

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
September 15, 2016

SUBJECT: Proposed Water Resource Area (WRA) Permit, Flood Management Area (FMA) Permit, Willamette River Greenway (WRG) Permit (including Habitat Conservation Area (HCA)) for development of one home for tax lot 1205 of Assessor’s Map 31E2AC

FILE: PA-16-24

ATTENDEES: Applicant: Andrew Burton, Creekside Homes
Staff: Peter Spir, 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.

Site Information

Site Address: 1059 Ninth Street
Tax Not No.: Tax lot 1205 of Assessor’s Map 31E2AC
Site Area: 12,947 square feet
Zoning: R-10 (Single-family residential, 10,000 sq. ft. minimum lot size)
Environmental Overlays: FMA, HCA and WRA

Project Details

The applicant proposes to build one single family home.

Discussion

The property is fully encompassed by the 100-year floodplain with an expected flood elevation of approximately 75.5 feet. The center of the lot has an approximate elevation of 72 feet. The house will have to be built so that all structural elements of the first habitable floor are one foot above the flood elevation. A Flood Management Area (FMA) permit is required.

A wetland delineation was done by AKS Engineering and Forestry LLC in 2015 with the Department of State Lands (DSL) issuing a letter of concurrence dated June 23, 2015 (WD#2015-0127). The wetland delineation map shows the wetland boundary running about 5-6 feet south (parallel) of the north property line. The proposed house footprint extends 69 feet north of the south property line meaning that the distance from the rear of the house to the wetland would be approximately 25 feet at minimum. The WRA setback extends 65 feet south of the wetland per CDC Chapter 32. A WRA permit is required.

Per the Metro Habitat Conservation Area (HCA) map, the entire property is in a “Moderate” HCA. HCAs are regulated under CDC Chapter 28: Willamette and Tualatin River Protection (WRG). A WRG permit is required.

Both the WRA and WRG chapters have hardship provisions that accommodate the construction of single family homes on lots of record (including those modified by lot line adjustment like this lot). CDC 28.110(E) allows “construction of 5,000 square feet of total impervious surface for sites in HCAs”. CDC 32.110(B) allows the maximum disturbed area (MDA) of the WRA shall be determined on a per lot basis. The MDA shall be the greater of (1) Five thousand square feet of the WRA; or (2) Thirty percent of the total area of the WRA. The existing driveway would not count against the 5,000

square foot allowance (per 32.110(E) (3), while 28.110 (B) establishes limitations relating only to new development or construction, not existing facilities). Decks and patios will count against the 5,000 square feet (even cantilevered).

One option to consider: CDC 32.070/32.080 "ALTERNATE REVIEW PROCESS" establishes a review and approval process that applicants can use when there is reason to believe that the width of the WRA setback is larger than necessary to protect the functions and values of the water resource at a particular site. A qualified wetland or natural resource consultant would determine the WRA setback (e.g. 30 feet) that is needed to maintain those functions and values. This method could free up additional area, beyond the 5,000 square feet, for use. Similarly, the Metro HCA Map Verification process can be used to modify the HCA boundary per 28.070. (Ideally, both procedures (28.070 and 32.070) would be done concurrently.)

Engineering Division Comments

The applicant should contact Khoi Le of the Engineering Department to determine required improvements at Kle@westlinnoregon.gov. Contact Ty Darby of TVFR at ty.darby@tvfr.com for comments.

Process

For the WRA permit, address the submittal requirements of CDC Chapter 32.050 and respond to the approval criteria of 32.060 which is the standard process plus the hardship provisions of 32.110. The fee is \$2,600 plus a \$250 inspection fee. A 1:1 vegetative mitigation plan is required for any development within 65 feet of the wetland boundary per 32.090 and 32.100. Contact DSL for any additional permits.

For the FMA permit, address the submittal requirements of CDC Chapter 27.050 (including a topographic survey of the property) (scaled site plan with lineal scale showing house and driveway footprint) and respond to the criteria of 27.060 and 27.080. The deposit fee is \$1,050. Pre and post construction elevation certificates will be required. You should contact the Federal Emergency Management Agency (FEMA) regarding any additional permits.

For the WRG permit, address the submittal requirements of CDC Chapter 28.090 (28.120-28.150) and the approval criteria of 28.110. A 1:1 vegetative mitigation plan is required for any development within the HCA per 32.090 and 32.100. The deposit fee is \$1,700.

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, the staff will schedule a Planning Commission hearing. Staff will send out public notice of the Planning Commission hearing at least 20 days before it occurs. Notice will be published in the newspaper, a sign posted on the site, and the staff report released at least 10 days prior to the meeting. The Planning Commission'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.

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.**