

**City of West Linn**  
**PRE-APPLICATION CONFERENCE MEETING**  
**SUMMARY NOTES**  
**September 4, 2014**

SUBJECT: Proposed Minor Partition, and separate proposed Water Resource Area permit for retaining wall for existing garage, at 6423 Tompkins Court

FILE: PA-14-33

ATTENDEES: Applicants: Mark Franklin  
Staff: Tom Soppe, Associate Planner; Khoi Le, Engineering

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*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.*

Project Details

Site Address: 6423 Tompkins Ct.  
Tax Not No.: 2 1E 25AA 05500  
Site Area: 0.82 acres  
Neighborhood: Bolton

Regulations

Comp. Plan: Low-Density Residential  
Zoning: R-10 (Single-family residential, 10,000 sq. ft. minimum lot size)  
Overlay Zones: CDC Ch. 32 (Water Resource Area [WRA] protection); keeping development east of Tompkins Court pavement as proposed would eliminate need for Water Resource Area permit tied to partition. Proposed extra retaining wall would require WRA permit unless emergency exemption granted.

Criteria

CDC Chapter 85: Land Division, criteria in 85.200  
CDC Chapter 32: Water Resource Area, criteria in 32.080-32.100

CDC Chapter 99: Procedures for Quasi-judicial Decision Making (this criteria is procedural and does not need to be responded to in a narrative)

### Engineering Division Comments

Water and sewer services should be connected to public water line and sewer main on Tompkins St.

Run-off from newly created impervious area shall be collected, detained, and treated. Rain garden can be utilized as storm facility to treat run-off from impervious area less than 5,000 square feet.

Developer can choose to treat run-off from the existing impervious area in place of new impervious area as long as they are equally the same.

### Site and proposal analysis

This site has one house on the east side of private street Tompkins Court, and a garage north of this that has a retaining wall down the slope of the water resource area to the north. The site is at the end of the private street, on both sides. On both sides of the street (east and west) the site is flat, but further west and north the lot goes down a steep ravine to a creek. Much of this side of the street is within the water resource protected area per 32.050(E). The applicant plans to divide the lot to allow for a house on the east side of the street, south of the existing house. This is acceptable if the remainder of the lot to the west and north is divided so that both lots meet all dimensional standards. The applicant also proposes a new retaining wall north of the existing garage retaining wall, one foot further into the water resource area, due to the failure of the current retaining wall. If the applicant pursues and is granted an emergency exception for a situation to prevent immediate danger to the property per 32.040(E)(1) no Water Resource Area (WRA) permit is needed, but if the City does not grant this the WRA permit is needed. This is because the footprint of the proposed wall is closer to the creek within the WRA than the existing wall.

### Recommended Next Steps and Procedures

1. For the partition application, prepare an application form, narrative and plans which respond to applicable criteria from the above-mentioned chapters of the West Linn Community Development Code (CDC). Follow 85.160 and 85.170 for what to submit in addition to the narrative responding to all criteria of 85.200. Deposit required when at application time for a partition is \$2,800.
2. For the Water Resource Area permit, if needed, prepare an application form (can be on the same form if submitted concurrently with the partition) and responses to the criteria of 32.080, along with 32.090 and 32.100 for mitigation and revegetation. 32.050 lists what to submit with this permit. Deposit is \$1,850. To pursue a possible emergency exemption contact Planning to determine what will need to be

submitted to make the case; if this is granted revegetation of the disturbed area with native plants is still required.

3. Submit your application package to the City of West Linn's Planning Department;
4. The City will review your application to determine whether all of the required information has been submitted and request additional information if not. The City has thirty days after application and deposits are submitted to determine whether it is complete. Most applications are not quite complete at first;
5. Staff will prepare findings regarding whether the applicable CDC criteria have been met;
6. The Planning Director will notify affected parties of the proposal and invite comment;
7. The Planning Director will issue a decision to approve, approve with conditions or deny the application and notify affected parties;
8. There is a 14-day window to appeal the decision of the Planning Director following notice of the decision;
9. If no appeal has been received by the close of the appeal period, the Planning Director decision becomes final and the applicant may move forward with the development of their proposal.
10. For the partition, the applicant must apply for Final Plat after improvements are complete. The fee is \$1,500.
11. Check with building department at 503-656-4211 or [jnomie@westloinnoregon.gov](mailto:jnomie@westloinnoregon.gov), or at the front counter at City Hall, for what building permit fees and SDC fees would likely be for the size of the house you propose.

Please note that 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.

**Please note that deposits as quoted are initial deposits based on expected staff time on a project; if staff time exceeds what is covered by the deposit amount the City may send an additional bill.**

***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. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed.

Also note that these notes have a limited "shelf life" in that changes to the CDC standards may require a different design or submittal. Pre-application reviews are valid for 18 months. A new pre-application conference is required once that period lapses.