

**APPLICATION CONFERENCE MEETING
SUMMARY NOTES
May 19, 2016**

SUBJECT: Construct 20 X 24 foot permeable patio with 18 X 20 foot covered structure over it at the rear of home at 1209 Ninth Street within a Willamette and Tualatin River Protection Area and within a Water Resource Area (WRA)

FILE: PA-16-07

ATTENDEES: Applicant: Euan Currie and Lisa Mahlum
Staff: Jennifer Arnold, Darren Wyss and Peter Spir (Planning)

*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: 1209 Ninth Street
Site Area: 51,966 square feet
Neighborhood: Willamette 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 28: Willamette and Tualatin River Protection Area
CDC Chapter 11: R-10

Project Details: The applicant's proposal is to construct a 20 X 24 foot permeable patio with 18 X 20 foot covered structure over it on the raised area at the rear of the home surrounded by wetlands. From the wetland boundary, the setback is 65 feet which encompasses all but 1,567 square feet of the raised area and house. A riparian area, also regulated under the Chapter 32, intrudes onto the north edge of the raised area. The house is also within the Willamette and Tualatin River Protection Area which includes Habitat Conservation Areas (HCAs). Some HCAs allow development, while other HCAs limit development. The house and raised area are in an HCA that allows development under the term: "Habitat and Impact Areas Not Designated as HCAs".

The WRA chapter offers the Hardship provisions (section 32.110) 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."

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.

Per CDC Chapter 32.110, because the property comprises 51,966 square feet, up to 15,589 square feet could be disturbed. The raised area comprises 9,033 square feet, so the applicant’s proposal, on that raised area, can be fully accommodated. The proposed disturbed area is also within the area defined as “Habitat and Impact Areas Not Designated as HCAs”.

One to one (on-site) mitigation for the proposed development is required. Removal of invasive vegetation, like blackberries, and reestablishing native plant material is the preferred option. Off-site mitigation or fees in lieu, if allowed, is assessed at a 2:1 rate.

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. For the Willamette and Tualatin River Protection Area permit address the submittal requirements and approval criteria of CDC Chapter 28. The deposit fee is \$1,700. 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.

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. ***Any changes to the CDC standards or subsequent substantial changes to this proposal may require a different design and/or a new pre-application conference... This pre-application is void after 18 months.***