

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
August 21, 2014
Summary notes updated September 16, 2014

SUBJECT: Class I Variance(s) for side yard setback reductions for additions on both sides of the house and Willamette River Greenway permit for a boat ramp/dock at 17856 Robin View Court. A Flood Management Area permit may also be required.

FILE: PA-14-32

ATTENDEES: Applicants: Joe and Pam Wilhelm
Staff: Peter Spir (Planning Department)
Public Attendee: Dan Shear

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

Specific Data

Zoning: R-10 (single family residential, 10,000 square foot minimum lot size)

Comprehensive Plan Designation: Low Density Residential

Applicable Community Development Code (CDC) Chapters:

- Class II Variance CDC Chapter 75.
- Willamette River Greenway (WRG) CDC Chapter 28.
- Flood Management Area (FMA) CDC Chapter 27.

Project Details

After an initial discussion of the applicant's plans to build a lateral addition on the south side of the existing carport with a reduced side yard setback, the applicant proposed scaling back the addition so that it might only trigger a Class I Variance. A Class I Variance will only allow up to a 20% or 1.5 foot reduction in the side yard setback. The R-10 zone's side yard setback is 7.5 feet.

Another addition proposed for the north side of the house was similarly scaled back to propose, at most, a second Class I Variance.

The applicant also proposes a ramp and boat dock, similar to one owned by the neighbor to the north. For this, a Willamette River Greenway (WRG) permit is required. The area of the proposed carport addition includes a Habitat Conservation Area.

Despite the fact that the elevation of the house is 68-76 feet above sea level and the Federal Emergency Management Agency (FEMA) maps show an expected 100 year flood elevation of about 44.5 feet, the house is mapped by the FEMA as being in the 100 year floodplain. The applicant will need to get a map correction from FEMA. Alternately, a Flood Management Area (FMA) permit is required for the house additions.

Site Analysis

In addition to the flood boundaries and the WRG, the site slopes steeply from the rear of the house towards the river. There is also a canopy of potentially significant trees which includes areas next to the proposed carport addition. The City's wetland inventory shows no wetlands on the property.

A site visit at the time of application would be required to determine any further constraints or opportunities including the location of the ramp and dock.

Process

A Class I Variance requires compliance with CDC Chapter 75. A WRG permit requires compliance with CDC Chapter 28. An FMA permit requires compliance with CDC Chapter 27.

The submittal requirements and approval criteria of these chapters must be addressed.

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

Prepare the application and submit it to the Planning Department with deposit fees. The application form must be signed by the property owner.

A Class I Variance has a fee of \$825. (Because two variances may be required, the first variance is billed at 100% (\$825) and the second is billed at 50% (\$412).) A WRG permit has a deposit fee of \$1,700. A FMA permit, if required, has a deposit fee of \$1,050. Staff bills hours against the deposit fee and returns any surplus at the conclusion of the process, regardless of whether it is approved or denied. If the application is more complex and time consuming, the applicant will be billed above and beyond the deposit fee that has been received. "Fees" are distinct from "deposit fees" in that no refund is possible

Once the application and fees/deposit fees are submitted, the City has 30 days to determine if the application is complete or not. If the application is not complete, the applicant has 180 days to make it complete. Once complete, the City has 120 days to exhaust all local review and appeals.

The Planning Director will be the decision maker for all the permit applications. The decision will be made after a 20-day public notice period. In the event of an appeal, the review body is the City Council. Subsequent appeals go to LUBA.

A parallel application process is required with the United States Army Corps of Engineers (USACE) for the dock/ramp. (The dock/ramp plans and drawings required by USACE may be submitted in the City's application.) The Department of State Lands (DSL) must be contacted to determine the "preference rights" area and the "authorized area" for placement of the ramp and dock (to be done as soon as possible). DSL also requires permits for water surface use.

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

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application ***or provide any assurance of potential outcomes.*** Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. Pre-application reviews are only valid for 18 months. ***A new pre-application conference would have to be scheduled once that period lapses and these notes would no longer be valid. Any changes to the CDC standards may require a different design or submittal.***