

City of West Linn  
**PRE-APPLICATION CONFERENCE MEETING**  
**Notes**  
**April 21, 2011**

SUBJECT: Boat dock at 4993 & 5005 Mapleton Drive, in Flood Management Area and Willamette River Greenway

ATTENDEES: Applicants: Mark Mutschler  
Staff: Tom Soppe (Planning Department)

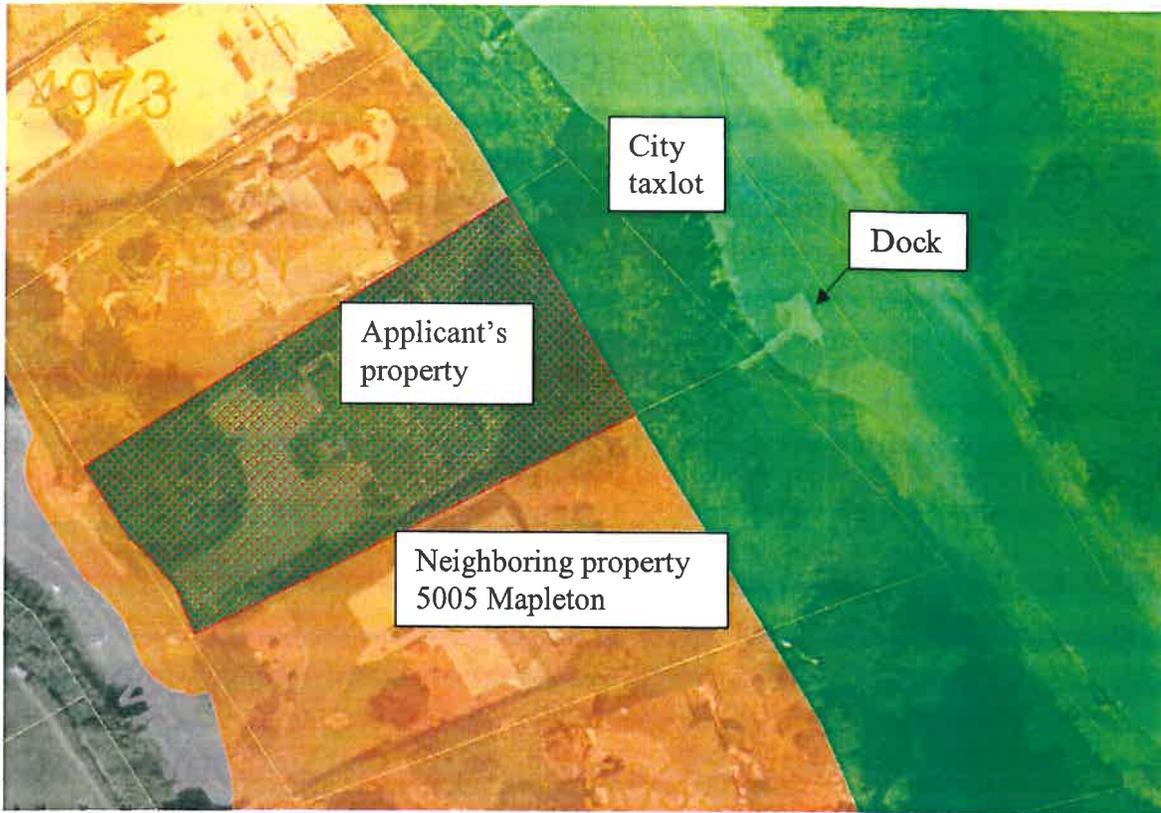
*The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding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

**Project Details**

The applicant, who owns 4993 Mapleton Drive, proposes to apply for the permits necessary to legalize an existing dock. The dock projects east above a Willamette River channel from the closest corner of the applicant's neighbor's property, 5005 Mapleton Drive. The dock extends into a City-owned property that appears to comprise part of the shoreline in this area and part of the Willamette River channel. This property is City parkland that is contiguous to the northeast corner of Mary S. Young Park.

Aerial photographs from City GIS show that this dock was installed between 2004 and 2006.

The West Linn City Council approved an amendment to the city charter (Chapter IX) with an effective date of November 21, 2001. This amendment prohibits "nonauthorized use" of City owned parks without by a City-wide vote approval and only excepts nonauthorized uses that commenced before the amendment date. An applicant in this situation can avoid the public vote process only if the applicant can demonstrate by survey that the private property extends all the way to the ordinary low water mark. This applicant has stated that there is a survey pin where the private property ends, that will show that the dock is anchored on private property. If that is the case, the dock is anchored on private land City-owned water. Therefore the above issues with the City ownership of the river channel taxlot should be avoidable if staff is shown the survey marker in the field during the review process.



For the permit requirements from the Department of State Lands, please contact Tami Hubert at [tami.hubert@state.or.us](mailto:tami.hubert@state.or.us) and (503) 986-5272. Per Ms. Hubert, research on ownership in this area is currently being done and she should have more answers about the appropriate process and the possible outcomes of such a permit in the next few weeks. Also, check with the U.S. Army Corps of Engineers for permitting requirements for the dock.

The dock is located in the Willamette River Greenway overlay zone an area classified by Metro as a Habitat Conservation Area (HCA), so a Willamette River Greenway permit is needed per Community Development Code (CDC) Section 28.030(A). The dock is also located in the Willamette River and its floodway, so a Flood Management Area permit is needed per CDC Section 27.020.



**View of dock from south**



**View of dock from hill**

## Process

The Flood Management Area and Willamette River Greenway permits are required. The applicant and/or the owner of 5005 Mapleton Drive can be the applicant(s) for the application. Regardless of who is the applicant, all three owners must sign off as having given permission to apply, including the City of West Linn (contact the Parks and Recreation Department).

No neighborhood meeting is required for a Willamette River Greenway permit or a Flood Management Area permit per CDC 99.038. However, these meetings are always encouraged to solicit public input and make the public more informed of an applicant's plans. If the applicant decides to present at a neighborhood meeting, contact Thomas Boes, President of the Robinwood Neighborhood Association, at [PresidentRNA@gmail.com](mailto:PresidentRNA@gmail.com) or (503) 699-6112. If the applicant presents at a NA meeting, 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 will require the applicant to follow the submittal requirements of 28.090 strictly and will require the applicant to respond in a narrative to the criteria in 28.110. The classifications such as high, low, and moderate within the HCAs are available at Metro. Metro's "Habitat Tool" online now refers to Riparian Class I, Class II, and Class III habitat areas instead. Locations right at the riverbank and within the river can usually be assumed to be high habitat conservation area, and can be addressed as such when responding to the criteria of Chapter 28. Metro can be contacted at [www.metro-region.org](http://www.metro-region.org). Due however to the provisions for private access to the river for docks in Section 28.110(F), the particular categorization of the habitat conservation areas will likely not matter heavily or at all in the application, in which case the potential inattainability of the exact categorization would not hinder the application review. The applicant's site plan can simply denote the appropriate area as "HCA" rather than "high", "low", and "moderate" if this specific information is no longer available.

The Flood Management Area Permit will require the applicant to follow the submittal requirements of 27.050 strictly and will require the applicant to provide a full and complete narrative response to the approval criteria of CDC 27.060 and 27.070.

The CDC is online at <http://westlinnoregon.gov/planning/community-development-code-cdc>.

Submittal requirements may be waived. For this, the applicant must first identify the specific submittal requirement and request in letter form that it be waived by the Planning Director, identifying the specific grounds for that waiver. The waiver may or may not be granted by the Planning Director.

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 Flood Management Area Permit is \$1,050. The deposit for the Willamette River Greenway permit is \$1,700. **PLEASE NOTE that these are initial deposits, and staff time is charged against the deposit account. It is common for there to be more staff time spent on development applications than the deposits cover, and therefore additional billing is likely to occur.**

Once the submittal is deemed complete, the Planning Director will send out public notice of the pending decision then render a decision in two to four weeks. The decision may be appealed by the applicant or anyone with standing to City Council, requiring at least one City Council hearing.

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.