

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

SUBJECT: Tualatin River Protection permit for sanitary sewer connection in habitat conservation area at 953 Willamette Falls Drive

ATTENDEES: Applicants: Mark Pyrch, Carol DeJardin  
Staff: Tom Soppe (Planning Department), Khoi Le (Engineering Division)

***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.***

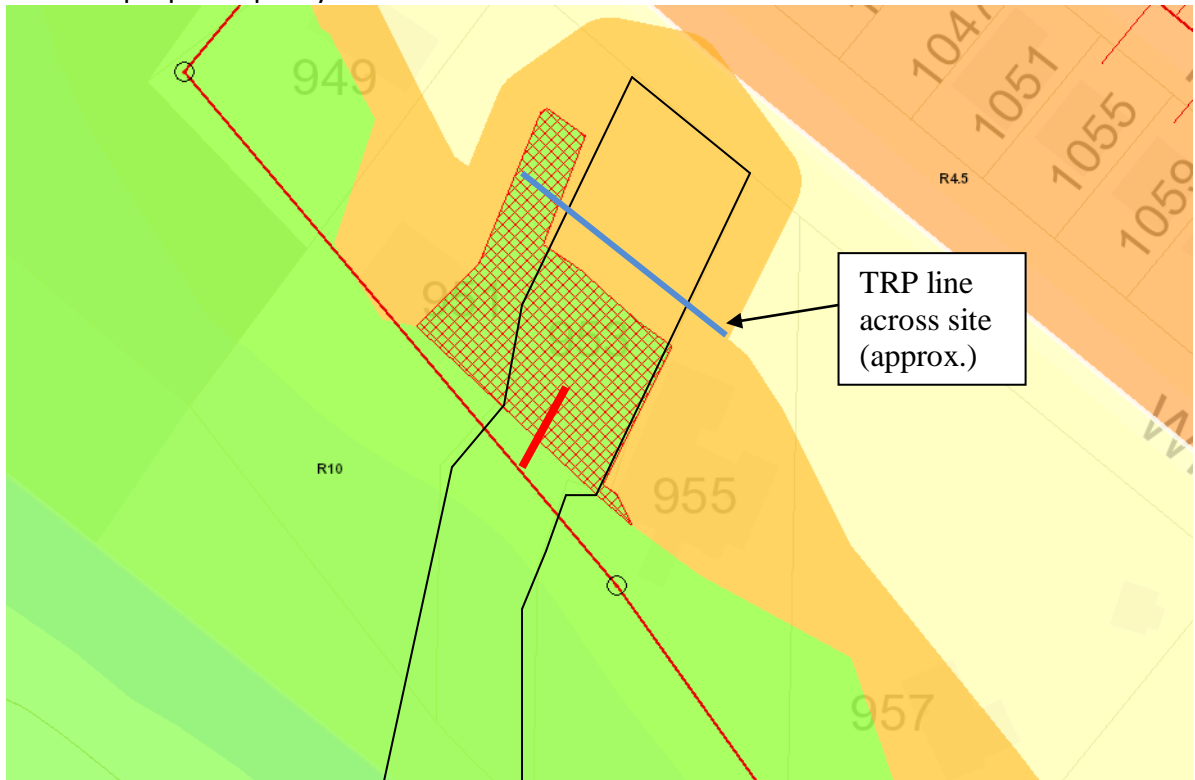
**Project Details**

The applicant owns an existing undeveloped lot of record in the R-10 zone. The lot slopes downward from the south side of Willamette Falls Drive to the Tualatin River. Much of the lot is within the Tualatin River Protection overlay zone. The applicant plans to build a house on the lot. Building a house on this lot requires making a connection to the existing public sanitary sewer line that traverses the lower area of the lot near the river.

The applicant plans to connect to the sewer line in the central area of the lot, where the sewer line and the land just north of it are in the 500-year floodplain, but are not in the 100-year floodplain or other areas that make up the Flood Management Area overlay zone. (Further east in the lot the sewer line does traverse through the edge of the 100-year floodplain.) Therefore the proposal is exempt from the Flood Management Area permit per the Community Development Code (CDC) Ch. 2 definition of the Flood Management Area, and per CDC Section 27.020, because the proposed sewer lateral for the new house will only traverse the 500-year floodplain and not the 100-year floodplain, 1996 flood area, or floodway.

Both the area where the house is proposed and the area where the sewer lateral connection is proposed are in the Tualatin River Protection overlay zone. The only part of these proposed development areas that is within the Metro-designated Habitat Conservation Areas (HCA) is the southernmost 30 feet (distance is approximate) of the

proposed sewer lateral. The Tualatin River Protection permit is needed because the lateral is proposed partly within the HCA.



(Red hatched area, orange area are not covered by HCA/TRP regulations for new development on lot)

CDC 28.040(S) states, "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 'Not Affected by Recommendations' or 'Allow Development' area and keeps out of the habitat conservation areas, a Willamette or Tualatin River Protection Area permit shall not be required." Also CDC 28.040(T) states, "The construction, remodeling or additions of home and accessory structures that take place completely within the 'Not Affected by Recommendations' or 'Allow Development' areas of Metro's Habitat Conservation Map shall be exempt from a Willamette or Tualatin River Protection Area permit." Therefore despite the house and the northern part of the sewer lateral being located within the Tualatin River Protection Area (area south of blue line on map above), only the southern part of the sewer lateral will be reviewed by this permit.

The criteria, 28.110, focus on justifying and limiting the amount of encroachment into the HCA and revegetating temporarily disturbed areas in the HCA such as the area where the lateral will be installed.

## **Process**

The Tualatin River Protection permit is required.

No neighborhood meeting is required for a Tualatin River Protection 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 Beth Kieres, President of the Willamette Neighborhood Association, at [willametteneighborhood@gmail.com](mailto:willametteneighborhood@gmail.com) or (503) 722-1531. 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 Tualatin River Protection 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. Under 28.090 this narrative is required per Subsection (C) as are the site plan and landscape plan, for this proposal. A grading plan will only be required if grades will change due to the implementation of the sewer pipe in this area, rather than just implementing revegetation on the same grades. Architectural drawings, etc. will not be required since the house is not covered by this permit. For the site plan, the classifications such as high, low, and moderate within the HCAs might be 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 development on existing lots of record and the minimal intrusion proposed to access a necessary public utility, the particular categorization of the habitat conservation areas will likely not matter heavily or at all in analysis of the application, in which case the potential non-attainability 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 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 the Tualatin River Protection permit is \$1,700. **PLEASE NOTE that this is an initial deposit, and staff time is charged against the deposit account. It is common for there to be more staff time spent on development applications than 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 three 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.

A Public Works permit of \$550 will be required after the Tualatin River Protection permit in order to hook the lateral to the existing public sewer line.

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.