

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
Notes
June 17, 2010

SUBJECT: 2-year Extension permit for previous approval for Willamette River Greenway permit for boat dock at 6591 Failing Street

ATTENDEES: Applicant: Tom Stiglich
Staff: Tom Soppe, Chris Kerr (Planning Department)

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

On December 11, 2006, the City Council, as part of appeal file MISC-06-26, approved Tom Stiglich’s request for a boat dock on the Willamette River on his property at 6591 Failing Street in the Bolton neighborhood. The decision became effective on January 19, 2007, and therefore the 3-year expiration date for the decision was January 19, 2010.

Section 99.325 is the new section of the CDC regarding Extension applications. Community Development Code (CDC) 99.325(D)(1) states “Only those applications approved between July 1, 2006 and December 31, 2009 shall be eligible for an extension.” The previous application therefore qualifies the applicant to be able to apply for an extension. CDC 99.325(D)(2) allows applicants with applications that expire before June 30, 2010 to apply for extensions by June 30, 2010 even if the application has already passed its 3-year expiration by this date. Therefore, despite the 3-year expiration date having occurred on January 19, the applicant can still apply for the extension by June 30. The two-year extension, if approved, would be measured from the original expiration date. Therefore if the Extension application is approved, the expiration date would be January 19, 2012.

The extension application must respond to all criteria that may have changed since the time of the submittal of the original application MISC-05-45 (October 13, 2005), and comply with any necessary changes based on this.

Chapter 28, the chapter that provides for the Willamette River Greenway regulations, has undergone a major overhaul since 2005. The criteria have changed so significantly that the applicant should respond to all criteria in the current CDC 28.110 as if it is a new

application. The applicant should resubmit or modify plans and other submittals as needed to qualify with submittal requirements of the current Chapter 28.

The proposed dock area is located in the FEMA floodway for the Willamette River and therefore is within the Flood Management Area overlay. In Chapter 27 Flood Management Areas, 27.020 states, "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." Development is defined by Chapter 2 definitions as "Any man made change defined as the construction of buildings or other structures, mining, dredging, paving, filling, grading or site clearing, and grubbing in amounts greater than 10 cubic yards on any lot or excavation. Within the Flood Management Area, this term shall also include storage of equipment or materials." The dock fits the definition of development, and therefore the City should have required a Flood Management Area permit as well, as part of the original application.

CDC 99.325(A)(2) states that Extension permits may be approved if "there are no demonstrated material misrepresentations, errors, omissions, or changes in facts that directly impact the project...", and 99.325(B)(3) state that despite this Extension permits may be approved if "the applicant has modified the approved plans to conform with current approval criteria and remedied any inconsistency with Subsection 2, in conformance with any applicable limits on modifications to approvals established by the CDC."

Therefore the applicant can apply for an Extension but must concurrently apply for a Flood Management Area permit in order to satisfy 99.325. When the original application was being processed the Planning Commission was the hearing body for Willamette River Greenway applications (even though since then the code has been changed and new Willamette River Greenway applications, along with Flood Management Area applications, are Planning Director decisions). Per 99.060(B)(2)(l) the Planning Commission would be the hearing body for this Extension application because they were the initial hearing body for the original application. Under a scenario where the applicant applies for both the Extension and the Flood Management Area permits, the Planning Commission would hear these applications concurrently. The applicant would have to change his plans accordingly if the new criteria of Chapter 28 or the criteria of Chapter 27 necessitate that the applicant's plans be modified to be compliant.

Another possible scenario for the applicant is to forgo the Extension permit and have an all new application that would include new concurrent applications for Willamette River Greenway and Flood Management Area permits. Because of the extensive changes to Chapter 28 since the original application, as discussed above, this scenario would not be very different (if at all) from the Extension scenario as the Extension scenario would require a completely new narrative criteria for Chapter 28 and would require a concurrent Flood Management Area permit. The new application scenario may actually be less complicated for the applicant in the sense that both Willamette River Greenway and

Flood Management Area permits are now Planning Director decisions and would not require a Planning Commission hearing.

Process

Below, the processes for both scenarios discussed above are outlined, the applicant can choose which scenario he prefers and follow it.

Extension scenario:

The Extension permit and the Flood Management Area permit are required.

A neighborhood meeting is not required for an Extension permit for a Willamette River Greenway permit, or for a Flood Management Area permit, but neighborhood meetings are always encouraged nonetheless. Contact Sally McLarty, President of the Bolton Neighborhood Association, at (503) 722-2137 or gbryck@easystreet.net. The applicant is required to provide the neighborhood association with conceptual plans and other material at least 10 days prior to the meeting.

Submit a new narrative in response to all criteria in 28.110, 27.060, and 27.070. Follow submittal requirements for Chapter 27 and ensure all resubmitted or new plans or materials comply with submittal requirements for Chapter 28 as well. The CDC is online at <http://westlinnoregon.gov/planning/community-development-code-cdc>. .

N/A is not an acceptable response to the approval criteria. Prepare the application and submit to the Planning Department with deposit fees and signed application form.

The deposit for an Extension is half the deposit of the original application. The original application had a deposit of \$1,700 so the deposit for the Extension application will be \$850. The Flood Management Area permit deposit is \$1,050. The total deposit will therefore be \$1,900. Any cost overruns to the deposit will result in additional billings.

Once the submittal is deemed complete the staff will schedule a Planning Commission hearing and send out public notice at least 20 days before the hearing. The Planning Commission's decision may be appealed to City Council by anyone with standing.

Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required.

New Application Scenario:

Submit an entirely new application for a Willamette River Greenway permit and a Flood Management Area permit. Follow the submittal requirements completely for chapters 27 and 28. The submittal shall include a narrative responding to the criteria of 28.110, 27.060, and 27.070. The CDC is online at <http://westlinnoregon.gov/planning/community-development-code-cdc>.

A neighborhood meeting is not required for an for a Willamette River Greenway permit or for a Flood Management Area permit, but neighborhood meetings are always encouraged nonetheless. Contact Sally McLarty, President of the Bolton Neighborhood Association, at (503) 722-2137 or gbryck@easystreet.net. The applicant is required to provide the neighborhood association with conceptual plans and other material at least 10 days prior to the meeting.

The Willamette River Greenway permit is \$1,700. The Flood Management Area permit deposit is \$1,050. The total deposit would therefore be \$2,750. Any cost overruns to the deposit will result in additional billings.

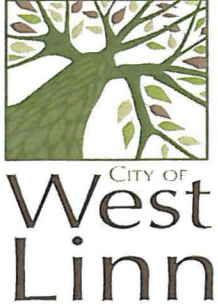
N/A is not an acceptable response to the approval criteria. Prepare the application and submit to the Planning Department with deposit fees and signed application form.

Once the submittal is deemed complete, the staff will schedule a Planning Director decision date and will send out public notice of the Planning Director decision at least 20 days before it occurs. The Planning Director's decision may be appealed to City Council by the applicant or anyone with standing.

Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required.

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.



LAND USE PRE-APPLICATION CONFERENCE

Thursday, June 17, 2010

City Hall
22500 Salamo Road

Willamette Conference Room

9:00am Extension of Willamette River Greenway permit to build boat dock.

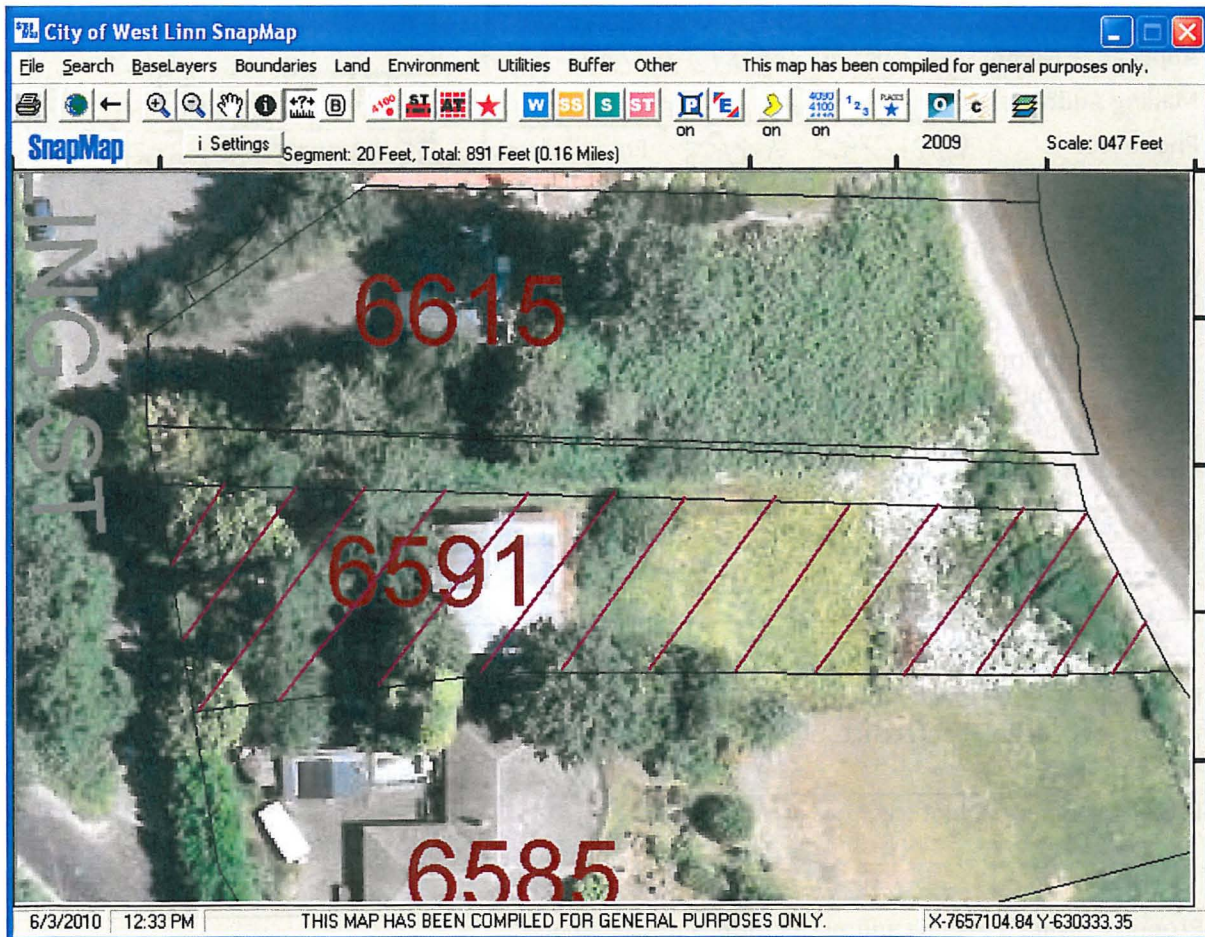
Applicant: Tom Stiglich

Subject Property Address: 6591 Failing St.

Neighborhood Assn: Bolton

Planner: Tom Soppe

Project #: PA-10-18

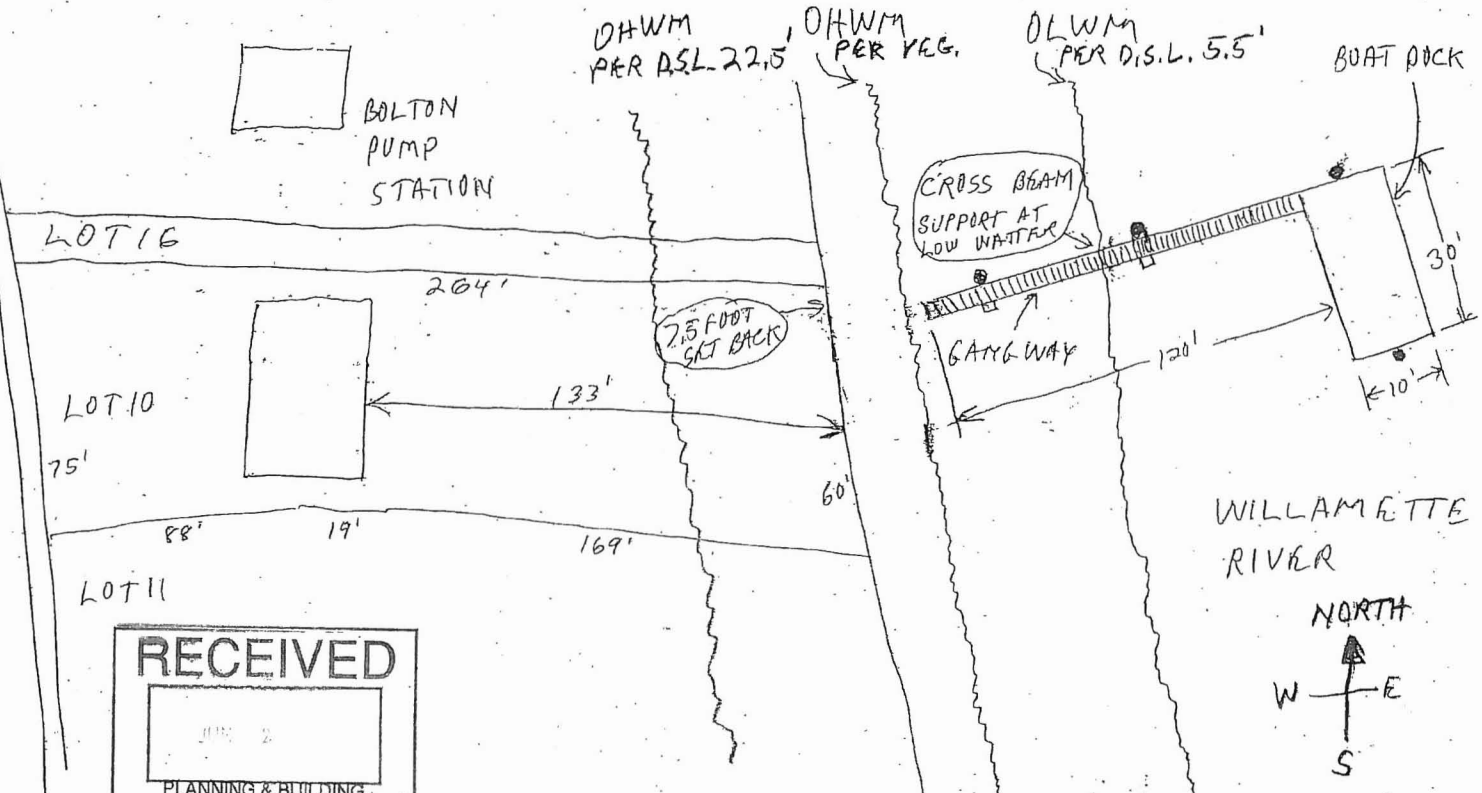


RECEIVED
 APR 12 2006
 PLANNING & BUILDING
 CITY OF WEST LINN
 INT. TIME

LOCATION MAP

- 1) CONTOURS WILL REMAIN THE SAME
- 2) OHW = 22.5 FEET ABOVE ORDINARY MEAN SEA LEVEL
 OLW = 5.5 FEET ABOVE ORDINARY MEAN SEA LEVEL
- 3) MAP DIMENSIONS WERE USED
- 4) STAGING AREA IN THE WATER ON A
- 5) CONSTRUCTION ACCESS VIA THE RIVER
- 6) CROSS SECTION LOCATION IS CENTERLINE OF THE PILING
- 7) MITIGATION AREA PER ODFW FISH HABITAT

FAILING ST



RECEIVED
 JUN 2
 PLANNING & BUILDING
 CITY OF WEST LINN
 INT. TIME

APPLICANT
 TOM STIGLICH
 6591 FAILING ST
 WEST LINN, OR 97068
 (503) 742-8983

SUBDIVISION
 LYNN'S ADDITION TO WEST LINN
 ASSESSORS MAP # 2516.25AA
 TAX LOT 2301
 AREA = 18,483 SF

THE GANGWAY AND DOCK WILL BE PLACED PERPENDICULAR TO THE THROAD OF THE RIVER PER O.S.D.L.

SITE PLAN.
 SCALE 1" = 50'
 REV # 1 (REMOVED BOATHING) 76

PRE-APPLICATION MEETING SIGN-IN SHEET PA# 10-18

DATE: 6-17-10

NAME	ADDRESS	E-MAIL	AFFILIATION
TOM STIGLICHT	6591 FAILING ST	TOM.STIGLICHT@ QLOGIC.COM	SRCF

PLANNING TS & CT

ENGINEERING _____

PARKS _____



