

CITY OF WEST LINN
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
2/1/24

SUBJECT: Proposed Quadplex

FILE: PA-23-23

APPLICANTS PRESENT: Luay Aljamal, Andrew Burton, Rick Potestio, Robert Lane

STAFF PRESENT: Chris Myers, Associate Planner; Clark Ide, Senior Project Engineer; Dario Rolon-Manzo, Associate Engineer

PUBLIC PRESENT: No public present

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: 2700 Underhill Lane

Legal Description: Section 24, Township 2S, Range 1E, Quarter CD, Tax Lot 07400 as shown in Clackamas County Survey PS400, filed 5/8/62

Tax Lot No.: 21E24CD07400

Site Area: ~23225 square feet

Neighborhood: Neighborhood Association

Comp. Plan: Low-Density Residential

Zoning: R-10, Residential

Zoning Overlays: Water Resource Area / Riparian Corridor, Habitat Conservation Area, steep slopes,

PROJECT DESCRIPTION:

The applicant proposes to construct 4 townhomes on the subject property. The applicant is also interested in maximizing development on the property.

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 2: Definitions](#)
- [Chapter 11: Residential, R-10](#)
- [Chapter 32: Water Resource Area Protection](#)
- [Chapter 41: Building Height, Structures on Steep Lots, Exceptions](#)
- [Chapter 48: Access, Egress and Circulation](#)
- [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:

- Division of this lot by the provisions of SB458 for the creation of middle housing at a future date will not be possible without first applying for a Water Resource Area (WRA) permit as the entirety of the lot is encumbered by a 100' riparian corridor overlaid on Mary S. Young Creek. A detached or attached quadplex as proposed is permitted within this zone without division however if you were renting them instead of selling them, subject to the provisions of CDC 32.
- There are two main pathways to take in CDC 32 to develop this lot: 1) the Alternate Review Process, and 2) the Hardship Provisions. This lot qualifies for both approaches, so it is up to the applicant to decide with their consultants if one or both of them are feasible based on the site conditions and the form of the proposed development. This being stated, please note that the Alternate Review Process does not guarantee that a reduction is possible. See below for more information.
 - The Alternate Review Process (CDC 32.080) amounts to having a qualified environmental specialist prove through the land use narrative that completing new native plantings and reducing the WRA buffer to a number less than the current 100' riparian corridor buffer will result in more ecologically beneficial and functional conditions within the water resource than if it remained in its current state. This approach is most appropriate when water resource areas are degraded, or potentially inappropriately applied in its existing state (for example, if a riparian corridor is overlaying a low-functioning ephemeral stream).
 - The Hardship Provisions (CDC 32.110) on the other hand are focused more on greenfield development where water resource area overlays would normally prevent development from occurring. It essentially provides a maximum disturbance area you can achieve if you meet certain parameters (i.e. the maximum footprint you can disturb / develop within the WRA). Note that this is footprint, not floor area, so achieving your desired dwelling sizes may involve designing taller structures up to the maximum allowance for the zone of 35 feet (or if it is on a steep slope, potentially more per CDC 41).

Chapter 2: Definitions

- This chapter included as a good reference for information when putting together the application. No requirements need to be addressed for the application.

Chapter 11: Residential R-10

- 11.070 Dimensional Requirements. Ensure dimensional requirements for the zone are met. Typically 20 foot front and rear setbacks and 7.5 side setbacks.

Chapter 32: Water Resource Area Protection

- 32.010 Purpose
- 32.020 Applicability
- 32.040 Exemptions
- 32.050 Application
- 32.060 Approval Criteria (Standard Process)
- 32.070 Alternate Review Process
- 32.080 Approval Criteria (Alternate Review Process)
- 32.090 Mitigation Plan
- 32.100 Re-Vegetation Plan Requirements

Chapter 41: Building Height, Structures on Steep Lots, Exceptions

- 41.005 Determining Height of Building
- 41.020 Height Exceptions

Chapter 48: Access, Egress, and Circulation

- 48.020 Applicability
- 48.025 Access Control
- 48.030 Minimum Vehicle Requirements for Residential Uses

Chapter 99: Procedures for Decision Making: Quasi-Judicial

- You do not need to address this chapter in your application and findings. It's a good reference to read through so the applicant understands the process.

RESPONSE TO APPLICANT QUESTIONS:

Can the applicant add onto the current structure without a WRA permit?

- See Community Development Code Chapter 32.030 Prohibited Used (Table 32-1)
 - Essentially you can add up to 500 square feet onto the structure but it must be on the side of the structure away from the water resource.

PUBLIC COMMENT:

No public comment received.

ENGINEERING:

The Engineering department comments are attached. For further details, contact Clark Ide at 503-722-3437 or CIde@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.

TUALATIN VALLEY FIRE & RESCUE:

A Service Provider Permit must be provided with this application - <https://www.tvfr.com/399/Service-Provider-Permit>. Contact Jason Arn at jason.arn@tvfr.com or 503-259-1510 with any questions.

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 20-day public comment notice, and post a notice sign on the property. When the public comment period closes, the Planning Director will prepare a decision. A final decision can take 6-10 months.

There is a 14-day appeal period after the decision. If the decision is not appealed, the applicant may proceed with the development.

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;
4. A Service Provider Letter from Tualatin Valley Fire and Rescue; and
5. Demonstration of compliance with Neighborhood Association meeting requirements per [CDC 99.038\(E1-5\)](#).

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 Willamette River Greenway Permit = \$2,850

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.*