

**City of West Linn**  
**PRE-APPLICATION CONFERENCE MEETING**  
**SUMMARY NOTES**  
**February 23, 2016**

SUBJECT: Addition to a single family home within a Water Resource Area (WRA) at 3979 Kenthorpe Way.

FILE: PA-16-04

ATTENDEES: Applicant: Ryan O'Farrell, James Wurscher (Architect)  
Staff: Peter Spir (Planning)

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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.*

**Site Information**

Site Address: 3979 Kenthorpe Way  
Site Area: 19,194 square feet  
Neighborhood: Robinwood NA  
Comp. Plan: Low density residential  
Zoning: R-10 (Single family residential detached / 10,000 square foot minimum lot size)  
Applicable code: Community Development Code (CDC) Chapter 32: WRA  
CDC Chapter 11: R-10

**Project Details:** Ninety-five percent of this property is encumbered by a 100 foot wide riparian corridor in addition to the standard 65 foot WRA transition area from Trillium Creek which runs along the east edge of the property.

The applicant proposes an addition to the east of the existing house which would comprise a garage with a second floor. The addition cannot be constructed to meet the setbacks of the WRA chapter. (The applicant will remove a shed on the east property line that encroaches into the side setback area.)

The WRA chapter offers the Hardship provisions (section 32.100) which has the stated purpose of ensuring that "compliance with this chapter does not deprive an owner of reasonable use of land." "Reasonable Use" is defined as "Uses, similar in size, intensity and type, to uses allowed on other properties in the City that have the same zoning designation as the subject property." Since the existing house comprises 1,352 square feet and the average

square footage of the eight homes surrounding this property is 2,334 square feet, the house is well below “reasonable use”.

The “Hardship” provisions of CDC 32.110 allow 5,000 square feet or 30% of the WRA for development (whichever is greater) in addition to developable non-WRA lands.

Development includes all structures, all graded areas that are not restored to original grades and replanted with native material and all non-native landscaping, driveways, patios, etc. The addition must have a minimum setback of 15 feet to the edge of the creek and must meet the R-10 side yard setback of 7.5 feet.

One to one (on-site) mitigation for the WRA area used under the hardship provisions is required. Staff notes the lack of groundcover along the southern creekside area. This area needs to be stabilized and planted with groundcover to avoid soil erosion. There may be other portions that need erosion control as well. Removal of invasives, like English Ivy in the north creekside area, and reestablishing native plant material would be another potential project. Off-site mitigation or fees in lieu is not an option.

### **Process**

For the WRA permit address the submittal requirements and approval criteria of CDC Chapter 32. There is a deposit fee of \$2,600 and an inspection fee of \$250. The CDC is online at <http://westlinnoregon.gov/cdc>.

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 Manager and must identify the specific grounds for that waiver.

Once the application and deposit/fee are submitted, the City has 30 days to determine if the application is complete or not. If the application is not complete, the applicant has 180 days to make it complete or provide written notice to staff that no other information will be provided.

Once the submittal is deemed complete, staff will provide notice per CDC Chapter 99 and schedule a decision date by the Planning Manager. A decision is usually rendered within 5 weeks of the determination of completeness. Appeals of the Planning Manager’s decision are heard by City Council.

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 **or provide any assurance of potential outcomes**. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. **A new pre-application conference would have to be scheduled one that period lapses and these notes would no longer be valid. Any changes to the CDC standards may require a different design or submittal.**