

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
October 20, 2016

SUBJECT: Proposed Subdivision (or partition), Water Resource Area (WRA) Permit, Flood Management Area (FMA) Permit, Willamette and Tualatin River Protection (WRG) Permit and Class II Variance for the development of seven lots for tax lots 3800 and 4001 of Assessor’s Map 31E2BC

FILE: PA-16-27

ATTENDEES: Applicant: Zach Pelz, Jonathon Morse, AKS Engineering, Pat, Deborah and Kelly O’Brien
Staff: Peter Spir, (Planning); Khoi Le, Morgan Palmer (Engineering) Ty Darby (TVFR)

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.

Project Details

Site Address: 1236 14th Street
Tax Not No.: tax lots 3800 and 4001 of Assessor’s Map 31E2BC
Site Area: 2.46 acres
Neighborhood: Willamette
Comp. Plan: Low-Density Residential
Zoning: R-10 (Single-family residential, 10,000 sq. ft. minimum lot size)
Environmental Overlays: FMA, WRA, WRG

Summary

The property comprises two lots, which are proposed to be partitioned or subdivided to yield seven lots. The applicant could submit this as a two lot minor partition of tax lot 3800 and a five lot subdivision of tax lot 4001 or consolidate them as one seven lot subdivision. There are environmental constraints to this seven lot plan. The Habitat Conservation Areas (HCAs), associated with the WRG permit, the WRA setback and the 100-year floodplain cover most of the property. A wetland delineation and Department of State Lands (DSL) letter of concurrence is required. The wetland delineation and adjacent slopes will dictate the WRA setback per Table 32-2 of CDC Chapter 32. The subdivision of constrained HCA and WRA lands is allowed but each lot is required to have a “buildable” area for a home outside of those lands. A redesign of the submitted lot layout may be needed to achieve this. Access to the two easternmost lots, via private driveway (built to CDC and TVFR standards), could come off 14th Street. Access to the other lots would come off Evah Lane and also be built to standards of CDC Chapter 92 and 85. The south end of Evah Lane would terminate in a cul de sac or hammerhead per TVFR standards. No connection between 14th Street and Evah Lane is required. Lots 1C and 2C should be oriented so that the common lot line is oriented east-west, not north-south as currently proposed. A Class II Variance would be required since the street would not meet the cul de sac standard of a maximum length of 200 feet (720 feet as measured from Kimberly Drive).

The applicant should contact Khoi Le of the Engineering Department to determine required improvements at Kle@westlinnoregon.gov. Applicable CDC provisions include Chapter 96. Also, contact Ty Darby of TVFR at ty.darby@tvfr.com for comments.

Process

For the subdivision or minor partition, respond to the submittal requirements and approval criteria of CDC Chapter 85. The deposit fee required for a subdivision is \$4,200 plus \$200 per lot plus \$2,000 final plat fee. The deposit fee required for a minor partition is \$2,800 plus \$1,500 final plat fee. For the WRA permit, address the submittal requirements of CDC Chapter 32 and respond to the criteria of 32.060. The "Alternate Review Process" of 32.070 and 32.080 may be applicable. The deposit fee is \$1,850. For the FMA permit, address the submittal requirements of CDC Chapter 27 and respond to the criteria of 27.060 and 27.100. Elevation certificates may be required to demonstrate that the proposed "buildable" areas on each lot are outside the 100-year floodplain. The deposit fee is \$1,050. For the WRG permit, address the submittal requirements and approval criteria of CDC Chapter 28 and respond to the criteria of 28.110. The deposit fee is \$1,700. CDC 28.070 "PLANNING DIRECTOR VERIFICATION OF METRO HABITAT PROTECTION MAP BOUNDARIES" may be applicable to the WRG application. For a Class II Variance respond to the submittal requirements and approval criteria of CDC Chapter 75. The fee is \$2,900.

The applicant may be eligible to apply for an Expedited Land Division (ELD) per ORS 197.360. (Staff notes that ELDs cannot "provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect: (i) Open spaces, scenic and historic areas and natural resources..." The Comprehensive Plan's Goal 5 Chapter "Water Quality Resource" map identifies "Metro Habitat Protection Areas" which coincide with the adopted HCA map regulated by CDC Chapter 28. The Comprehensive Plan's Goal 5 Chapter "Wildlife Habitat Inventory" map covers a larger area.) Eligibility may be problematic due to the Class II Variance which is not permitted as part of an ELD application.

The application requires a neighborhood meeting per CDC 99.038. Please follow those requirements very carefully. Contact the Willamette Neighborhood Association, at WillametteNA@westlinnoregon.gov.

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. See ORS 197.360-380 for ELD process.

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.**