

CITY OF WEST LINN
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
July 7, 2022

SUBJECT: Water Resource Area Permit for New Deck in Riparian Corridor
FILE: PA-22-19
ATTENDEES: Applicant: Bjorn at Landscape East and West
Staff: Chris Myers (Planning), Ben Gardner (Planning)
Public: No public in attendance

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: 2040 Tanner Creek Lane
Tax Lot No.: 21E36BD03200
Site Area: 25,607 Square Feet +/-
Neighborhood: BHT Neighborhood Association
Comp. Plan: Low Density Residential
Zoning: Single-Family Residential Detached, R-10
Zoning Overlays: N/A
Applicable CDC Chapters: Chapter 11: Single-Family Residential Detached, R-10
Chapter 32: Water Resource Area Protection
Chapter 34: Accessory Structures, Accessory Dwelling Units, and Accessory Uses
Chapter 38: Additional Yard Area Required; Projections into Yards
Chapter 99: Procedures for Decision Making: Quasi-Judicial

Project Details

Constructing a new deck in/near a riparian corridor, a conservation easement, and a sewer easement.

Pertinent Factors:

The proposed work will require a Water Resource Area Permit. Applicant will need a survey of the property to ensure the new proposed deck does not encroach upon either the stormwater or sanitary sewer easement as well as the conservation easement.

The Planning Director is the approval authority. The decision will comply with the provisions of CDC Chapter 99 Procedures for Decision Making: Quasi-Judicial.

It was discussed that the distance from a water resource may be an issue for the placement of the deck. However, based on Chapter 32: Water Resource Area Protection (Table 32-1 Summary of Activities) the below applies to this proposed application:

- Decks within 30 inches of grade, 50 ft from water resource or 10 ft behind top of slope, whichever is greater
- Geotechnical study may reduce the WRA width per table 32-2 (footnote 4)
 - ⁴ ***The 50-foot distance may be reduced to 25 feet if a geotechnical study by a licensed engineer or similar accredited professional demonstrates that the slope is stable and not prone to erosion.***

The above language may help the applicant determine shape, size, and height of the deck.

Staff emphasized that the applicant should carefully read section 32.050 Application, to ensure all requirements for an application are met and thus the application process does not take longer than necessary. Staff placed further emphasis on chapter 32.060 Approval Criteria. Applicant will need to pay close attention and address the approval criteria within the application.

Section 32.090 Mitigation Plan. Applicant was encouraged to read the mitigation plan section of the Community Development Code.

Section 32.110 Hardship Provisions. The applicant was encouraged to read the Hardship Provisions section and determine whether that would be the type of application most fitting this proposed project.

- Based on existence of lot of record prior to January 1, 2006
- Maximum Disturbed Area (MDA)
- Type of development allowed

Chapter 34: Accessory Structures, Accessory Dwelling Units, and Accessory Uses. Applicant will need to address this chapter as part of the application process. Confirm setback provisions for non-dwelling structures are met 34.060.

Building: For building code and ADA questions, please contact Adam Bernert at abernert@westlinnoregon.gov or 503-742-6054.

Engineering: For work in the right of way and utility questions, please contact Erich Lais at elais@westlinnoregon.gov or 503-722-3434.

Tualatin Valley Fire & Rescue: Please contact Jason Arn at jason.arn@tvfr.com or 503-259-1510 with any questions.

Process: For the proposal, address the submittal requirements and standards for decision making in the Community Development Code (CDC):

- Chapter 11: Single-Family Residential Detached, R-10
- Chapter 32: Water Resource Area Protection
- Chapter 34: Accessory Structures, Accessory Dwelling Units, and Accessory Uses
- Chapter 38: Additional Yard Area Required; Projections into Yards
- Chapter 99: Procedures for Decision Making: Quasi-Judicial

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.

The potential fees are:

Water Resource Area Permit \$2600

Re-vegetation Plan/Inspection \$250 (only if needed)

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 complete, the City has 120 days from the date of completeness to make a final decision on the application.

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.

July 7, 2022 Staff Pre-Conference Notes

PA-22-19, 2040 Tanner Creek Lane, proposed new deck in Riparian Corridor

Easements:

Easement #1738, December 1990, 30-foot wide stormwater easement

Easement #1739, December 1990, 15-foot wide sanitary sewer easement

Applicant will need to have a survey of property to ensure proposed location of deck does not encroach upon either the stormwater or sanitary sewer easements.

Riparian Corridor:

Habitat Conservation Area – Rated “high” or Red.

Stormwater retention pond on adjacent property, partially piped.

Applicable Community Development Code Chapters:

Chapter 2: Definitions

Chapter 11: Single-Family Residential Detached, R-10.

Chapter 28: Willamette and Tualatin River Protection

- Habitat Conservation Area (Red)
- 28.030 Applicability
- 28.040 Exemptions/Uses Permitted Outright
- 28.090 Submittal Requirements: Application
- 28.110 Approval Criteria

Chapter 32: Water Resource Area Protection

- 32.010 Purposes
- 32.020 Applicability
- Table 32-1 Summary of Activities
 - o Decks within 30 inches of grade, 50 ft from water resource or 10 ft behind top of slope, whichever is greater
 - o Geotechnical study may reduce the WRA width per table 32-2 (footnote 4)
 - ⁴ ***The 50-foot distance may be reduced to 25 feet if a geotechnical study by a licensed engineer or similar accredited professional demonstrates that the slope is stable and not prone to erosion.***
- 32.040.D New construction activities allowed in the WRA
 - o This might help determine shape, size, height of deck
- 32.050 Application

- Make sure to read this sub-chapter thoroughly. Complete applications speed up the process.
- 32.060 Approval Criteria
- Figure 32-3-6 Determining slope and WRA Width, How to measure riparian corridor width, how to identify top of slope
- 32.070 Alternate Review Process
 - Allows qualified professional to determine what water resources and associated functions are on site and the width of the WRA
- 32.080 Approval Criteria (Alternate Review Process)
 - This is the approval criteria if using the alternate review process
- 32.090 Mitigation Plan
 - Required if development is within the established WRA
- 32.100 Re-Vegetation Plan Requirements
- 32.110 Hardship Provisions
 - Based on existence of lot of record prior to January 1, 2006 (1993)
 - Maximum Disturbed Area (MDA)
 - Type of development allowed

Chapter 34: Accessory Structures, Accessory Dwelling Units, and Accessory Uses

34.060 Setback Provisions for Non-Dwelling Accessory Structures

Chapter 38: Additional Yard Area Required; Projections into Yards

- 38.060 Projections into required yards