

CITY OF WEST LINN
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
September 7, 2023

SUBJECT: Proposed Water Resource Area permit.
FILE: PA-23-16
APPLICANTS PRESENT: Rick Givens (Consultant)
STAFF PRESENT: Chris Myers (Planning), Lynn Schroder (Planning),
PUBLIC PRESENT: Kathi Halicki (Willamette Neighborhood Association, President)

These pre-application summary notes have been prepared for the applicant to identify applicable code sections and critical issues for the proposed application and summarize the application process and fees. Pre-Application summary notes are based on preliminary information and may not include all considerations. Contact the assigned planner for additional information regarding the process, approval criteria, submittal requirements, questions, and clarifications. Pre-Application Conference summary notes are valid for eighteen months from the meeting date. Once a complete application is submitted, the final decision can take 6-10 months.*

SITE INFORMATION:

Site Address: 1175 12th Street
Tax Lot No.: 31E02BD04601
Site Area: 1.183 Acres +/-, 51,544 Square Feet
Neighborhood: Willamette Neighborhood Association
Comp. Plan: Low Density
Zoning: Residential R-10
Zoning Overlays: None

PROJECT DESCRIPTION:

The applicant proposes to construct an 888 square foot Accessory Dwelling Unit (ADU) at 1175 12th Street. The subject property has an existing wetland in the rear yard.

APPLICABLE COMMUNITY DEVELOPMENT CODE SECTIONS:

Approval standards and criteria in effect when an application is *received* will be applied to the proposed development. The following Community Development Code (CDC) Chapters apply to this proposal:

- [Chapter 11: Residential R-10](#)
- [Chapter 28: Willamette and Tualatin River Protection](#)
- [Chapter 32: Water Resource Area Protection](#)
- [Chapter 34: Accessory Structures, Accessory Dwelling Units, and Accessory Uses](#)
- [Chapter 99: Procedures for Decision Making: Quasi-Judicial](#)

KEY ISSUES & CONSIDERATIONS

Staff has identified the following development issues, design considerations, or procedural issues that you should be aware of as you prepare your formal application for submittal. The identification of these issues or considerations here does not preclude the future identification of additional issues or considerations:

Chapter 11: Residential R-10

- The subject property is located in the Residential R-10 zone.
- Accessory Dwelling Units (ADU) are permitted in the R-10 zone.

Chapter 28: Willamette and Tualatin River Protection

- 28.040 (T) Exemptions/Uses Permitted Outright – You may be able to utilize this code exemption.
- 28.040 (Z) Exemptions/Uses Permitted Outright – Take a look at this exemption language. The size of the proposed ADU may not work for this particular exemption but worth a look.
- 28.090 Submittal Requirements: Application – Pay close attention to all submittal requirements
- 28.110 Approval Criteria – Ensure all approval criteria are addressed in the application

Chapter 32: Water Resource Area Protection

- 32.020 Applicability – Ensure all requirements of this chapter are met within the application
- 32.030 Prohibited Uses – Take a look at Table 32-1 to ensure the proposed project meets the type of development requirements for chapter 32.
- 32.040 (F) Exemptions – May be possible for an exemption
- 32.050 Application – Ensure all criteria are met for the application
- 32.060 Approval Criteria (Standard Process) – Take a look this chapter and at Table 32-2 *Required Width of WRA*
- 32.070 Alternate Review Process –
- 32.080 Approval Criteria (Alternate Review Process) – Use this subchapter if utilizing 32.070 Alternate Review Process.

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

- 34.030 Accessory Dwelling Units (ADUs) – Ensure the proposed ADU meets the criteria within 34.030. Includes size and height restrictions as well as setback dimensions.
- Be aware that Chapter 34 was recently amended by staff and approved by City Council. Ensure you utilize the new code and not a copy of the previous code.

Chapter 99: Procedures for Decision Making Quasi-Judicial

- This chapter applies to the proposed application however, there is no need to address in the application. Good to read and understand the procedure, timelines, notice and appeal processes.

RESPONSE TO APPLICANT QUESTIONS:

- Question 1 – The alternative review process of CDC 32.080 would allow a reduction to the buffer distance if... Does staff have any issues with an approach that would demonstrate that a 25' buffer, with plantings to enhance the quality of the buffer, would have the effect of maintaining the required WRA standards?
 - Answer: 32.080 allows for a reduction in the width of the WRA not necessarily the buffer distance. The application will need to clearly show that the property meets the criteria for the alternative review process. You will need your consultant to clearly make the case for that reduction in the WRA width and the function of the buffer.
 - Staff does not have any issues with that approach but it is up to the applicant/consultant to show that the buffer reduction approach will work. Review Table 32-4 Ecological Functions of the WRA.
- Question 2 – The Hardship provisions of CDC 32.110 apply to lots in existence prior to Jan 1, 2006, which is the case with the subject property. The proposed disturbance area would be less than the maximum 5,000 sq. ft. allowed per this section. Would this be preferable to the alternate review process.
 - Answer: The preference of a hardship provision or width reduction of the WRA is up to the applicant. A hardship provision will need to be shown in the criteria for such an application. A staff measurement shows approximately 12,000 square feet of disturbance with the existing home, driveway, patio, pool, etc... Staff feels it is doubtful the hardship provision will work for the proposed application.

The burden shall be on the applicant to demonstrate that the standards of this chapter, including Table 32-2, Required Width of WRA, will deny the applicant “reasonable use” of their property.

D. The MDA shall include:

- 1. The footprints of all structures, including accessory structures, decks and paved water impermeable surfaces including sidewalks, driveways, parking pads, paths, patios and parking lots, etc. Only 75 percent of water permeable surfaces at grade shall be included in the MDA.**
- 2. All graded, disturbed or modified areas that are not subsequently restored to their original grade and replanted with native ground cover per an approved plan.**

See Table 32-5 MDA Calculation Summary

PUBLIC COMMENT:

No public comments were made during the pre-application conference.

ENGINEERING:

The Engineering department did not have any comments or questions. For further details, contact Jameson Lumpkin at 503-722-4739 or Jlumpkin@westlinnoregon.gov.

BUILDING:

For building code and ADA questions, contact Adam Bernert at abernert@westlinnoregon.gov or 503-742-6054 or Alisha Bloomfield at abloomfield@westlinnoregon.gov or 503-742-6053.

TREES:

For information on the tree requirements for this proposal, contact the Ron Jones, City Arborist at rjones@westlinnoregon.gov or 503-722-4728.

PROCESS:

A Water Resource Area Permit is a Planning Director’s decision. No public hearing is required. Once the application is declared complete, staff will review the application, send a 14-day public comment notice, and post a notice sign on the property. When the comment period closes, the Planning Director will prepare a decision. A final decision can take 3-4 months.

After the Planning Director decides, there is a 14-day appeal period. If the decision is not appealed, the applicant may proceed with the development.

NEIGHBORHOOD MEETING:

No neighborhood meeting is required for a Water Resource Area Protection permit.

HOW TO SUBMIT AN APPLICATION:

Submit a complete application in a single PDF document through the [Submit a Land Use Application](#) web portal. A complete application should include:

1. A [development application](#);
2. A project summary outlining the scope of the project;
3. Full written responses to approval criteria in the identified CDC chapters;

COMPLIANCE NARRATIVE:

Written responses supported by substantial evidence must address all applicable approval standards and criteria. Written materials must explain how and why the proposed application will meet each applicable approval criteria. “Not Applicable” is not an acceptable response to the approval criteria.

Submittal requirements may be waived, but the applicant must first identify the specific submittal requirement and request, in writing, that the Planning Manager waive the requirement. The applicant must identify the specific grounds for the waiver. The Planning Manager will respond with a written determination about the waiver request before applying.

APPLICATION FEES & DEPOSITS:

The Planning Division Fee Schedule can be found on our website: <https://westlinnoregon.gov/finance/current-fee-schedule>

- **FEE** for a Water Resource Area Permit = \$2850
- **FEE** for a Willamette River Greenway Permit = \$2850
- **FEE** for a Combination of 2 Permits = \$4275

Applications with deposits will be billed monthly for time and materials. Please provide the name and address of the party responsible for the final invoice in your application.

Timelines:

Once the application and payment are received, the City has 30 days to determine if the application is complete. If the application is incomplete, the applicant has 180 days to complete it or provide written notice to staff that no other information will be provided. Once complete, the City has 120 days from the completeness determination to make a final decision on the application. Typical land use applications can take 6-10 months from beginning to end.

** **DISCLAIMER:** These pre-application notes have been prepared per [CDC Section 99.030.B.7](#). The information provided is an overview of the proposal considerations and requirements. Staff responses are based on limited material presented at the pre-application conference. New issues and requirements can emerge as the application is developed. Failure to provide information does not constitute a waiver of the applicable standards or requirements. The applicant has the burden of proof to demonstrate that all approval criteria have been satisfied. These notes do not constitute an endorsement of the proposed application or assure project approval.*