

**APPLICATION CONFERENCE MEETING
SUMMARY NOTES
June 2, 2016**

SUBJECT: Construct a single family home on a lot requiring Water Resource Area, Willamette and Tualatin River Protection Area and Class II Variance.

FILE: PA-16-09

ATTENDEES: Applicant: Pavel Legkun, Wendy Tinseth and Eugene Petrusha
Staff: Jennifer Arnold 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: 5685 Summit Street
Site Area: 10,318 square feet
Neighborhood: Hidden Springs/Rosemont Summit 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: Water Resource Area (WRA)
CDC Chapter 28: Willamette and Tualatin River Protection Area
CDC Chapter 75: Variances (Class II)
CDC Chapter 11: R-10

Project Details: The applicant proposes to construct a single family home on a lot of record in the Serango I subdivision, platted in 1978. Sewer and storm water easements (plus those utilities) bisect the lot. The storm water pipe is for Mary S Young Creek which was piped under Summit Street then through this lot before daylighting on the lot to the east. (The storm water easement and the storm water pipe do not correctly align with one another. Engineering may require establishment of a storm water easement centered on the actual pipe.) No development is allowed on the easements or on top of the actual utilities, exclusive of access driveway or landscaping. Due to these utilities and easements the house would be tentatively located at the northwest corner of the site. (Relocation of the easements and utilities is an option; albeit, costly.) (The applicant should also verify the location of a sanitary sewer lateral from 5695 Summit Street. Contact Jim Clark, Acting Building Official at jclark@westlinnoregon.gov)

A Willamette and Tualatin River Protection Area permit is required because a Habitat Conservation Area (HCA) covers the entire lot. A Water Resource Area (WRA) permit is required because a Riparian Corridor associated with Mary S Young Creek also covers the lot.

Ordinarily, the WRA/Riparian Corridor cannot be built in, however the CDC Chapter 32.110 "Hardship Provisions" allow a Maximum Disturbed Area (MDA) of 5,000 square feet or 30% of the WRA for development (whichever is greater) in addition to developable non-WRA lands.

The MDA 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 applicant can use water permeable pavers for driveways and patios, etc. to reduce by 25% the development area square footage of those surfaces.

Meanwhile, CDC Chapter 28: Willamette and Tualatin River Protection Area also has hardship provisions (28.110(B) (4)) which allow a similar 5,000 square foot disturbance in the HCA. Unlike the WRA chapter, this chapter states that water permeable surfaces (e.g. driveways) do not count against the MDA under this chapter. 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.

The lot has a 24 percent slope along the west side where the driveway is proposed. The maximum driveway grade is 15 percent per 48.030(B) (3). A Class II Variance is required to allow this driveway grade. Alternately, a switchback driveway design with retaining walls could meet the 15 percent grade but would consume about 1,600 square feet of the 5,000 square foot MDA. Another option: building a bridge from the ROW to the house could be considered but issues of cost and the need to keep bridge pilings/support structures out of easements would have to be addressed. (contact Khoi Le, Development Review Engineer at kle@westlinnoregon.gov for standards relating to construction, retaining walls, etc. on utility easements.) Contact Ty Darby for TVFR requirements (ty.darby@tvfr.com).

A request for another Class II Variance to allow an increase in MDA beyond 5,000 square feet is an option especially where it can be shown that the large disturbed area consumed by the access driveway is brought about by the unique features of this site.

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. For the Class II Variance, address the submittal requirements and approval criteria of CDC Chapter 75. There is a fee of \$2,900. An additional variance has a fee of \$1,450. 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 hearing at the earliest possible date with the Planning Commission. Appeals of the Planning Commission'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.*