

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
Notes
June 6, 2013

SUBJECT: Water Resource Area (WRA) permit to construct one single family home on a legal lot of record at 2343 Taylor Drive

ATTENDEES: Applicant: Shannon McDonald, Phillip Pahlisch

Review Staff: Tom Soppe (Associate Planner)

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 Summary

The applicant proposes to construct one home on a legal lot of record. Northwest of the property is a creek that is a significant riparian corridor, and a short daylighted open channel drains into this creek just between the creek and this property. This is at least what City GIS portrays for this hard-to-access area downhill from the street. Per 32.050(E) when there is a 25% slope beside a waterway with no distinct top of bank for more than 150 feet, as is the case here, the water resource setback is 200 feet, plus another 15 feet of structural setback into the rear of a lot.

The lot is shown “2343” on the map below. The purple line represents the 215-foot setback onto the property. The setback takes up so much of the property that it would not be buildable except for the provisions of 32.090, which are the water resource area “hardship” provisions of the Community Development Code (CDC). The hardship provisions allow for minimum economically viable development on lots that would otherwise be unbuildable under the provisions of Chapter 32 Water Resource Area protection, specifically the setbacks of 32.050(E). The lot was platted in the 1990s and the current setback was encoded in 2007. Per state law if a lot is developed in the first 10 years of its subdivision application date, it is not required to follow stricter codes that may have come into effect in the meantime; this is one of the last lots in this subdivision to be built and has not met the state’s 10-year grace period regarding local codes. Therefore it can only be buildable if the applicant goes through the Water Resource Area permit under the hardship provisions and does the appropriate revegetation and mitigation that is part of that process.

32.080. Developed and disturbed areas to be mitigated do include areas to be disturbed and revegetated.

Due to the wording of 32.050(K) the applicant may be required to also restore some of the areas on site that are not proposed for disturbance depending on how much they are dominated by invasive species.

Process

A Water Resource Area (WRA) permit is required. (This is a Planning Director's decision and does not require a public hearing.) A neighborhood meeting per section 99.038 is NOT required for this application. Such meetings are always encouraged however to let the neighborhood know about an applicant's plans and obtain input. Contact Beth Smolens, President of the Willamette Neighborhood Association, at 503-722-1531 or willamettena@westlinnoregon.gov. The applicant is required to provide the neighborhood association with conceptual plans and other material at least 10 days prior to the meeting.

For the WRA permit the submittal requirements of section 32.040, 32.070, and 32,080 and the approval criteria of sections 32.050, 32.070, 32.080, and 32.090(B-D) must be addressed. N/A is not an acceptable response to the approval criteria.

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. The waiver may or may not be granted by the Planning Director. The Planning Director's waiver may be subsequently overturned on appeal at the City Council level.

Prepare the application form and submit to the Planning Department with deposit fees and signed application form, including owner's signature. The WRA fee is \$2,600. There is a re-vegetation inspection fee of \$250.

Once the submittal is deemed complete, the staff will schedule a Planning Director's decision date and will send out public notice at least 20 days before the decision. 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.

<p>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</p>
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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. Thus, there is no “shelf life” for pre-apps.

Pre-app2013/Pre-app 2013\06.06.2013\2343 Taylor Drive\Pre-app summary notes PA-13-19