

**City of West Linn**  
**PRE-APPLICATION CONFERENCE MEETING**  
**Notes**  
**September 20, 2018**

SUBJECT: Proposed construction of one single family home on a lot of record within a Water Resource Area (WRA) at 4325 Kelly Street and the two vacant lots directly adjacent (Tax lots 1803 and 1804 of Assessor map 21E36AA)

FILE: PA-18-27

ATTENDEES: Applicant: Dennis Caudell (Paradise Homes) and Ching Hay  
Staff: Jennifer Arnold, 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: 4325 Kelly Street and the two vacant lots directly adjacent (Tax lots 1803 and 1804 of Assessor map 21E36AA)

Area: Each lot is 5,000 square feet

Neighborhood: Sunset Neighborhood Association

Comp. Plan: Medium density residential

Zoning: R-4.5 (Single family residential Attached and Detached/Duplex; 4,500 sq. ft. lot)

Applicable code: CDC Chapter 14: R-4.5  
CDC Chapter 32: Water Resource Area (WRA)  
CDC Chapter 96: Required Improvements

**Project Details:** The applicant proposes to build a single family home on each of the three lots of record (Tax lots 1802, 1803 and 1804 of Assessors Map 21E36AA). Each lot is 5,000 square feet and the zone for these properties is R-4.5 allowing 4,500 square foot lots. Sunset Creek runs along the property line but on the adjacent property. Each of these properties is entirely encumbered by the Water Resource Area Protection (WRA) Buffer. The applicant is requesting to file a WRA permit to encroach into this buffer/setback under the hardship provision of Community Development Code 32.060.

The applicant should use the standard process described in CDC 32.060 and the hardship provisions of CDC 32.110. The hardship provisions allow up to 5,000 square feet of disturbed area per lot to accommodate a house and associated permanent improvements. One to one on-site mitigation and revegetation is required (2:1 for off-site). Mitigation through payment of fees in lieu to the Parks Department is an option.

Under the hardship provisions, the minimum required distance from the creek to the house and associated improvements is 15 feet. Staff recommends that the applicant place the home as close to the northern property line (opposite of the creek) as practical. To that end, front and side setbacks may be reduced up to 50 percent per Chapter 32.110(F). Additional setback reduction is possible through a

Class I or II Variance per CDC Chapter 75. (The applicant is not required to use the reduced setback provisions.) Other dimensional standards (height, FAR, lot coverage etc.) of the underlying R-4.5 zone will apply.

The applicant should refer to the Engineering Department for street improvements to Kelly Street. The interior setbacks for the R-4.5 zone is 5 feet. The front yard setback is 20 feet, and the applicant proposes to locate the access easement to tax lots 1803 and 1804 within this setback. The side yard setback along Kelly Street is 15 feet. The rear yard setback is also 20 feet.

**Engineering Division Comments:** Contact Amy Pepper at [apepper@westlinnoregon.com](mailto:apepper@westlinnoregon.com) or 503-722-3437 for engineering requirements which may include right of way improvements (e.g. sidewalk, etc.) per CDC Chapter 96.010 (A).

Contact Jason Arn from Tualatin Valley Fire and Rescue (TVF&R) at [Jason.arn@tvfr.com](mailto:Jason.arn@tvfr.com) for their requirements.

**Process:** This land use application will require response to the submittal requirements and approval criteria for the WRA (Chapter 32) permit. Please also submit responses to dimensional requirements found in CDC Chapter 14. The CDC is online at <http://westlinnoregon.gov/cdc>.

N/A is not an acceptable response to the approval criteria. The submittal requirements may be waived or increased per CDC 99.035. 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(s). The WRA deposit fee is \$2,600 and the re-vegetation plan/inspection fee is \$250.

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 followed by the Planning Manager's decision. (There is no public hearing.) Appeals of the Planning Manager's decision are heard by City Council and subsequently by the Land Use Board of Appeals.

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. **These notes are not minutes.** 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. **Any changes to the CDC standards between the date of this pre-app and the date of submittal of an application may require a different design or submittal.**