

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

**SUBJECT:** Application for a 45 lot attached single family subdivision or 41 townhome styled subdivision, a Water Resource Area (WRA) permit and a Willamette and Tualatin River (WRG/HCA) Protection Area permit at 1800 Upper Midhill Drive.

**FILE:** PA-16-28

**ATTENDEES:** Applicants: Ryan Zygar, Andrew Tull, Aaron Murphy, Michael Robinson  
Staff: Peter Spir (Planning), Khoi Le, Morgan Palmer (Engineering)  
ODOT: Seth Brumley, Andy Jeffrey  
Public: Peter Lang, Scarlett Harris, Dorianne Palmer

---

*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: 1800 Upper Midhill Drive (21E14CA tax lot 200)  
Site Area: 266,726 square feet  
Neighborhood: Robinwood NA  
Comp. Plan: Medium density residential  
Zoning: R-4.5 (Single Family Residential Attached and Detached/Duplex / 4,500 square foot minimum lot size for detached homes)  
Applicable code: CDC Chapter 32: Water Resource Area (WRA)  
CDC Chapter 28: Willamette and Tualatin River (WRG/HCA) Protection Area  
CDC Chapter 85: Land Division  
CDC Chapter 14: R-4.5  
CDC Chapter 99.060(E) and ORS 197.360-380: Expedited Land Division (ELD)

**PROJECT DETAILS:**

The proposal is to develop a subdivision either for 45 attached single family attached lots or 41 single family detached lots. The R-4.5 zone allows single family detached and attached homes outright. Two single family attached units require 4,000 square feet per unit (see CDC 14.070). Per 55.025 (C) single-family attached structures are exempt from design review. However 55.100(F) requires "Shared outdoor recreation areas" for projects with 10 or more single-family attached dwellings on lots under 4,000 square feet. Issues also include off-site improvements and double frontage lots. ODOT staff provided comments on the proposed re-striping on Willamette Drive from Arbor Drive to Shady Hollow Drive.

As an option to the standard land division procedure, the City is required by the State to make the applicant aware that he may be eligible to apply for an ELD per ORS 197.360. The applicant was notified of the ELD process and informed that he must declare his intent to use either the standard procedure set forth in the City of West Linn CDC or the ELD procedure. A form to declare intent to use the ELD procedure or to use the standard procedure was distributed.

Per ORS 197.360(1), 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....*" There are some small delineated wetlands at the north end of the site. The northwest corner includes a 12,800 square foot Habitat Conservation Area (HCA). 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 applicability of the Comprehensive Plan's Goal 5 Chapter "Wildlife Habitat Inventory" map which covers a larger area must be determined. The burden of establishing the eligibility for ELD is on the applicant.

Engineering/TVFR Comments: Contact Khoi Le at [kle@westlinnoregon.gov](mailto:kle@westlinnoregon.gov) for Engineering comments and Ty Darby at [tdarby@tvfr.com](mailto:tdarby@tvfr.com) for TVFR comments.

#### **PROCESS:**

The application requires a neighborhood meeting per CDC 99.038. Please follow those requirements very carefully. Contact the Robinwood Neighborhood Association, at [RobinwoodNA@westlinnoregon.gov](mailto:RobinwoodNA@westlinnoregon.gov) and Skyline Ridge Neighborhood Association, at [SkylineNA@westlinnoregon.gov](mailto:SkylineNA@westlinnoregon.gov).

Land use applications include a subdivision (Chapter 85), a WRA permit (Chapter 32) and a Willamette and Tualatin River (WRG/HCA) Protection Area permit (Chapter 28). For an ELD, refer to CDC Chapter 99.060(E) and ORS 197.360-380 in addition to Chapters 85, 32 and 28. The CDC is online at <http://westlinnoregon.gov/cdc>. Because this is a resubmittal, the applicant must demonstrate that the standards of CDC 99.320 are met.

An updated traffic study is required. The applicant should verify that the 2015 application still satisfies the tree inventory, wetland delineation, and geotechnical (including drainage) report requirements.

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. The waiver may or may not be granted by the Planning Director. Waivers may also be subsequently overruled by the decision making body.

Submit the application to the Planning Department with an application form signed by the property owner. (The signed standard procedure or ELD declaration document must be submitted.) The deposit for a subdivision is \$4,200 plus \$200 per lot. The final plat fee is \$2,000. There is also a \$500 fee for final site inspection. An ELD deposit fee is \$4,000 plus \$300 per lot plus referee costs. The deposit for a WRA is \$2,600 and an inspection fee of \$250. The deposit for a WRG/HCA is \$1,700.

Once the application and deposit/fee are submitted, the City has 30 days to determine if the application is complete or not; 21 days in the case of an ELD. 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 or per ORS 197.365 in the case of an ELD. For a standard subdivision application, staff will schedule a public hearing with the Planning Commission. For an ELD, the Planning Commission will hold a meeting and render a decision with no testimony taken at the meeting. Appeals of the Planning Commission's decision on a standard subdivision application are heard by City Council. Appeals of the ELD are heard by a referee.

#### ***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.**