

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
May 18, 2017

SUBJECT: Installation of rip rap, rock gabions or similar solution to prevent erosion by Fern Creek of house foundations at 18307 Old River Drive. Water Resource Area (WRA) and Willamette and Tualatin River Protection Area (WRG) permits are required.

FILE: PA-17-20

ATTENDEES: Applicant: Barbara Schnacky and Bruce Clark
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: 18307 Old River Drive
Site Area: 90,771 square feet
Neighborhood: Robinwood NA
Comp. Plan: Low density residential
Zoning: R-10 (Single family residential detached / 10,000 square foot minimum lot size)
Applicable code: Community Development Code (CDC) CDC Chapter 11: R-10; Chapter 32: WRA; Chapter 28: WRG.

Project Details: Fern Creek traverses this property on a south to north axis and includes a 120 foot wide floodplain contained by the Old River Drive grade to the east and a hillside sloping up to Marylhurst College to the west. Fern Creek and associated tributaries drain most of northeast West Linn. The entire property is in the WRA boundary while the proposed work area is within a medium/moderate Habitat Conservation Area (HCA).

The applicant's house backs onto the Fern Creek drainageway with the footings of the deck about four (4) feet from the creek. The water flow is eroding the embankment to the extent that the footings could be in jeopardy with the next rainy season (e.g. October). The applicant proposes to remediate the erosion by installing rip rap, rock gabions or a similar solution. The remediation would be about 30 feet long and three feet high and three feet wide.

Exemptions to the WRA and WRG permits were considered (see CDC 32.040 (E)) (28.040(L)) but were not found to be applicable since no "immediate" or "reasonable" emergency conditions exist. Therefore, a WRA and WRG permit is required. The standards most applicable to this

remediation are found in CDC 32.060 (A) and (E) (4). This remediation and application is expected to be similar to one undertaken by the West Linn Wilsonville School District on Bolton Creek near Bolton School (WAP-12-01).

Process

For the WRA permit, address the submittal requirements and approval criteria of CDC Chapter 32. The WRA deposit fee is \$2,600 with an inspection fee of \$250. The CDC is online at <http://westlinnoregon.gov/cdc>. On site revegetation and mitigation for the addition is required on a “one square foot: one square foot” basis. The proposed remediation design shall be prepared and stamped by a geotechnical engineer. The WRG permit has a deposit fee of \$1,700. (Any unspent deposit monies are returned after the application has been processed.) Address the submittal requirements and approval criteria of CDC Chapter 28.

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, staff will provide notice per CDC Chapter 99 and schedule a decision date by the Planning Manager. A decision is usually rendered within five weeks of the determination of completeness. Appeals of the Planning Manager’s decision are heard by City Council.

Removal/Fill permits and Joint Application permits issued through the Oregon Department of State Lands (DSL) and the US Army Corps of Engineers (USACE) may be required and are the responsibility of the applicant. http://www.oregon.gov/dsl/WW/Documents/rf_brochure.pdf. (The applicant should verify with DSL that the fill would be less than 50 cubic yards, the remediation would not involve a designated essential salmon habitat (ESH) and is not within ¼ mile of a state scenic waterway.)

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.**