

CITY OF WEST LINN
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
February 15, 2024

SUBJECT: Minor Partition and Water Resource Area Permit to construct a new home at 2785 Arbor Drive

FILE: PA-24-01

APPLICANTS PRESENT: Mr. and Ms. Mung (Property Owners), Akiko Arai & Katsuya Arai (Architects)

STAFF PRESENT: Darren Wyss, Planning Manager & Dario Rolon-Manzo, Associate Engineer

PUBLIC PRESENT: None.

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: 2785 Arbor Drive
Legal Description: Lot 31, Robinwood Plat
Tax Lot No.: 21E14DB00105
Site Area: 26,000 sq. ft (0.6 acres)
Neighborhood: Robinwood Neighborhood Association
Comp. Plan: Low Density Residential
Zoning: Residential, R-10
Zoning Overlays: Water Resource Area

PROJECT DESCRIPTION:

The applicant proposes a minor partition of the property into two parcels. The first parcel would contain the existing single-family home and the second parcel would use the Water Resource Area hardship provisions to construct a new single-family home.

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 32: Water Resource Area Protection](#)
 - 32.050 Submittal Requirements
 - 32.070-080 Alternate Review Process
- [Chapter 48: Access, Egress, and Circulation](#)
- [Chapter 85: Land Divisions - General Provisions](#)
 - 85.150 Application – Tentative Plan
 - 85.160 Submittal Requirements for Tentative Plan
 - 85.170 Supplemental Submittal Requirements
 - 85.200 Approval Criteria
- [Chapter 92: Required Improvements](#)
- [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:

- CDC Chapter 32 Hardship provisions (Chap. 32.110(A)) can only be applied to a lot created prior to 2006. The new lot proposed to be created cannot utilize the hardship provisions.
- Alternate Review process with the new home in its proposed location would be problematic as it would require removing 12 mature trees. The process requires showing equal or enhanced stream function with the reduced riparian buffer and staff feels it would be a big hurdle to replace the function of the 12 mature trees.
- Staff recommends working to reduce the existing access easement on east property line and constructing the new home outside of the water resource area (WRA). This would eliminate the need to secure a Water Resource Area Permit through the Alternate Review process.
- No right-of-way dedication is required.
- Street improvements would be required with the addition of a new dwelling unit and a fee-in-lieu would be accepted by the City.
- HB2001 allows development of middle-housing on the property, including a detached duplex. This would eliminate the internal property line setbacks and provide more flexibility. SB458 allows the division of the property if middle-housing is built and there is no minimum lot size required.
- Demolition and rebuilding a new home outside of the WRA would just require applying for building permits and no planning process. No street improvements or fee-in-lieu would be required in this scenario.
- The public trail located within the easement on the east property line will remain.
- Geotechnical report needed for current plan configuration
- Stormwater facility needed when impervious area is greater than 1000 sq. ft.
 - Reference Portland Stormwater Manual
 - Release into creek
- All utility connections available along Arbor Drive

PUBLIC COMMENT:

None.

ENGINEERING:

Engineering department questions or further details, contact Dario Rolon-Manzo at 503-722-3436 or drolon-manzo@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 Minor Land Partition and 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.

A middle-housing land division (SB458) is also a Planning Director's decision and is expedited review with minimal approval criteria.

NEIGHBORHOOD MEETING:

A neighborhood meeting is not required.

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. Application materials identified in the [Development Review Checklist](#).

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 = \$2,850
- Fee for a Minor Partition = \$4,400
- Fee for a SB458 Middle-Housing Division = \$4,900
- Fee for Plat Review = \$1,500

Timelines:

Once the application and payment are received, the City has 30 days (21 days for SB458 division) 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 (63 for SB458 divisions) 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.*