

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

SUBJECT: Water Resource Area (WRA), Willamette and Tualatin River Protection (WRG) permits

FILE: PA-16-22

ATTENDEES: Applicant: Kelly Hannigan, Anne Marie Faulkner
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: 19381 Nixon Avenue
Area: 21,361 sq. ft.
Comprehensive Plan Designation: Low Density Residential
Zoning Classification: R-10 (10,000 square foot minimum lot size)
Overlays: Water Resource Area (WRA) Habitat Conservation Area (HCA)

Project Details

The applicant proposes to construct one single family home on the property.

Discussion

The forested property slopes uphill from Nixon Avenue at over 25% with the exception of a flat graded gravel area that was used by the owner for vehicle parking and other storage. Meanwhile, Heron Creek is contained within a very steep ravine on the southern edge of the property. There is a Metro "riparian area" setback of 120 feet from the stream.

Even with the WRA setbacks, there will still be about 6,100 square feet of the property outside the WRA. The applicant could develop that area and not have to obtain a WRA permit. WRA aside, all but 409 square feet, at the northwest corner of the property, is within a "High" Habitat Conservation Area (HCA) which is administered under the Willamette and Tualatin River Protection (WRG) Chapter 28. That chapter allows development of one home with a total impervious surface area of 5,000 square feet. A storm water raingarden for the house (storm water treatment) will not count against the allowable area.

Alternately, the applicant could apply for a "PLANNING DIRECTOR VERIFICATION OF METRO HABITAT PROTECTION MAP BOUNDARIES" per 28.070; which may allow a change in the HCA boundary given that the basis for the HCA designation, in the north half of the lot, is only tree canopy which may be exempted per 28.070 (F). Similarly the applicant could apply for a revised WRA boundary under the "Alternate Review Process" (32.070). Both processes require written findings from a wetland consultant or similarly trained professional. This could free up additional portions of the lot to development, particularly if you want to use the graveled "previously disturbed area".

There are a number of trees on the site. The applicant will be required to obtain a tree removal permit from Mike Perkins, the City Arborist (mperkins@westlinnoregon.gov) at such time that a building permit is sought. Contact Khoi Le at kle@westlinnoregon.gov or 503-722-5517 for specific engineering requirements including improvements in the Nixon Avenue right of way. TVFR comments are available from Jason.Arn@TVFR.com or Ty.Darby@tvfr.com.

Process

A WRG permit is required. The provisions of CDC Chapter 28 must be met (specifically 28.090 (the site plan must be drawn to scale, such as 1"=20') and 28.110) and a deposit fee of \$1,700 is required. (If a PLANNING DIRECTOR VERIFICATION OF METRO HABITAT PROTECTION MAP BOUNDARIES" is proposed under 28.070, you would only have to respond to that section, but the fee is still \$1,700.) A WRA permit is only required if development, grading, utilities, etc. are proposed within the WRA (including riparian area). If a WRA is required, the provisions of CDC Chapter 32 must be met and a permit fee of \$2,850 is required. (You may also consider an Alternate Review Process (32.070) to reduce the width of the WRA.) Contact staff if you are interested in the WRA or HCA boundary modification procedures. The CDC is online at <http://westlinnoregon.gov/cdc>.

N/A is not an acceptable response to the WRG or WRA 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. The application form must be signed by the property owner.

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 notify the affected parties of the proposal and invite comment. The Planning Manager will issue a decision to approve, approve with conditions or deny the application and notify affected parties. There is a 14-day window to appeal the decision of the Planning Manager following notice of the decision. If no appeal has been received by the close of the appeal period, the Planning Manager decision becomes final and the applicant may move forward with the development of their proposal.

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.**