

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
Summary Notes
February 16, 2017

SUBJECT: Willamette and Tualatin River Protection (WRG) permit at 19155 Nixon Avenue
FILE: PA-17-03
ATTENDEES: Applicant: Will Huffman, Tom Brewer
Staff: Peter Spir (Associate Planner) Erich Lais (Development Engineer)

*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: 19155 Nixon Avenue

Area: 7,139 sq. ft.

Zoning Classification: R-10 (10,000 square foot minimum lot size)

Environmental Overlays: "High" Habitat Conservation Area (HCA)

Applicable CDC Chapters: Willamette River Greenway (WRG) Chapter 28; R-10 zone Chapter 11;

Non-Conforming Lots of Record Chapter 68

Project Details

The applicant proposes to construct one single family home on the property. The property is a non-conforming lot of record created by deed transfer in 1974 which is prior to the City's zoning ordinance adoption in 1984. It can be built upon so long as it meets the requirements of CDC Chapter 68: Non-conforming lots of record, the underlying R-10 zone, as applicable, and the WRG permit.

Discussion

The forested property slopes steeply uphill from Nixon Avenue, averaging 60 percent. The lower portion, where the house is proposed to be built, has a lesser slope: averaging 46 percent. Staff notes the presence of a landslide hazard designation which covers the southern portion of the property (1,093 square feet). The applicant will be required to provide a stamped geotechnical engineer's report to demonstrate that site preparation and construction techniques can be used to allow for the safe development of the property. The Building Official may require additional geotechnical studies and development monitoring.

The lower or east half of the property adjacent to Nixon Avenue comprises 4,642 square feet of "High" HCA. The HCA designation is administered under the provisions of the Willamette and Tualatin River Protection (WRG) Chapter 28. That chapter allows the development of one home with a total impervious surface area of 5,000 square feet. Driveways, patios and paths constructed using water permeable materials will not count against the 5,000 square foot allowable area. Storm water treatment swales would also be exempt. The Floor Area Ratio and Lot Coverage standards of the R-10 zone may limit total developed area. It is noted that

setbacks for structures built on Non-Conforming lots of record can be reduced (below the R-10 setbacks) which have the potential to reduce hillside impacts. Also, the reduced setback allowance for garages on steep slopes (41.010) may be used. Side loading garages may have a three foot setback. Side yard transitions of CDC Chapter 43 must be incorporated into the house design.

CDC 28.160 requires a mitigation plan for developed areas within the HCA. The applicant shall prepare and implement a revegetation and mitigation plan pursuant to the provisions of CDC 32.070 and 32.080. On-site mitigation is preferred, but off-site mitigation is an option. There are a number of trees on the site. The applicant will be inventory and map the trees by location, type and size (DBH). The trees will be tagged and numbered accordingly. The City Arborist will then identify which trees are significant. Contact Mike Perkins, the City Arborist (mperkins@westlinnoregon.gov). Contact Eric Lais at elais@westlinnoregon.gov or at 503-723-5517 for specific engineering requirements including improvements in the Nixon Avenue right of way per CDC 96.010(A) (1). Fees in lieu may be proposed for these improvements. TVFR comments see: Ty Darby at Ty.Darby@tvfr.com.

Process

A WRG permit is required. The submittal requirements and approval criteria of CDC Chapter 28 must be met. A deposit fee of \$1,700 is required. The CDC is online at <http://westlinnoregon.gov/cdc>.

N/A is not an acceptable response to the WRG 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 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.***