

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
February 17, 2022

SUBJECT: 3-lot partition at 1220 9th Street
FILE: PA-22-01, 22-02
ATTENDEES: Applicant: Darren Gusdorf
Staff: Chris Myers, Maryna Asuncion (Engineering)
Public: None

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: 1220 9th Street
Tax Not No.: 31E02AC lot 00300
Site Area: 82,490 square feet
Neighborhood: Willamette Neighborhood Association
Comp. Plan: Low-Density
Zoning: R-10 Single-Family Residential Detached
Zoning Overlays: FMA, HCA, and WRA
Applicable CDC Chapters: Chapter 11: Single-Family Residential Detached R-10
Chapter 27: Flood Management Areas
Chapter 28: Willamette and Tualatin River Protection
Chapter 32: Water Resource Area
Chapter 48: Access, Egress, and Circulation
Chapter 85: Land Division, General Provisions
Chapter 89: Subdivision and Partition Plats
Chapter 92: Required Improvements
Chapter 99: Procedures for Decision Making: Quasi-Judicial

Summary

The applicant proposes a 3-lot minor partition at 1220 9th Street. The applicant proposes to partition the property for future development of 3 single-family homes. There is currently a historic lot line that divides the property into two. The property is located within the R-10 zone. Primary structures must meet the dimensional standards of CDC Chapter 11, and accessory structures such as sheds and detached covered patios must meet the dimensional standards of CDC Chapter 34.

This Southeast portion of the property is encompassed by the 100-year floodplain. Homes will have to be built so that all structural elements of the first habitable floor are one foot above the flood elevation. A Flood Management Area (FMA) permit is required.

A wetland delineation must be completed. A Department of State Lands (DSL) jurisdictional determination is required. The WRA setback extends 65 feet south of the wetland per CDC Chapter 32. A WRA permit is required. The homes will be constructed outside of the delineated wetlands.

Per the Metro Habitat Conservation Area (HCA) map, the Southeast portion of the property is in a “moderate” HCA. HCAs are regulated under CDC Chapter 28: Willamette and Tualatin River Protection (WRG). A WRG permit is required.

Many questions were posed regarding the wetland and whether the buffer could be lessened. There is an alternate review process under CDC Section 32.080 in regards to lessening the setback from the wetland so long as the criteria are met. The applicant must go through the alternate review process if they wish to lessen the buffer from the wetland. The applicant also asked whether there could be typical landscaping such as turf in the wetland buffer area. CDC 32.030 states that the removal of existing vegetation or planting of new vegetation is not allowed within the Water Resource (wetland) except for invasive plants and hazard trees. Removal of existing vegetation or planting new vegetation would be allowed within the Water Resource Area (wetland buffer) if it is replaced by native vegetation exemption CDC 32.040 (A)(3) applies.

Another question was posed on the confirmation that existing structures were exempt from the wetland buffer as the existing barn is on a concrete slab. The applicant proposes to demolish the structure and build a new home. Upon further research, CDC 32.040.C.2(b), states that nonconforming accessory structures could be replaced with a new accessory structure in same footprint, but they cannot be replaced with a new single-family home (32.040.D(1)).

A discussion was had regarding the potential requirement to underground the utility lines adjacent to the property on 9th street. After further review and discussion, as well as input from PGE, it was determined that undergrounding the utility lines would not be a requirement for this project.

Engineering requirements can be found in the attached engineering report. Storm water requirements will be determined at time of permitting. Coordinate with City Engineering staff for street improvement design standards. A subdivision will require a Neighborhood Meeting and will need to be approved by the Planning Commission.

Specific Community Development Code chapters that are relevant to this application are listed on the pages below.

Engineering Comments: Please see the attached comments from Engineering. For questions, contact Maryna Asuncion at masuncion@westlinnoregon.gov or 503-722-3436.

Tualatin Valley Fire & Rescue Comments: Please contact Jason Arn at jason.arn@tvfr.com or 503-259-1500 with any questions.

Note: A service provider permit shall be required from TVF&R at the time of making a formal submittal for the proposed partition.

Process

Applicant must address the submittal requirements and responses to the criteria of CDC Chapters 11, 48, 75, 85, 92, and 99. Chapter 75 is only relevant if a variance from code requirements is needed. N/A is not an acceptable response to the approval criteria.

A Minor Partition is a Planning Director decision and does not require a neighborhood meeting. Once the submittal is declared complete, staff will prepare a staff report and schedule. There is a 14-day window following the decision to appeal the decision to City Council. If no appeal has been received by the close of the appeal period, the Planning Director’s decision is final and the applicant may move forward with the development of their proposal.

For the WRA permit, address the submittal requirements of CDC Chapter 32.050 and respond to the approval criteria of 32.060. The fee is \$2,600 plus a \$250 inspection fee. A 1:1 vegetative mitigation plan is required for any development within 65 feet of the wetland boundary per 32.090 and 32.100. Contact DSL for any additional permits.

For the FMA permit, address the submittal requirements of CDC Chapter 27.050 (including a topographic survey of the property) (scaled site plan with lineal scale showing house and driveway footprint) and respond to the criteria of 27.060

and 27.080. The deposit fee is \$1,050. Pre and post construction elevation certificates and residential crawlspace flow through designs and calculations must be prepared and stamped by an Oregon licensed engineer. Any net fill proposed within the floodplain will require a HEC RAS “no rise” certificate stamped by a certified engineer. You should contact the Federal Emergency Management Agency (FEMA) regarding any additional permits.

For the WRG permit, address the submittal requirements of CDC Chapter 28.090 (28.120-28.150) and the approval criteria of 28.110. A 1:1 on-site vegetative mitigation plan is required for any development within the HCA per 32.090 and 32.100. The deposit fee is \$1,700.

Submittal requirements may be waived by the Planning Manager following a request by the applicant. Such a request must identify the specific grounds for the waiver and must be submitted to the Planning Manager (or designee) in letter form (email is acceptable).

Once the application and fees 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.

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. 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. Any changes to the CDC standards may require a different design or submittal.