

**City of West Linn**  
**PRE-APPLICATION CONFERENCE MEETING**  
**SUMMARY NOTES**  
**May 5, 2022**

SUBJECT: Water Resource Area review for an encumbered property

FILE: PA-22-11

ATTENDEES: Applicant: Matthew Miller (property owner)  
Staff: Darren Wyss (Planning), Justin Loveland (Engineering)  
Public: Mike Kapigan, Judith Espino, Darren Kane, Phillip Kerman, Kathryn Meigel, Karen Mercer

*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: 19412 View Drive  
Tax Not No.: 2S 1E 23AB tax lot 100  
Site Area: 0.85 acres  
Neighborhood: Robinwood Neighborhood Association  
Comp. Plan: Low Density Residential  
Zoning: R-10 Residential  
Zoning Overlays: Water Resource Area, Habitat Conservation Area  
Applicable CDC Chapters: Chapter 11: R-10 Zoning  
Chapter 28: Willamette and Tualatin River Protection  
Chapter 32: Water Resource Area Protection  
Chapter 99: Procedures for Decision-Making: Quasi-Judicial

Summary

The applicant is seeking confirmation of permitted uses and process information for three scenarios before putting the property on the market. The City is required to implement Oregon House Bill 2001 and on July 1, 2022 the following will be permitted outright on the property: single-family detached home, duplex, triplex, quadplex, townhouses, and cottage clusters. Setback, maximum height, lot coverage, and floor-area-ratio information can be found in West Linn Community Development Code (CDC) Chapter 11.

The property is completely encumbered by a Water Resource Area (WRA) due to the stream that bisects the property. Development of the property is allowed under three scenarios per CDC Chapter 32:

1. Expansion of existing primary structure by no more than 500 sq. ft. and compliance with CDC 32.040.C(1) requires no development review process through West Linn Planning. Submittal of building permits is required.
2. Expansion of existing primary structure by more than 500 sq. ft. or replacement of existing structure requires applying for a hardship waiver per CDC 32.110 provisions. Replacement structures would need to be located as far from the resource as possible.
3. Removing culverts/rerouting stream and reducing WRA width requires an application for development under the Alternative Review process (CDC 32.070 & 32.080) and an analysis showing the current functions of the WRA per CDC 32.080 Table 32-4 and what width is required to maintain those functions.

Mitigation and restoration requirements for disturbance to the WRA are found in CDC 32.090 and 32.100.

The west side of the stream contains a City water line and sewer line with associated easements. New development on the west side of the stream would be discouraged, and potentially not feasible, because of the utility easements, steep slopes, and tree canopy cover. Development of the east side of the stream could take access from Kantara Way.

Sanitary sewer is available in Kantara Way. The existing home has a water meter. If additional water meters are required, an upgrade to the water line may be required. Stormwater requirements will be identified as part of submittal for building permits. An increase in dwelling units taking access from Kantara Way will require an upgrade to City alley standards.

**Applicant Questions:**

1. Can green roofs or rain gardens be used? Yes.
2. Is mitigation required if restoration is performed? Development will be required to meet code provisions of CDC 32.090 and 32.100.
3. Can the driveway cross easements? Yes
4. Will the City need utility access from View Drive? Yes

Engineering Comments: contact Justin Loveland at [jloveland@westlinnoregon.gov](mailto:jloveland@westlinnoregon.gov) or 503-722-3437

Tualatin Valley Fire & Rescue Comments: contact Jason Arn at [jason.arn@tvfr.com](mailto:jason.arn@tvfr.com) or 503-259-1510

Process

For a Water Resource Area Permit, address the submittal requirements and responses to the criteria of CDC Chapters 11 and 32. N/A is not an acceptable response to approval criteria.

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).

A neighborhood meeting is not required per 99.038.

The fee for a Water Resource Area Permit is \$2,600 plus a \$250 inspection fee.

You may access the West Linn Community Development Code (CDC) online at <http://westlinnoregon.gov/cdc>.

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.

A Water Resource Area permit is a Planning Manager decision and does not require a public hearing. Once the submittal is declared complete, staff will send a 20-day public comment notice. Once the public comment period closes, staff will issue a decision. 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 decision is final and the applicant may move forward with the development of their proposal.

***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.