



**City of West Linn**  
**PRE-APPLICATION CONFERENCE MEETING**  
**SUMMARY NOTES**  
**August 18, 2022**

**SUBJECT:** Minor Partition and Water Resource Area Permit at 19679 Wildwood Drive

**FILE:** PA-22-24

**ATTENDEES:** Applicant: Alex Kalmanson  
Staff: Darren Wyss (Planning), Ben Gardner (Planning), Justin Loveland (Engineering)  
Public: Karie Oakes

*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: 19679 Wildwood Drive  
Tax Not No.: 2S 1E 23AC tax lot 4600  
Site Area: 0.67 acres  
Neighborhood: Hidden Springs Neighborhood Association  
Comp. Plan: Low Density Residential  
Zoning: R-10 Residential  
Zoning Overlays: Water Resource Area  
Applicable CDC Chapters: Chapter 11: R-10 Residential  
Chapter 32: Water Resource Area Protection  
Chapter 48: Access, Egress, and Circulation  
Chapter 85: General Provisions  
Chapter 92: Required Improvements  
Chapter 99: Procedures for Decision-Making: Quasi-Judicial

Summary

The applicant is exploring options to construct a new home on the property to downsize and create a "forever home". The property is zoned R-10 and is large enough to partition, either under the traditional route (10,000 sq. ft. minimum lot size) of submitting a Minor Partition application (CDC Chapter 85), or by utilizing HB2001 and SB458 to construct a second home as one unit of a detached duplex (the existing home being the second unit) and dividing the property under the SB458 rules. Setback and other dimensional requirements are found in CDC Chapter 11.

The applicant proposes to take access to the new home via the existing driveway. This is allowed, and preferred, by CDC Chapter 48 in order to reduce impacts to the WRA. A mutual access easement/maintenance agreement will need to be recorded with the properties.

The property/proposed building site is encumbered by a Water Resource Area (WRA) buffer of 100-feet from Robin Creek, which flows south to north along the eastern property line. This requires the applicant submit for a Water Resource Area Permit under the Alternative Review Process outlined in CDC Chapter 32. The Alternative Review Process requires a natural resource professional compare the existing function of the stream and buffer to an alternative buffer width and mitigation proposal to ensure stream function will not be lost with a reduced buffer (CDC 32.080.B). The WRA Permit can be submitted for review by staff at the same time as a traditional Minor Partition application. Alternately, the WRA Permit will be submitted for review by staff on its own if the HB2001/SB458 process is used. Either way, the WRA Permit must be approved prior to issuance of building permits.

The property has an existing sanitary sewer line and easement along the eastern property line, as well as stormwater infrastructure and easements associated with Robin Creek. No new buildings can be constructed within an easement. No new street improvements are required.

**Applicant Questions:**

1. HB2001/SB458 requires the City to process “middle-housing” without unreasonable cost or delay. Isn’t requiring a WRA permit a violation of this statute? No, OAR 660-046-0010(3) provides cities the ability to regulate “middle-housing” to comply with protective measures adopted and acknowledged pursuant to statewide land use planning goals. A WRA permit is regulated by City code adopted to implement Goals 5 and 6, and Metro Urban Growth Management Functional Plan Titles 3 and 13.

**Public Questions/Comments:**

1. Will the access driveway be required to be constructed inside the flag lot “pole” if using the traditional Minor Partition process? No, sharing the existing driveway for access will still be allowed.

Planning Comments: contact Darren Wyss at [dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov) or 503-742-6064.

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. Note that a **Service Provider Permit** must be presented with the application in order for the application to be deemed complete. <https://www.tvfr.com/399/Service-Provider-Permit>

Process

For a Water Resource Area Permit, address the submittal requirements (CDC Chapter 32.050) and responses to the applicable criteria of CDC Chapter 32.080. For a traditional Minor Partition, address the submittal requirements (CDC Chapter 48 and CDC Chapters 85.160, 85.170, and 85.180) and approval criteria of CDC Chapters 85.200 and 48.025, 48.030, and 48.060. 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 \$2,850. The fee for a Minor Partition or SB458 Division is \$2,800 deposit and \$1,500 Final Plat fee.

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

For a traditional Minor Partition/WRA Permit, 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. For the HB2001/SB458 process, submit the WRA Permit for review. If approved, then submit for building permits and the SB458 expedited review process outlined in ORS 197.360 to 197.380.

A WRA Permit/Minor Partition 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. When 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.

The HB2001/SB458 process follows the rules of OAR 660 Division 46 and ORS 197.360 to 197.380.

***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.