails.](#) 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. [Site investigations.](#) 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 repaving projects.

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

C. Non-conforming structures.

1. 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;
 - f. 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. [New construction activities allowed in the WRA.](#)

1. 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. [Emergency activities.](#) 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 [28](#) 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 02 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:
 - a. The type and general quality of ground cover, including the identification of dominant species and any occurrence of non-native, 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 32.110 (hardship), provide the maximum disturbed area (MDA) calculations.

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

- G. Construction management plan. 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 [32.090](#).

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 [32.070](#) and [32.080](#).

[...]

Response: 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;
 - b. The purchaser of such property who submits a duly executed written contract or copy thereof, which has been recorded with the Clackamas Clerk;

- c. A lessee in possession of such property who submits written 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:

[...]

- p. Development subject to Chapter 32 CDC, Water Resource Area Protection;
- q. Development subject to Chapter 27 CDC, Flood Management 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 pre-application 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. 1599 § 6, 2011; Ord. 1614 § 14, 2013; Ord. 1622 § 30, 2014; Ord. 1635 § 36, 2014; Ord. 1636 § 60, 2014; Ord. 1638 § 3, 2015; Ord. 1675 § 55, 2018; Ord. 1745 § 1 (Exh. A), 2023)

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.

[...]

EXHIBIT A:

APPLICATION FORM



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):

- | | | |
|---|---|---|
| ☐ Annexation (ANX) | ☐ Final Plat (FP) Related File # _____ | ☐ Subdivision (SUB) |
| ☐ Appeal (AP) | ☒ Flood Management Area (FMA) | ☐ Temporary Uses (MISC) |
| ☐ CDC Amendment (CDC) | ☐ Historic Review (HDR) | ☐ Time Extension (EXT) |
| ☐ Code Interpretation (MISC) | ☐ Lot Line Adjustment (LLA) | ☐ Right of Way Vacation (VAC) |
| ☐ Conditional Use (CUP) | ☐ Minor Partition (MIP) | ☐ Variance (VAR) |
| ☐ Design Review (DR) | ☐ Modification of Approval (MOD) | ☒ Water Resource Area Protection/Single Lot (WAP) |
| ☐ Tree Easement Vacation (MISC) | ☐ Non-Conforming Lots, Uses & Structures | ☐ Water Resource Area Protection/Wetland (WAP) |
| ☐ Expediated Land Division (ELD) | ☐ Planned Unit Development (PUD) | ☒ Willamette & Tualatin River Greenway (WRG) |
| ☐ Extension of Approval (EXT) | ☐ Street Vacation | ☐ Zone Change (ZC) |

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

Site Location/Address: 5665 River Street
West Linn, Oregon 97086

Assessor's Map No.: 2 E 30AC

Tax Lot(s): 1100

Total Land Area: 0.593 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

Applicant Name*: Mike Myers
Address: 5665 River Street
City State Zip: West Linn, Oregon 97086

Phone: (773) 368-0402
Email: mike.myers@att.net

Owner Name (required): Mike Myers
Address: 5665 River Street
City State Zip: West Linn, Oregon 97086

Phone: (773) 368-0402
Email: mike.myers@att.net

Consultant Name: Drake's 7 Dees (ATTN: Drake Snodgrass)
Address: 5645 Southwest Scholls Ferry Road
City State Zip: Portland, Oregon 97225

Phone: (503) 312-5017
Email: drakes@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

WRG-25-02/FMA-25-02

Date

5/12/2025

Owner's signature (required)

79

Date

5/12/2025

EXHIBIT B:

PRELIMINARY LAND USE PLANS

LEGEND

BOUNDARY

BASE FLOOD

CENTER LINE

CONTOUR

PROPERTY LINE

RIGHT OF WAY

SETBACK

CONCRETE

GRAVEL

SLOPES ≥ 25%

WRA

HABITAT CONSERVATION AREAS
ON SUBJECT PROPERTY

NOT DESIGNATED AS HCA

LOW HCA

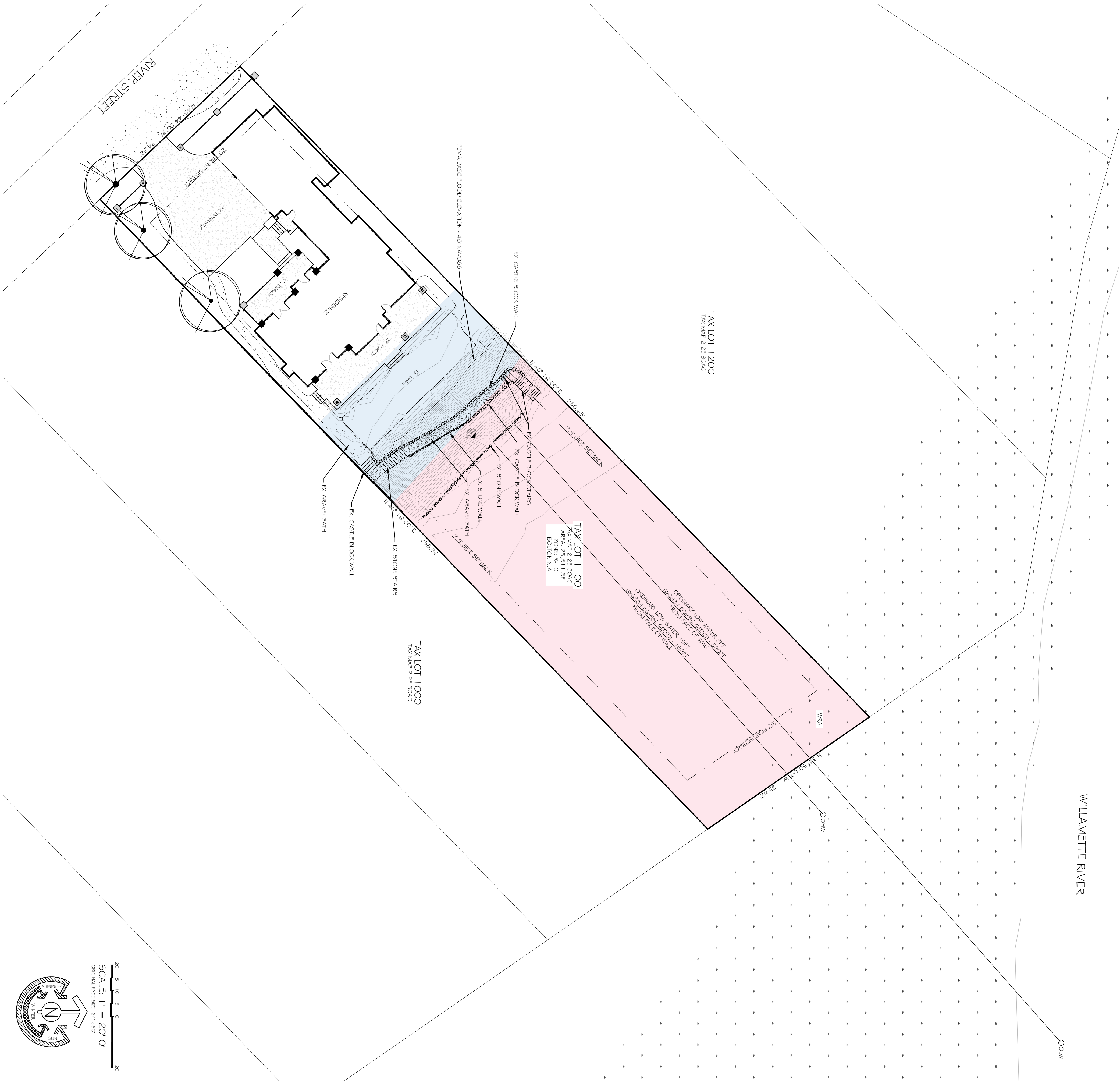
MEDIUM HCA

HIGH HCA

EXISTING WALL SYSTEM AREA:

CASTLE BLOCK WALL & STEPS AREA: 176 SF

GRAVEL PATH AREA: 225 SF



20 15 10 5 0

SCALE: 1" = 20'-0"

ORIGINAL PLOT SIZE: 24" x 36"

30

20

10

0

30

20

10

0

30

20

10

0

30

20

10

0

REVISIONS:	
DATE:	INT.

SITE PLAN
EXISTING CONDITIONS

APPLICANT: MIKE MYERS
5665 RIVER STREET
WEST LINN, OREGON
PHONE: 773.368.0402

DRAKE'S

7 DEES

5645 SW Scholls Ferry Road - Portland, OR 97225
503-292-9121 - www.drakes7dees.com

SCALE: 1" = 20'-0"
DESIGNER: NIX
DATE: 05.11.2025

SHEET: 1	OF: 1
----------	-------

LEGEND

BOUNDARY

BASE FLOOD

CENTER LINE

CONTOUR

PROPERTY LINE

RIGHT OF WAY

SETBACK

CONCRETE

GRAVEL

SLOPES ≥ 25%

WRA

HABITAT CONSERVATION AREAS
ON SUBJECT PROPERTY

NOT DESIGNATED AS HCA

LOW HCA

MEDIUM HCA

HIGH HCA

EXISTING WALL SYSTEM AREA:

CASTLE BLOCK WALL & STEPS AREA: 176 SF

GRAVEL PATH AREA: 225 SF

REVISIONS:

DATE:	INT.

SITE PLAN
EXISTING CONDITIONS
WITH AERIAL IMAGE UNDERLAY

APPLICANT: MIKE MYERS
5665 RIVER STREET
WEST LINN, OREGON
PHONE: 773.368.0402

DRAKE'S

7DEES

5645 SW Scholls Ferry Road - Portland, OR 97225
503-292-9121 - www.drakes7dees.com

SCALE: 1" = 20'-0"

DESIGNER: NIX

DATE: 05.11.2025

SHEET: 1 OF: 1

L1

WRG-25-02/FMA-25-02

82

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

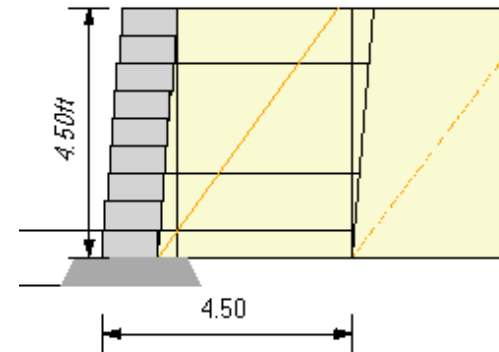
SOIL PARAMETERS	ϕ	coh	γ
Reinforced Soil:	30 deg	0psf	120pcf
Retained Soil:	30 deg	0psf	120pcf
Foundation Soil:	30 deg	0psf	120pcf
Leveling Pad: Crushed Stone			

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:	0ft
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:	0ft
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



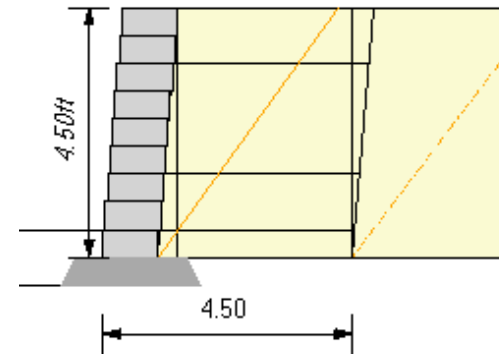
RESULTS

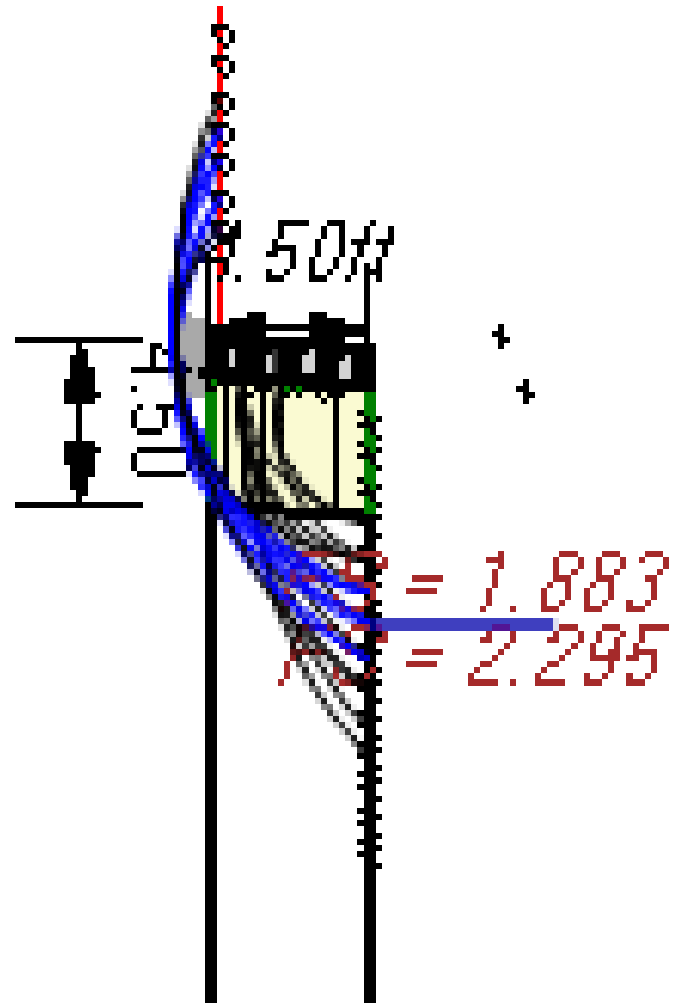
FoS Sliding:	5.05	FoS Overturning:	13.70
Bearing	540	FoS Bearing:	13.24
Pullout	2.29		
Total Pullout	2,397	FoS Total Pullout	8.59
Top FoSot:	15.70	FoS Connection:	10.71

ID	Height	Length	Geogrid	Tallow	EP (Pa)	LL (Pql)	DL (Pqd)	TMax	FS Str	Ta Cn	FS Pk Cn	FS PO/[Tmax]	FS Slgd [fndn]	Grid Embed
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
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 (Pql) 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 theoretical 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

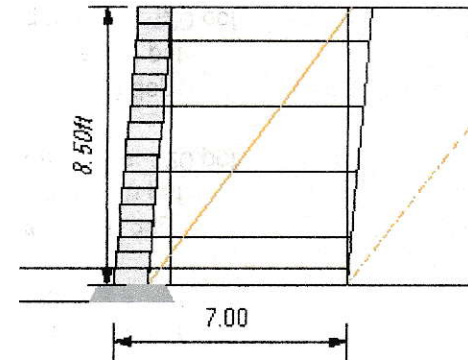
GLOBAL RESULTS

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 in front 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: 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 PARAMETERS	ϕ	coh	γ
Reinforced Soil:	30 deg	0psf	120pcf
Retained Soil:	30 deg	0psf	120pcf
Foundation Soil:	30 deg	0psf	120pcf
Leveling Pad: Crushed Stone			

GEOMETRY

Design Height:	8.50ft (8.00ft 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:	0.0ft
Slope Length:	0.0ft	Dead Load Width:	0ft
Slope Toe Offset:	0.0ft		
Vertical δ on Single Depth			

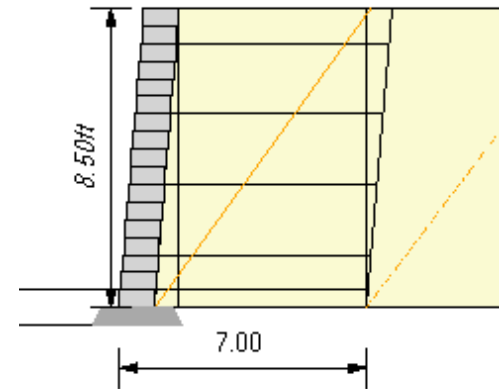
FACTORS OF SAFETY

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

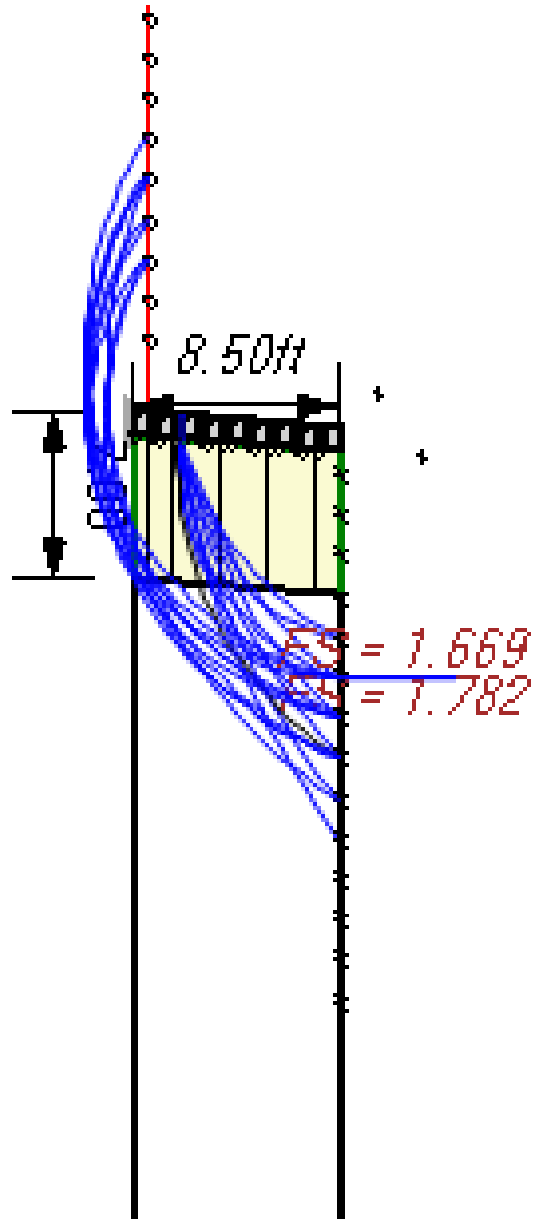
FoS Sliding:	4.11	FoS Overturning:	9.46
Bearing	1,020	FoS Bearing:	10.31
Pullout	2.20		
Total Pullout	12,004	FoS Total Pullout	11.07
Top FoSot:	19.65	FoS Connection:	4.75



ID	Height	Length	Geogrid	Tallow	EP (Pa)	LL (Pql)	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 (Pql) 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 theoretical 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

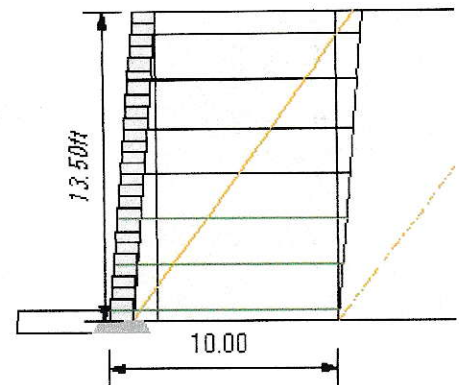
GLOBAL RESULTS

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 in front 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



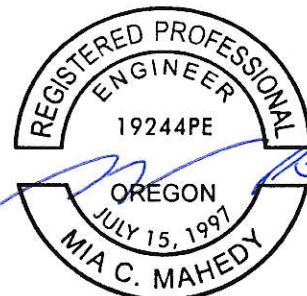
SOIL PARAMETER	ϕ	coh	γ
Reinforced Soil:	30 deg	0psf	120pcf
Retained Soil:	30 deg	0psf	120pcf
Foundation Soil:	30 deg	0psf	120pcf
Leveling Pad:	Crushed Stone		

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:	0.0ft
Slope Length:	0.0ft	Dead Load Width:	0ft
Slope Toe Offset:	0.0ft		
Vertical δ on Single Depth			

FACTORS OF SAFETY

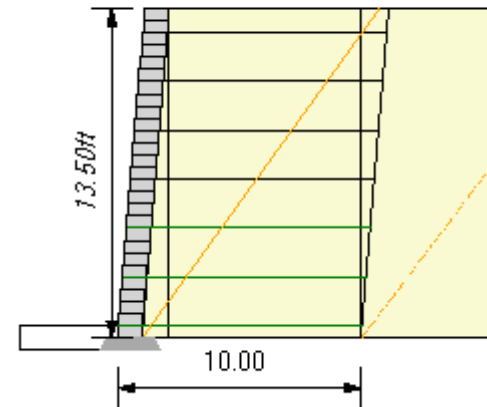
Sliding:	1.50	Pullout:	1.50
Overturning:	2.00	Uncertainties:	1.50
Bearing:	2.00	Connection:	1.50
Shear:	1.50	Bending:	1.50



EXPIRES: 12-31-2024

RESULTS

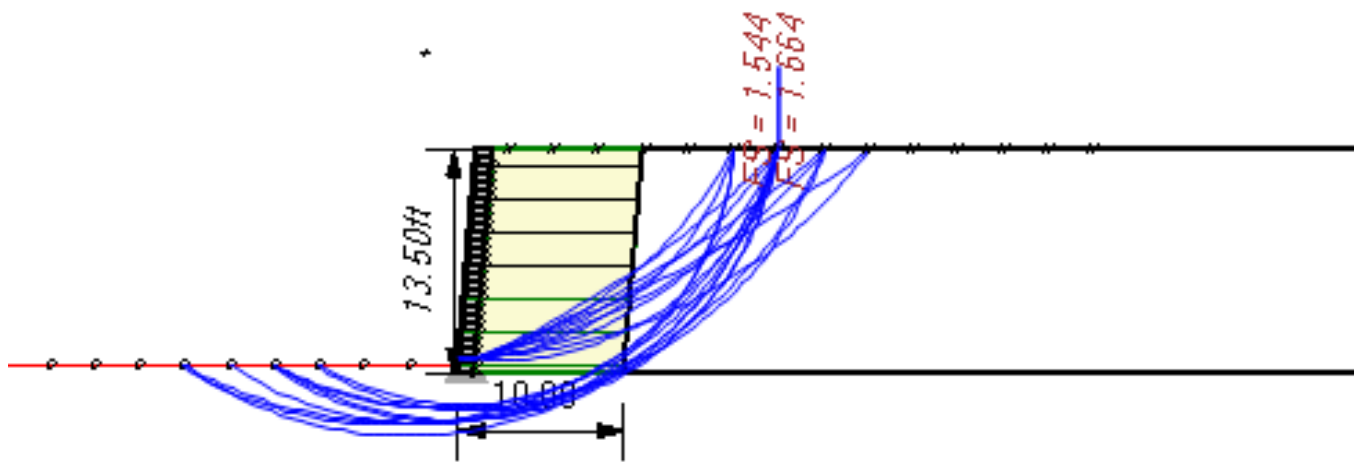
FoS Sliding:	3.67	FoS Overturning:	7.73
Bearing	1,620	FoS Bearing:	8.98
Pullout	1.86		
Total Pullout	34,288	FoS Total Pullout	12.23
Top FoSot:	24.59	FoS Connection:	3.80



ID	Height	Length	Geogrid.	Tallow	EP(Pa)	LL (Pql)	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 (Pql) 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 theoretical 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

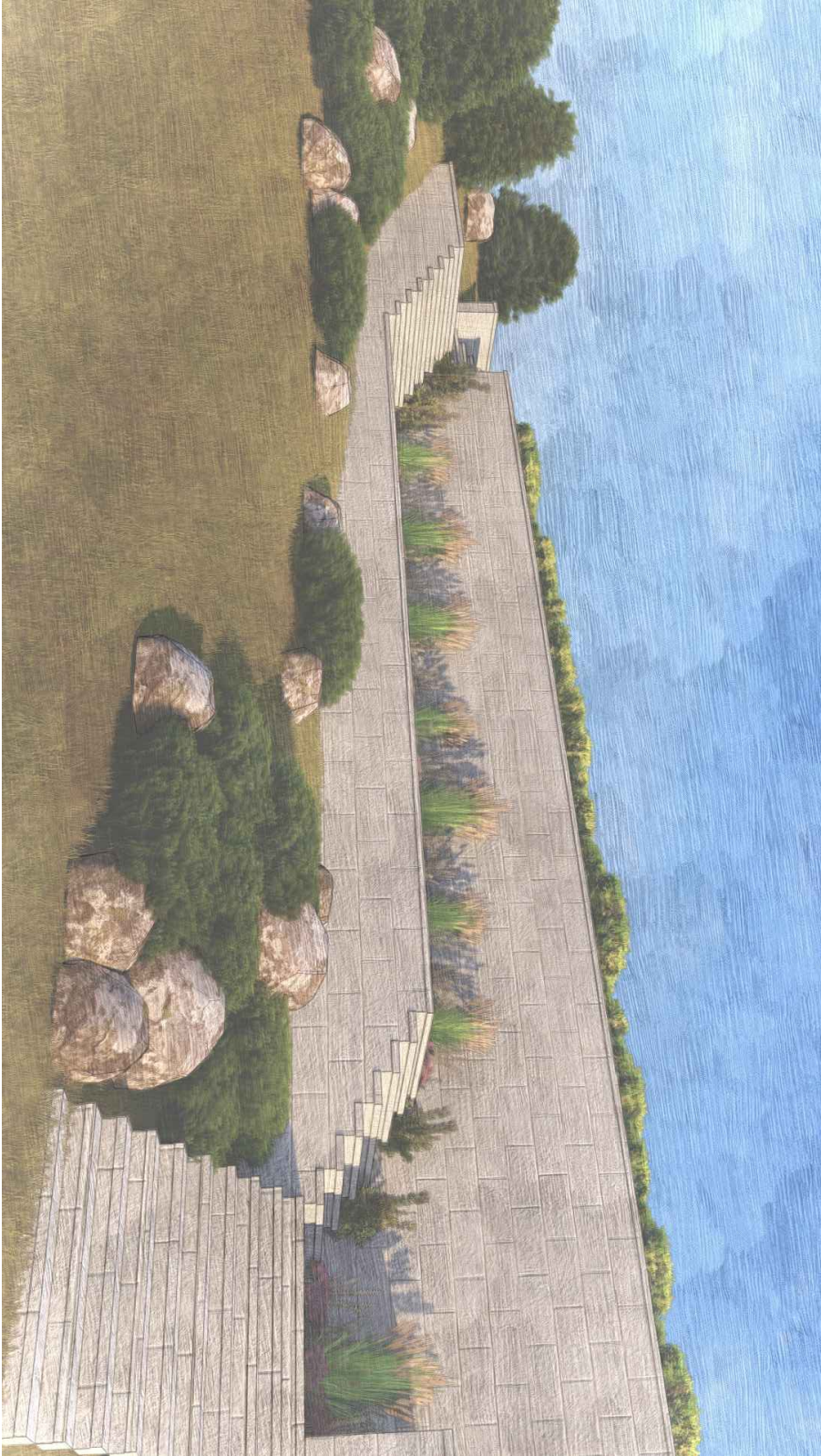
GLOBAL RESULTS

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 in front 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.

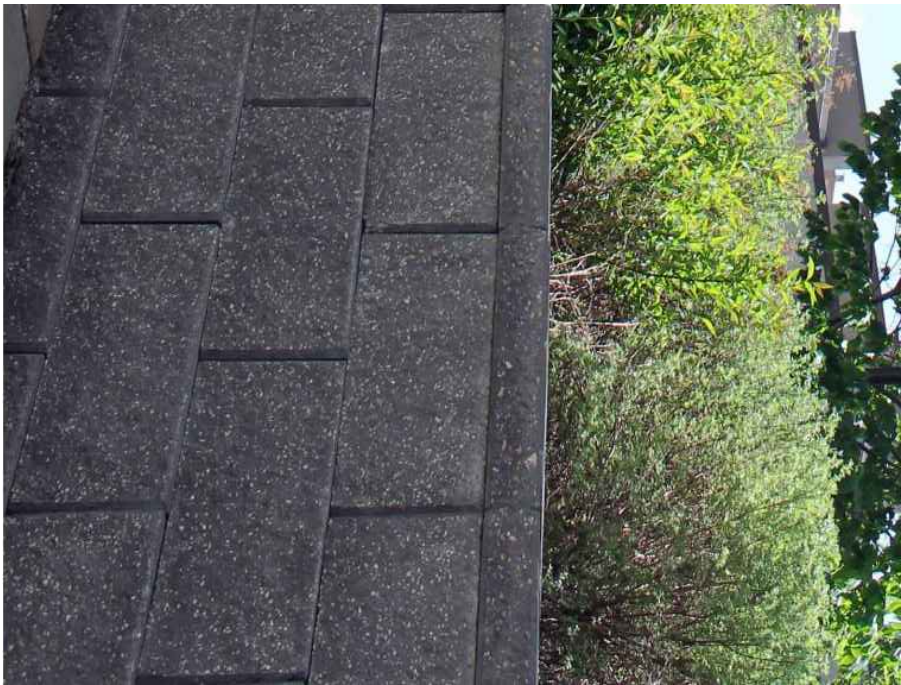
ID	Enter Point X	Enter Point Y	Exit Point X	Exit Point Y	Center X	Center Y	Radius	FoS
4	19.29	13.50	-13.76	0.50	-2.00	19.11	22.02	1.544
4	16.59	13.50	-11.06	0.50	-0.84	14.66	17.47	1.562
4	21.99	13.50	-16.46	0.50	-3.12	24.41	27.38	1.622
4	21.99	13.50	-11.06	0.50	-0.28	21.62	23.71	1.628
5	19.29	13.50	-16.46	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

EXHIBIT C:

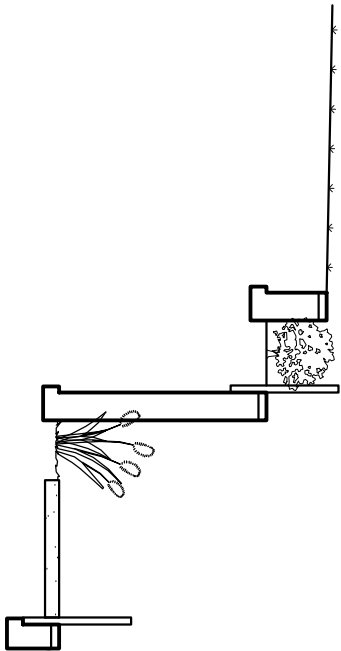
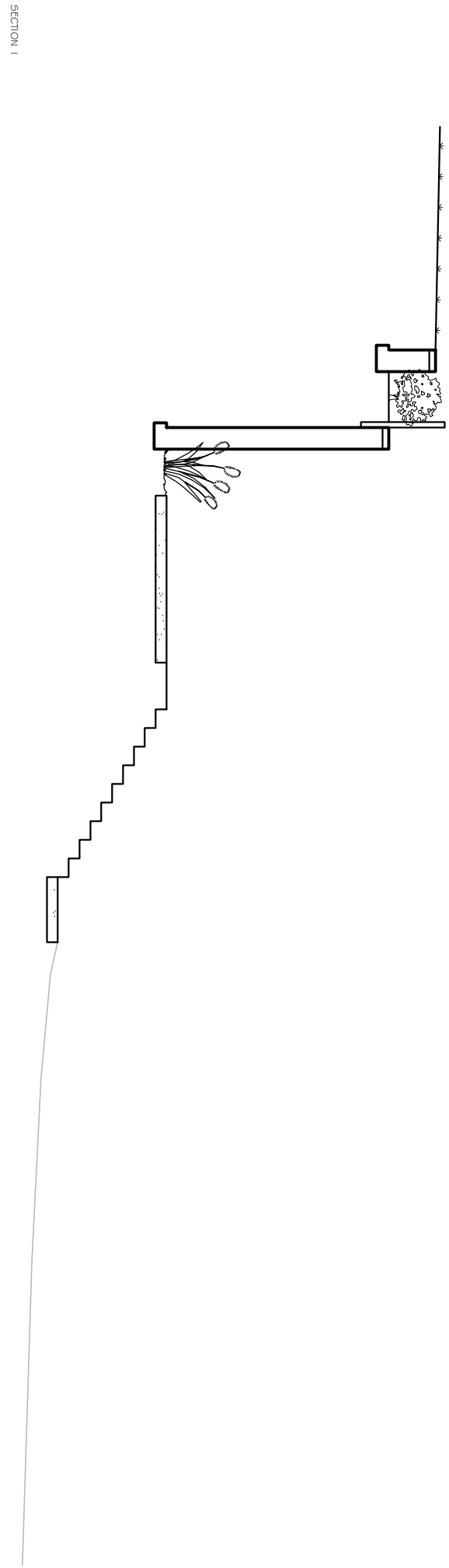
ARCHITECTURAL PLANS



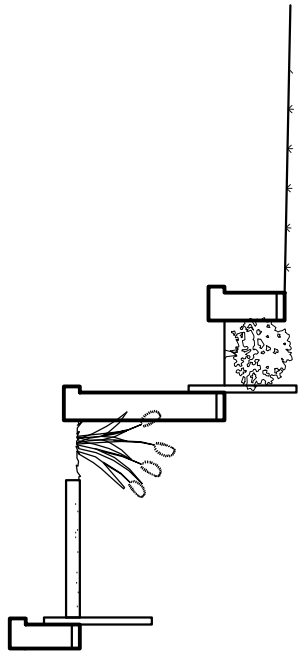
CONCEPTUAL RENDER FOR PROPOSED REPLACEMENT RETAINING WALL SYSTEM WITH INTEGRATED PATHWAY AND STAIRS
RENDERING DOES NOT NECESSARILY REFLECT ACTUAL FINAL DESIGN



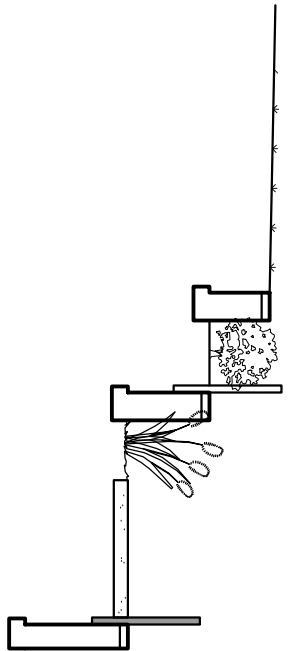
CONCRESTONE MIRRORSTONE



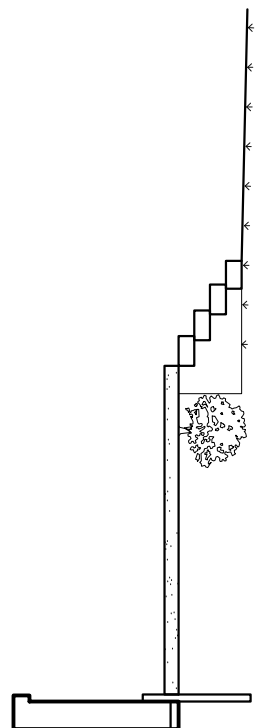
SECTION 2



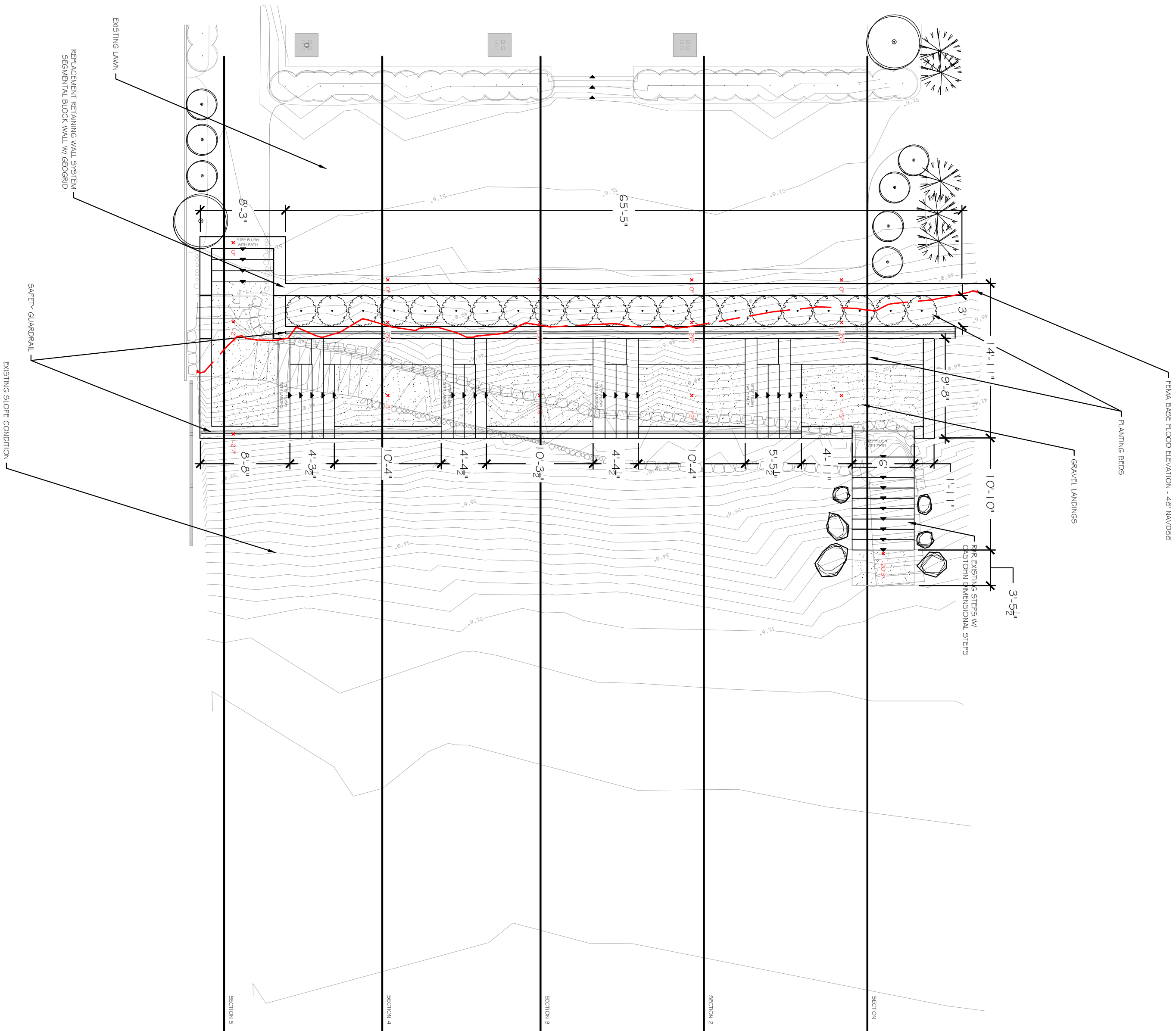
SECTION 3



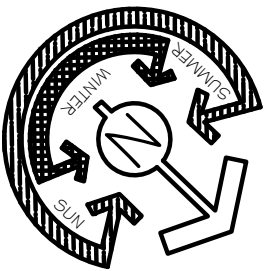
SECTION 4



SECTION 5



SCALE: 1/8" = 1'-0"



REVISIONS:

DATE: INT.

ARCHITECTURAL SHEET
PLAN & SECTIONS

MYERS RESIDENCE
5665 RIVER ST
WEST LINN, OREGON

DRAKE'S 7 DEES
5645 SW Scholls Ferry Road - Portland, OR 97225
503-292-9121 - www.drakes7dees.com

SCALE: 1/8" = 1'-0"

DESIGNER: NIX

DATE: 09/17/2024

L2

SHEET: 2 OF: 2

EXHIBIT D:

NO RISE ANALYSIS

PROPOSED NEW STAIRCASE
NO RISE ANALYSIS PLANS
5665 RIVER ST
WEST LINN, OR

SHEET INDEX

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

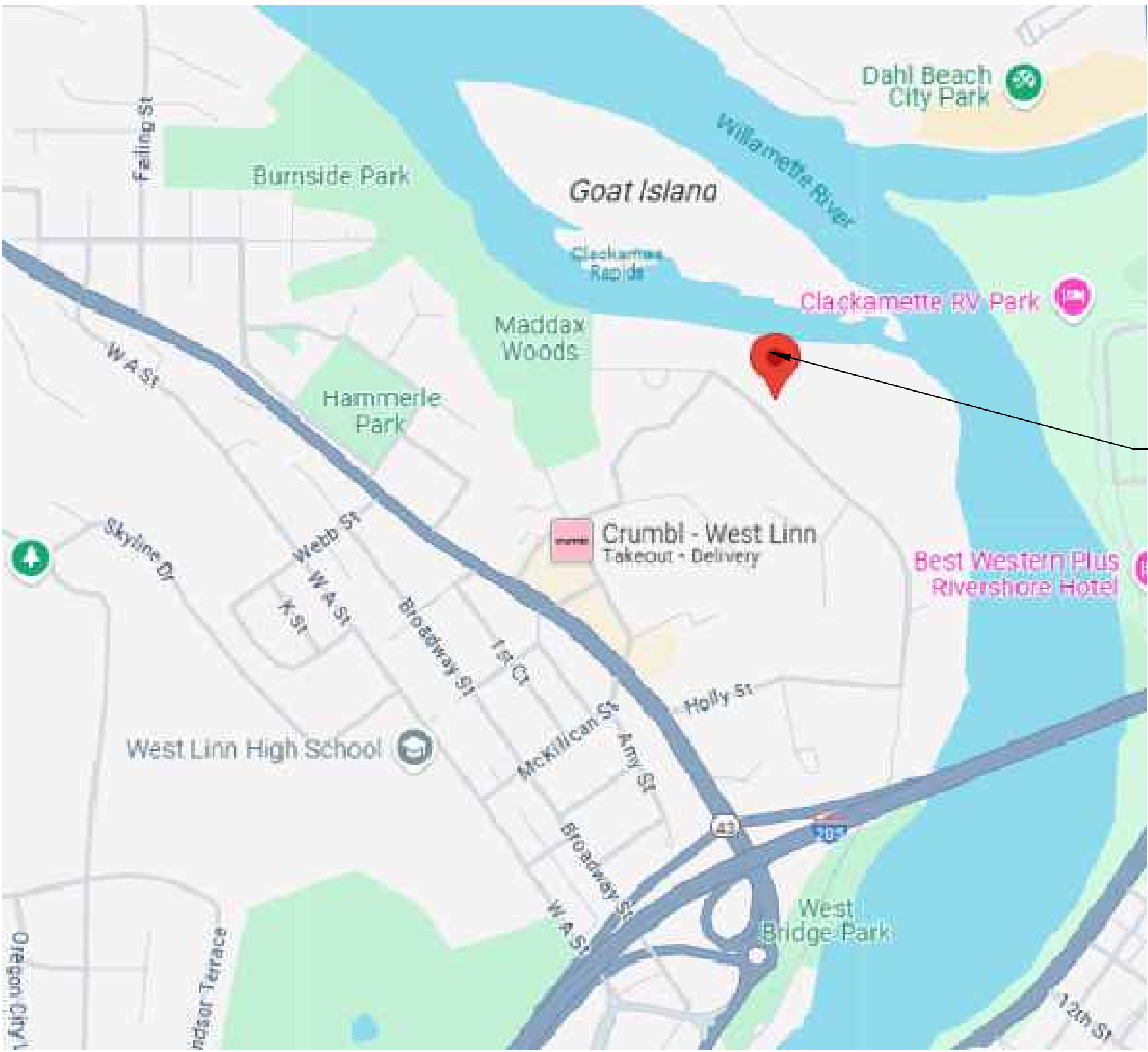
CONTRACTOR RESPONSIBLE FOR UTILITY LOCATES
ON PRIVATE PROPERTY:

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



PROJECT LOCATION



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

APPLICANT:

DRAKE SNODGRASS
EMAIL: DRAKES@DRAKES7DEES.COM

SITE INFORMATION:

5665 RIVER ST
WEST LINN, OR
0.59 AC

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

LEGAL DESCRIPTION:

TAXLOT: 22E30AC01100
CLACKAMAS COUNTY, OREGON

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



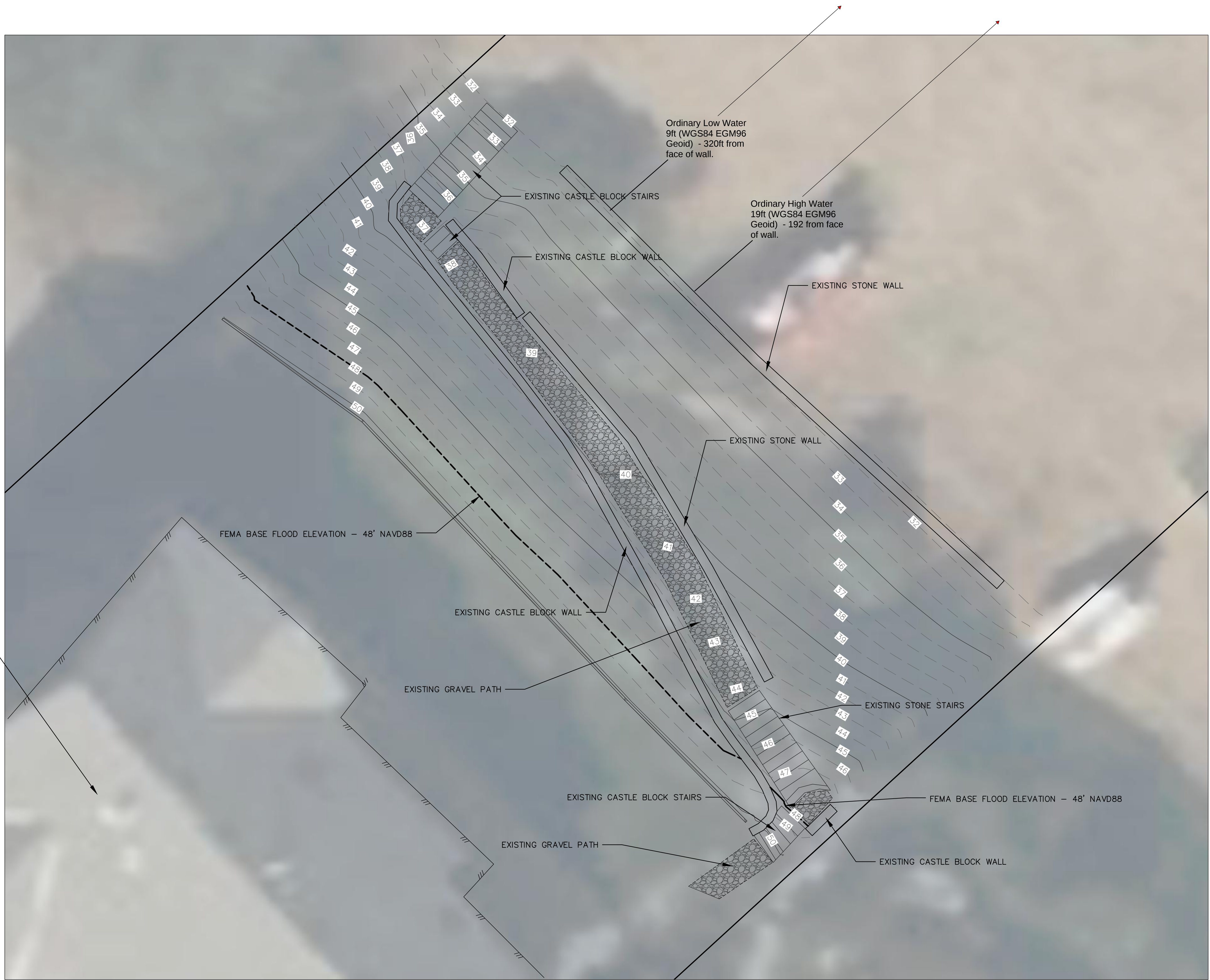
FIRWOOD DESIGN GROUP
Reliable Engineering Solutions

359 EAST HISTORIC COLUMBIA RIVER HIGHWAY
TROUTDALE, OREGON 97060
(503) 668-3737

DRAKE'S 7 DEES
5665 RIVER ST
WEST LINN, OR

COVER
NO RISE ANALYSIS

1
4



PROJECT DATUM
THE BASIS OF THE VERTICAL DATUM WAS SET PER NAVD88 BY ANDY PARIS & ASSOCIATES PER SITE SURVEY PERFORMED ON 01/24/2025.

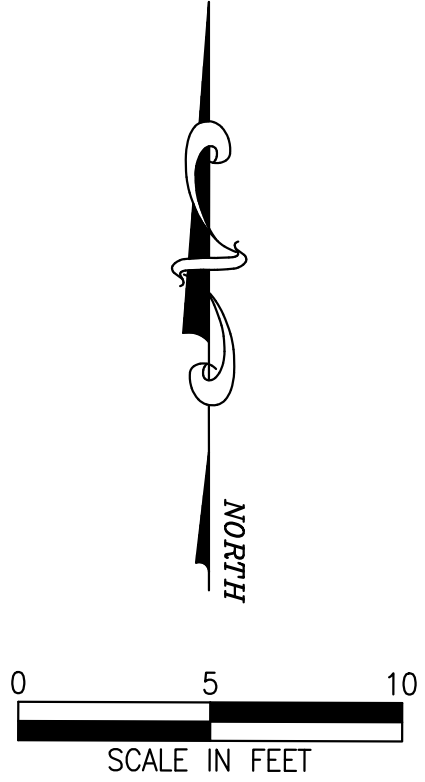
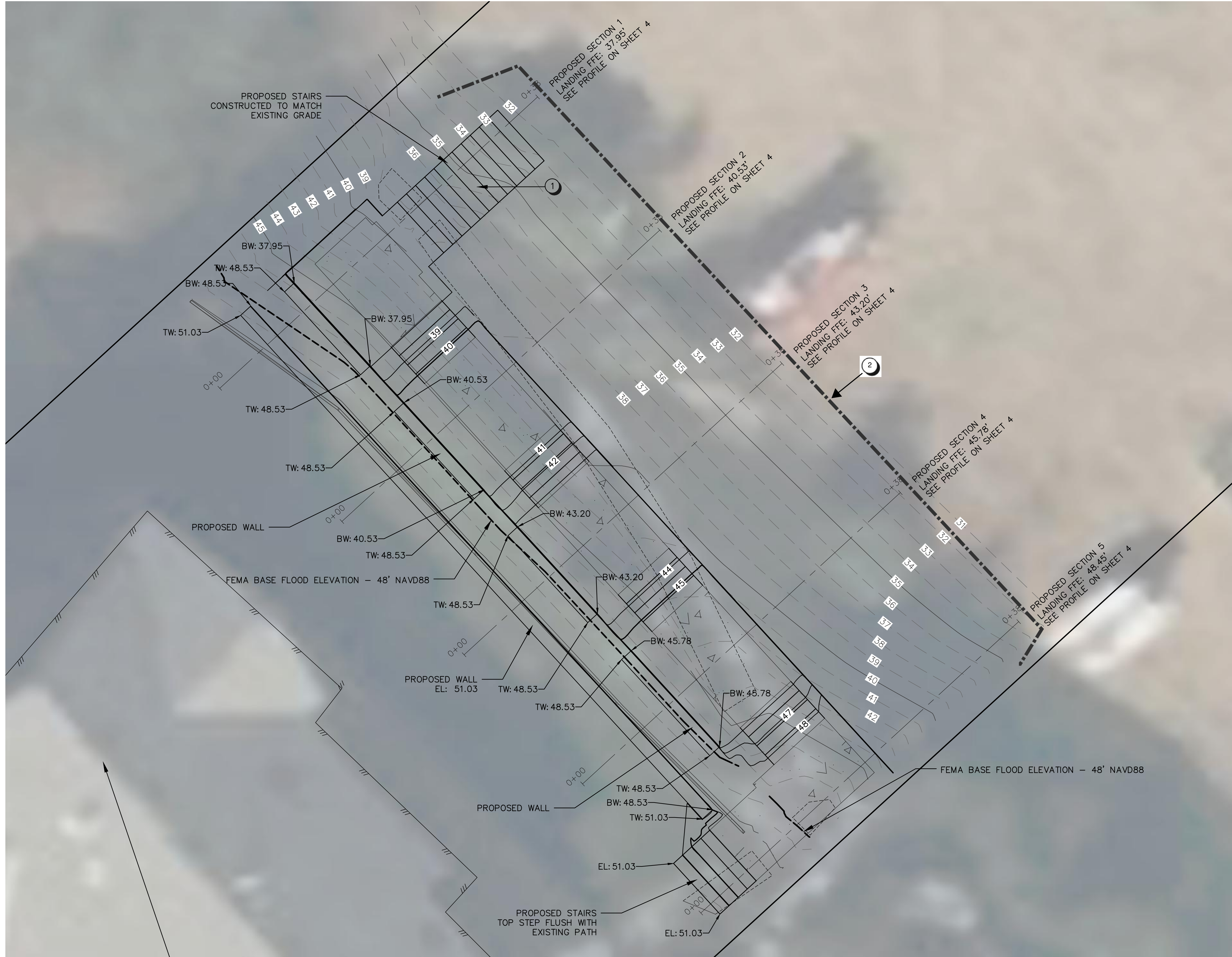
		DRAWN: JRF		DESIGNED: JRF	CHECKED: KAG
		SCALE: AS SHOWN		FEBRUARY 2025	
DATE:	NO.	REVISION		PROJECT NO. E24-028	

**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

EXISTING CONDITIONS
NO RISE ANALYSIS



ESTIMATED GRADING QUANTITIES

NOTE: CUT/FILL QUANTITIES CALCULATED WITH REFERENCE TO FEMA BASE FLOOD ELEVATION OF 48' NAVD88.

CUT: 122.64 CY
FILL: 17.65 CY
NET: 104.99 (CUT)

TOTAL AREA OF DISTURBANCE = 1,170 SF (0.03 ACRES)

PROJECT DATUM

THE BASIS OF THE VERTICAL DATUM WAS SET PER NAVD88 BY ANDY PARIS & ASSOCIATES PER SITE SURVEY PERFORMED ON 01/24/2025.

LEGEND

- FFE:100.00 FINISH FLOOR ELEVATION
- TW:100.00 TOP OF WALL
- BW:100.00 BOTTOM OF WALL
- 100 MAJOR CONTOUR
- 101 MINOR CONTOUR
- 100 MAJOR CONTOUR (EXISTING)
- 101 MINOR CONTOUR (EXISTING)
- STRAW WADDLE

KEY NOTES

- 1 PROPOSED NEW STAIRS ARE ASSUMED TO BE CONSTRUCTED SUCH THAT TOP OF EACH STAIR MATCHES EXISTING GRADE OR LOWER.
- 2 INSTALL STAW WADDLES PRIOR TO START OF CONSTRUCTION, SEE NOTES AND DETAIL ON SHEET 4.

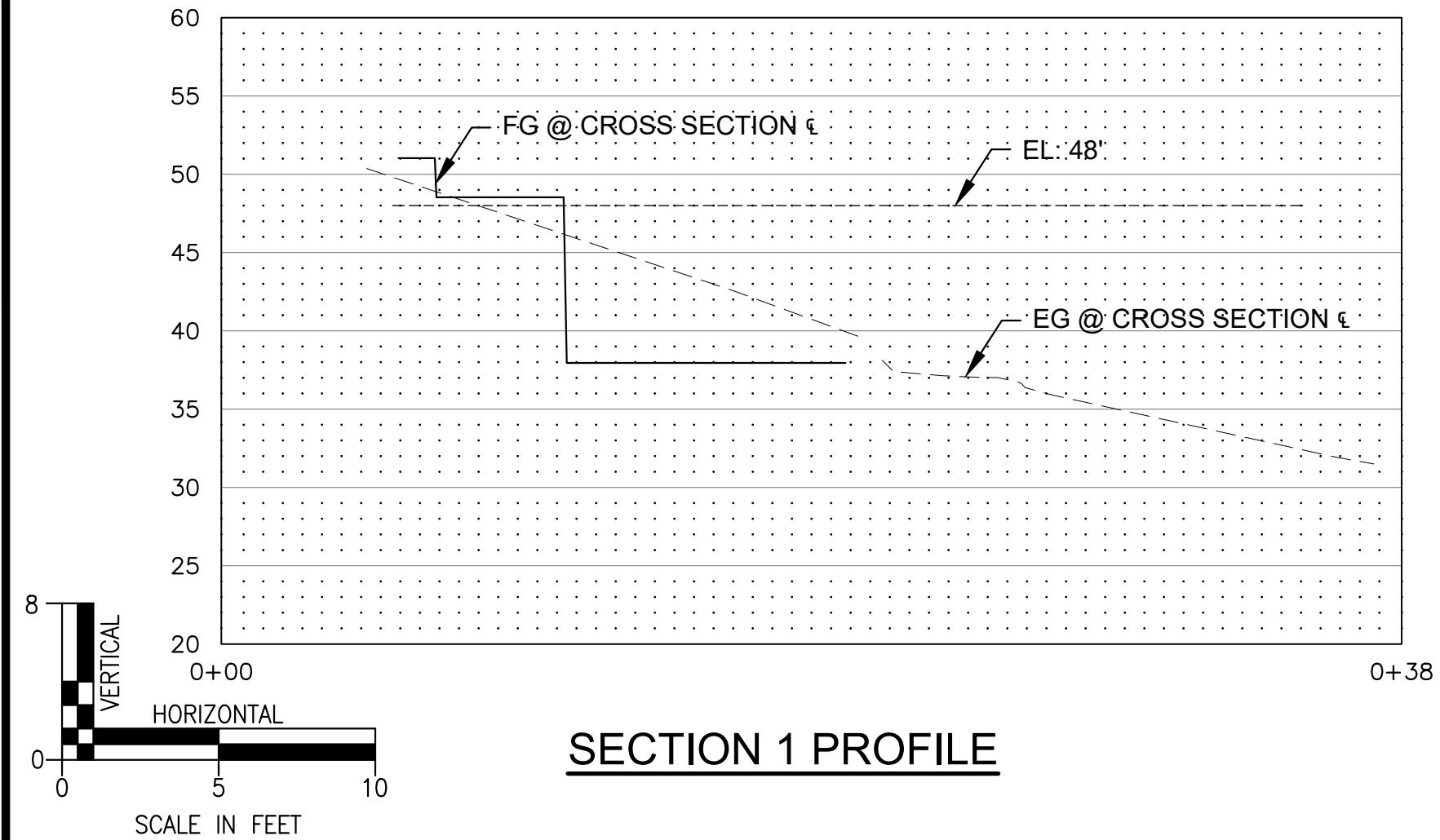
			DRAWN: JRF	DESIGNED: JRF	CHECKED: KAG
			SCALE: AS SHOWN	FEBRUARY 2025	
DATE:	NO.	REVISION	PROJECT NO. E24-028		

**FIRWOOD** DESIGN GROUP
Reliable Engineering Solutions

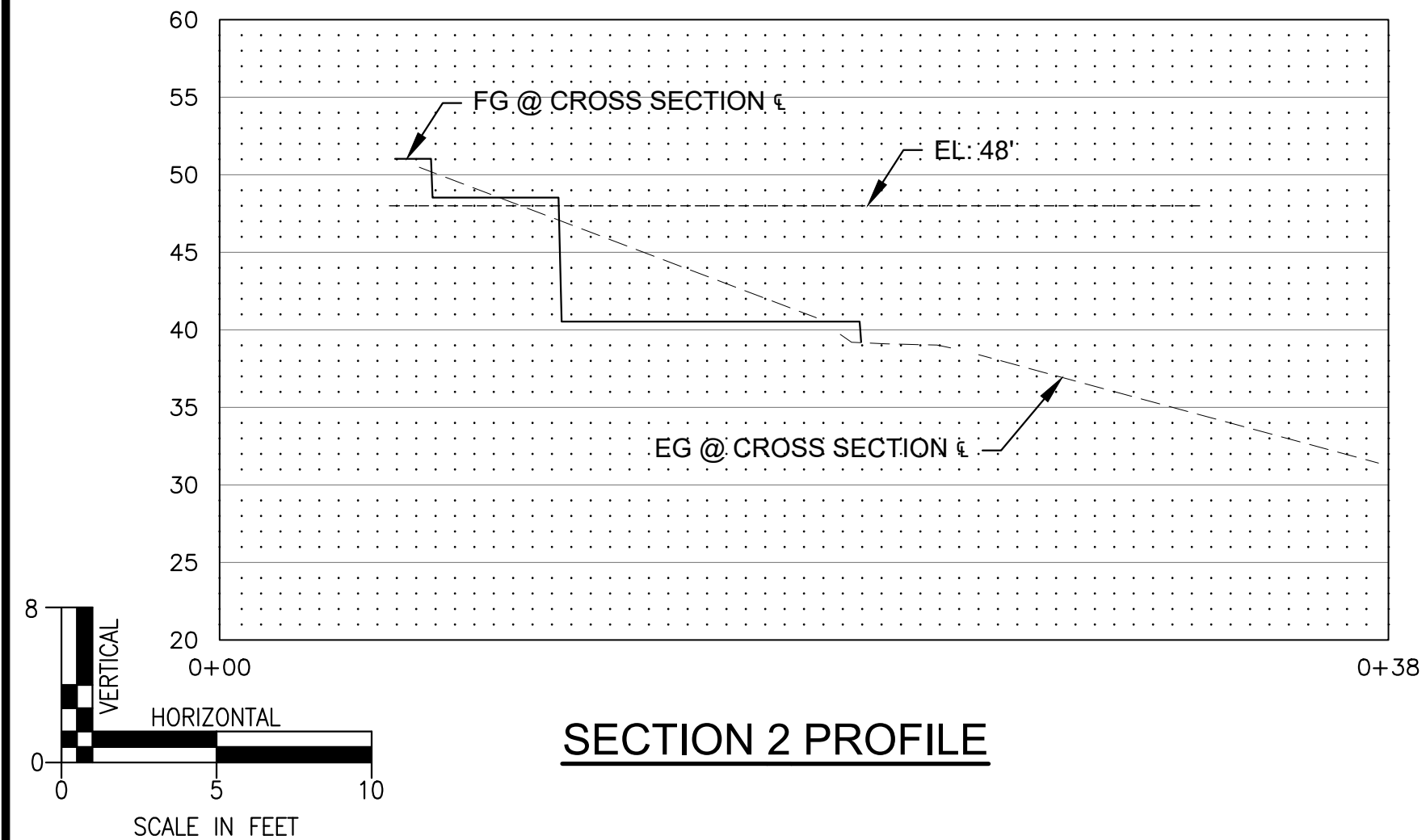
359 EAST HISTORIC COLUMBIA RIVER HIGHWAY
TROUTDALE, OREGON 97060
(503) 668-3737

DRAKE'S 7 DEES
5665 RIVER ST
WEST LINN, OR

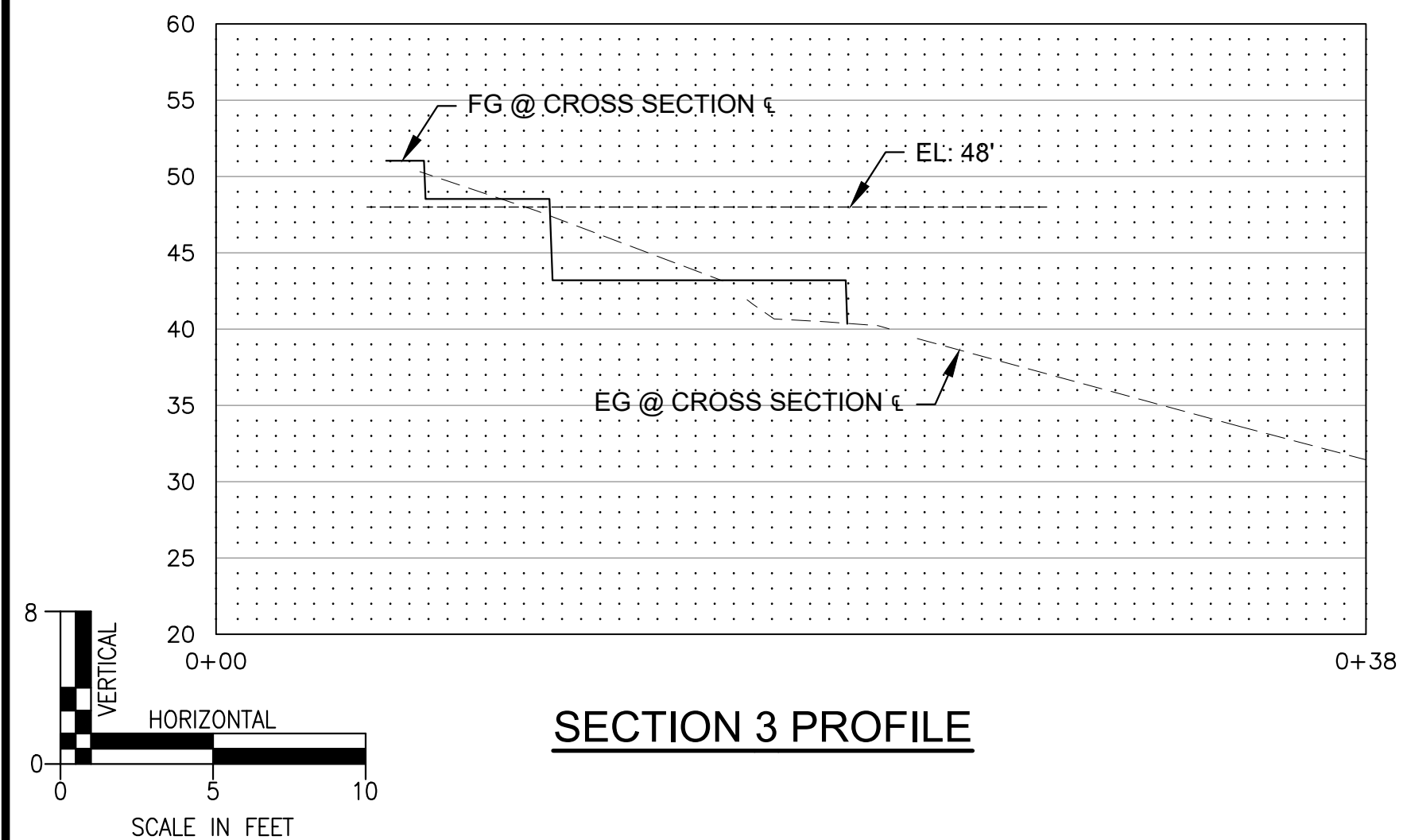
PROPOSED CONDITION/ EC PLAN
NO RISE ANALYSIS



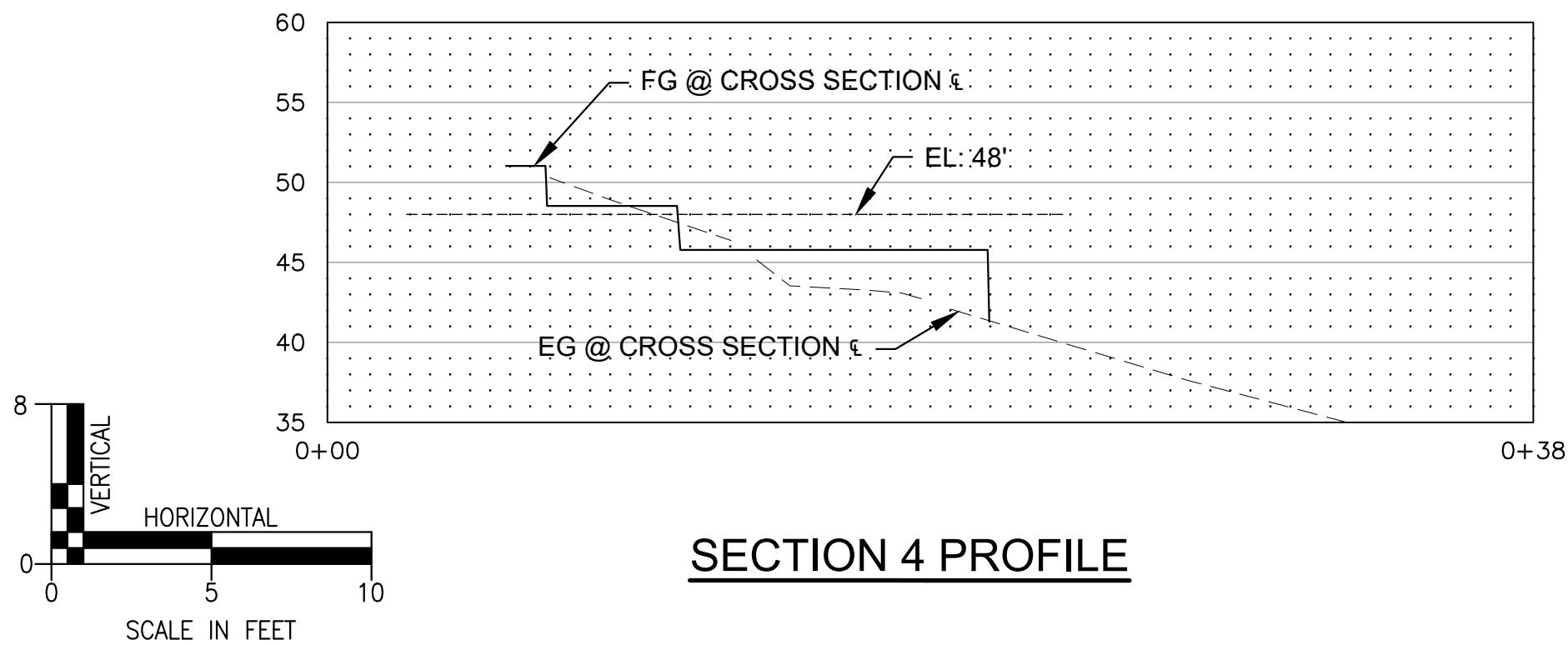
SECTION 1 PROFILE



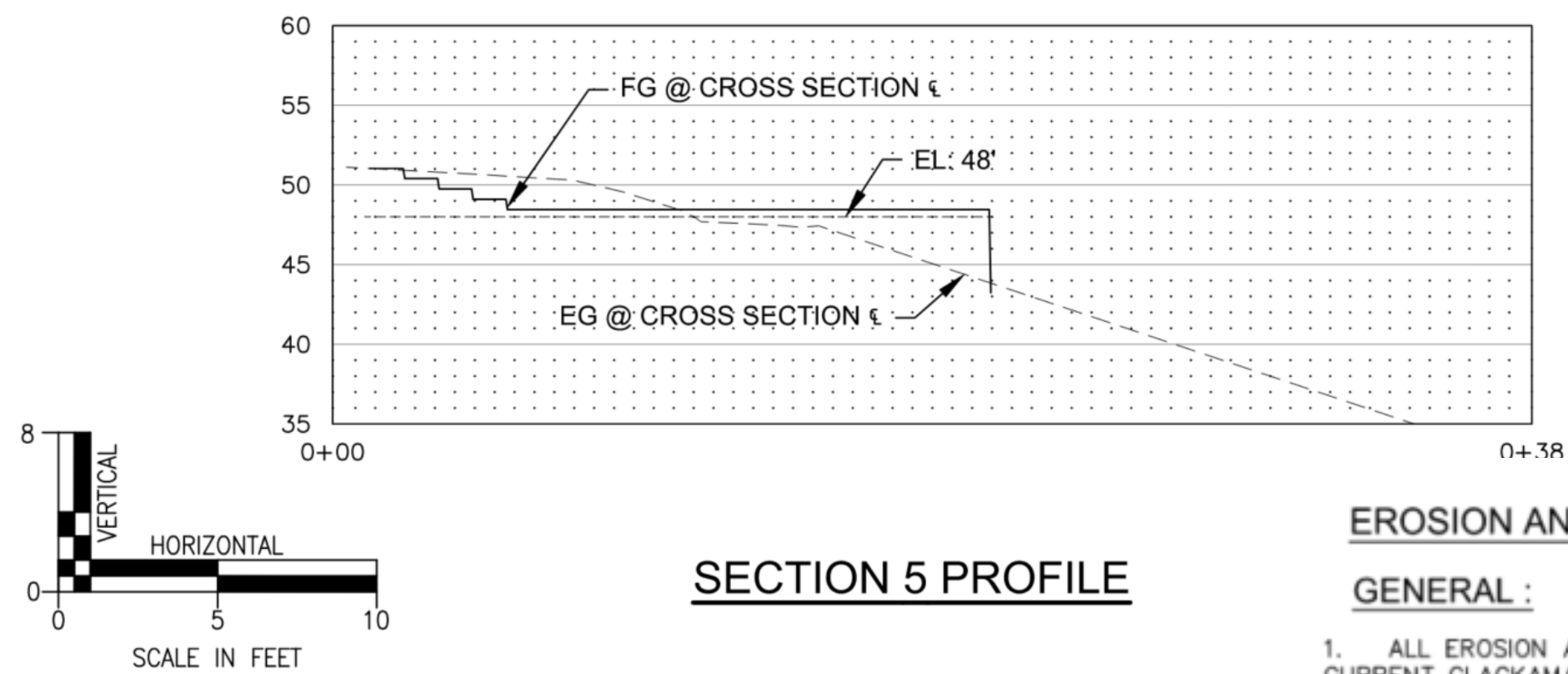
SECTION 2 PROFILE



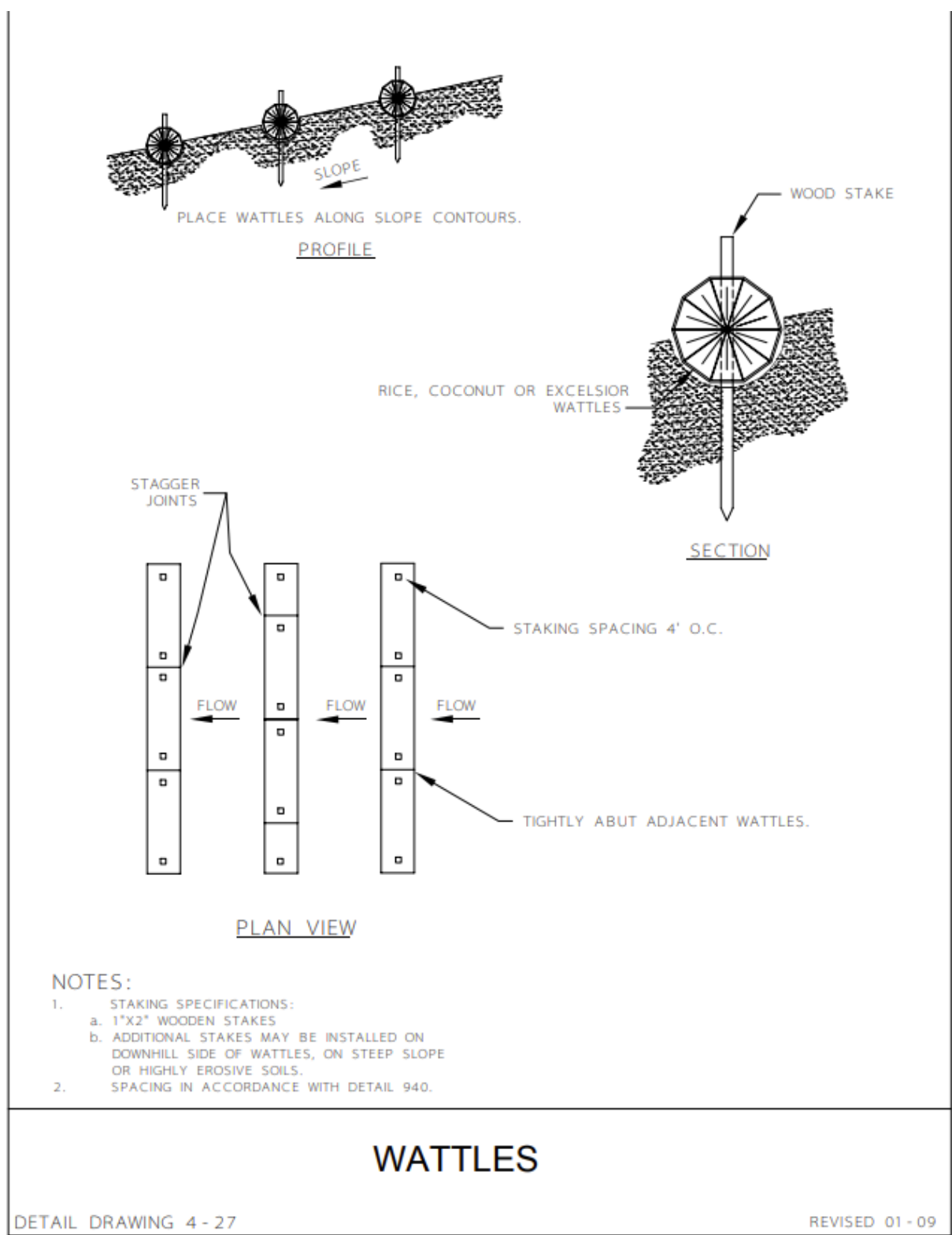
SECTION 3 PROFILE



SECTION 4 PROFILE



SECTION 5 PROFILE



EROSION AND SEDIMENT CONTROL NOTES

GENERAL :

1. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IN ACCORDANCE WITH THE CURRENT CLACKAMAS COUNTY ORDINANCES & REFERENCED DOCUMENTS AND EROSION CONTROL MANUAL.
2. 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.
6. 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:
 - a. 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).
9. THE ESC FACILITIES SHALL BE INSPECTED DAILY BY THE CONTRACTOR AND MAINTAINED AS NECESSARY TO ENSURE THEIR CONTINUED FUNCTIONING.

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



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

EXHIBIT E:

PRE-APPLICATION CONFERENCE MEETING SUMMARY NOTES

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](#)
 - o 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
 - o 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 CIda@westlinnoregon.gov.

BUILDING:

For building code and ADA questions, contact Adam Bernert at abernert@westlinnoregon.gov or 503-742-6054 or Alisha Bloomfield at abloomfield@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 [Submit a Land Use Application](#) 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 [CDC Section 99.030.B.7](#). 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.*

EXHIBIT F:

VERIFICATION OF PROPERTY OWNERSHIP

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

EXHIBIT G:

TVF&R SERVICE PROVIDER LETTER DEEMED UNNECESSARY

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

 External Sender Alert

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

EXHIBIT PD-2 COMPLETENESS LETTER



CITY OF West Linn

June 26, 2025

Mike Myers
5665 River Street
West Linn, OR. 97068

SUBJECT: Willamette River Greenway and Flood Management Area Permit (WRG-25-02 / FMA-25-02) at 5665 River Street.

Mike Myers,

Your application submitted on May 28, 2025 has been deemed **complete**. The city has 120 days to exhaust all local review; that period ends October 24, 2025.

Please be aware that determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Planning Director to render a decision on your proposal.

A 20-day public notice will be prepared and mailed. This notice will identify the earliest potential decision date by the Planning Director.

Please contact me at 503-742-6062, or by email at cmyers@westlinnoregon.gov if you have any questions or comments.

Respectfully,

Chris Myers

Chris Myers
Associate Planner

EXHIBIT PD-3 AFFIDAVIT AND NOTICE PACKET



**AFFIDAVIT OF NOTICE
PLANNING MANAGER DECISION**

We, the undersigned, certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

PROJECT

File No.: **WRG-02/FMA-25-02**

Applicant's Name:

Mike Meyers

Development Address: 5665 River St

Planning Manager Decision no earlier than August 11, 2025

APPLICATION

The application was posted on the website at least 20 days before the decision. All documents or evidence relied upon by the applicant, and applicable criteria are available for review at least 20 days before the decision at City Hall, per Section 99.040 of the Community Development Code.

05/28/25	<i>Lynn Schroder</i>
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MAILED NOTICE

Notice of Upcoming Planning Manager Decision was mailed at least 20 days before the decision, per Section 99.080 of the CDC to:

Mike Meyers, applicant	07/21/25	<i>Lynn Schroder</i>
Drakes 7 Dees, applicant representative	07/21/25	<i>Lynn Schroder</i>
Property owners within 500ft of the site perimeter	07/21/25	<i>Lynn Schroder</i>
Robinwood Neighborhood Association	07/21/25	<i>Lynn Schroder</i>
Division of State Lands	07/21/25	<i>Lynn Schroder</i>
Us Army Corps of Engineers	07/21/25	<i>Lynn Schroder</i>

EMAILED NOTICE

Notice of Upcoming Planning Manager Decision was emailed at least 20 days before the decision date to:

Robinwood Neighborhood Association	07/21/25	<i>Lynn Schroder</i>
Mike Meyers, applicant	07/21/25	<i>Lynn Schroder</i>
Drake's 7 Dees, applicant consultant	07/21/25	<i>Lynn Schroder</i>

WEBSITE

Notice was posted on the City's website at least 20 days before the decision.

07/21/25	<i>Lynn Schroder</i>
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SIGN

A sign was posted on the property at least 10 days before the decision, per Section 99.080 of the CDC.

7/24/25	<i>Chris Myers</i>
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FINAL DECISION

Notice of Final Decision was mailed to the applicant, all parties with standing, and posted on the City's website, per Section 99.040 of the CDC.

10/22/25	<i>Lynn Schroder</i>
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CITY OF WEST LINN
NOTICE OF UPCOMING PLANNING MANAGER DECISION
FILE NO. WRG-25-02/FMA-25-02

The West Linn Planning Manager is considering a Willamette River Greenway and Flood Management Area Permit at 5665 River Street. The applicant is requesting approval to reconstruct and replace an existing retaining wall with integrated pathway and stairs.

You have been notified of this proposal because County records indicate that you own property within 500 feet of the property (Clackamas County Assessor's Map 22E30AC01100, or as otherwise required by CDC Chapter 99.080).

The Planning Manager will decide the application based on criteria in Chapters 11, 27, 28, 32, and 99 of the Community Development Code (CDC). The CDC approval criteria are available for review on the City website <http://www.westlinnoregon.gov/cdc> or at City Hall and the City Library.

The application is posted on the City's website, <https://westlinnoregon.gov/projects>. The application, all documents or evidence relied upon by the applicant and applicable criteria are available for inspection at City Hall at no cost. Copies may be obtained at reasonable cost.

A public hearing will not be held for this decision. **Anyone wishing to submit comments for consideration must submit all material before 4:00 p.m. on August 11, 2025, to cmyers@westlinnoregon.gov or mail them to City Hall. All comments must be received by the deadline.**

It is important to submit all testimony in response to this notice. All comments submitted for consideration of this application should relate specifically to the applicable criteria. Failure to raise an issue in a hearing, in person, or by letter, or failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to the issue, precludes appeal to the Oregon Land Use Board of Appeals based on that issue (CDC Section 99.090).

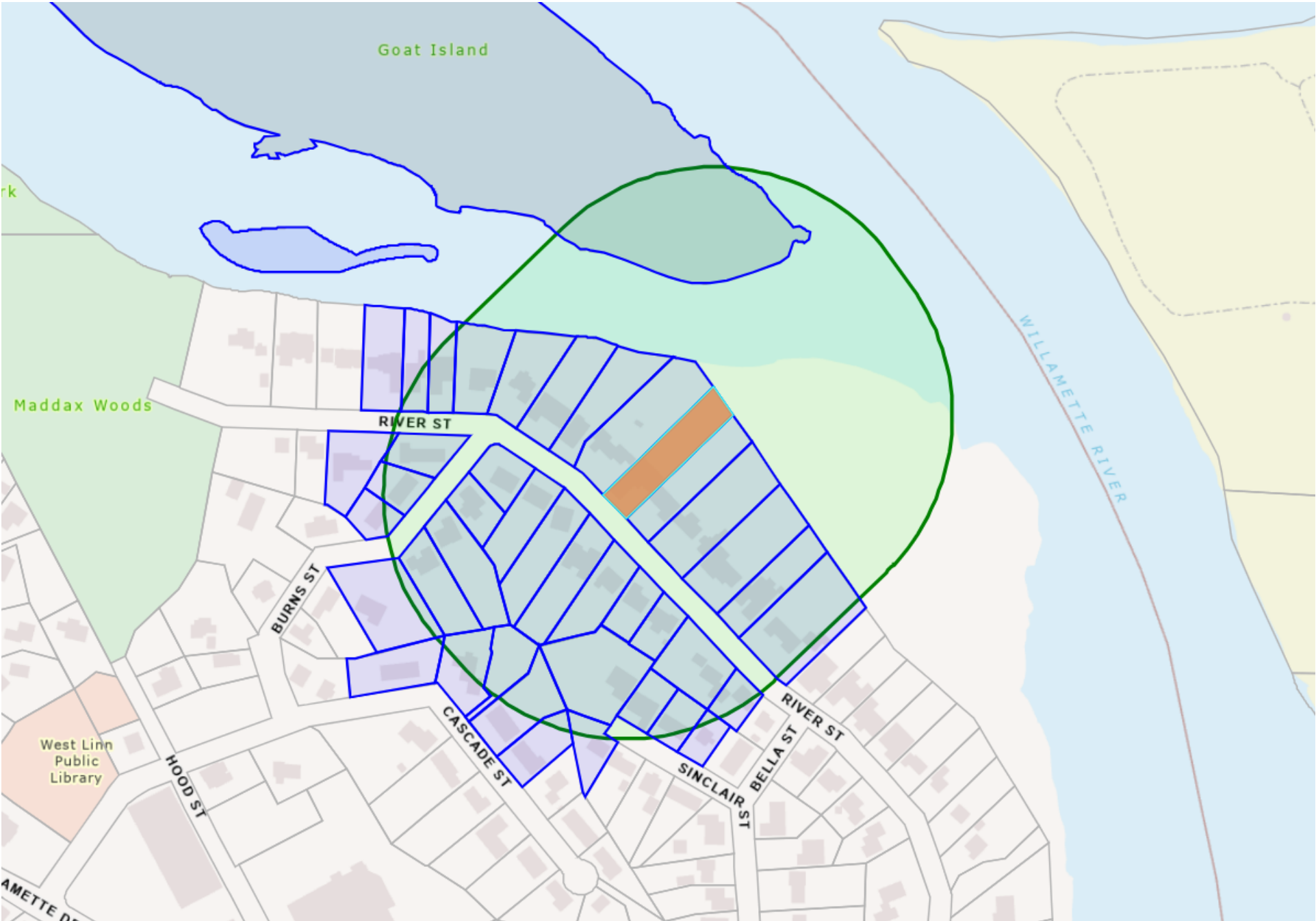
The final decision will be posted on the website and available at City Hall. Persons with party status may appeal the decision by submitting an appeal application to the Planning Department within 14 days of mailing the notice of the final decision pursuant to CDC [99.240](#).

For additional information, please contact Chris Myers, Associate Planner, City Hall, 22500 Salamo Rd., West Linn, OR 97068, 503-742-6062.

Scan this QR Code to go to Project Web Page:



Mailed: 07/21/25





**NOTICE OF UPCOMING
COMMUNITY DEVELOPMENT DECISION DECISION**

**PROJECT # WRG-25-02/FMA-25-02
MAIL: 10/22/25 TIDINGS: N/A**

CITIZEN CONTACT INFORMATION

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