

**CITY OF WEST LINN**  
**PRE-APPLICATION CONFERENCE MEETING**  
**SUMMARY NOTES**  
**June 20, 2024**

**SUBJECT:** Proposed retaining wall  
**FILE:** PA-24-14  
**APPLICANTS PRESENT:** Alex Peters  
**STAFF PRESENT:** Chris Myers, Associate Planner  
**PUBLIC PRESENT:** Patrick Hogan, President of Bolton Neighborhood Association

*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: 5665 River Street  
Tax Lot No.: 22E30AC01100  
Site Area: 0.593 Acres  
Neighborhood: Bolton Neighborhood Association  
Comp. Plan: Low Density Residential  
Zoning: Residential R-10  
Zoning Overlays: Willamette River Greenway, Wetland Inventory, Flood Management Area,

**PROJECT DESCRIPTION:**

The applicant proposes a new multi-wall retaining wall system including pathway and stairs in a Flood Management Area, Water Resource Area, and Willamette River Protection Area.

**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 27: Flood Management Areas](#)
  - 27.020 Applicability – Section B
  - 27.030 Exemptions
  - 27.060 Administration
  - 27.070 General Standards
    - Alteration of Watercourses
    - Anchoring
    - Construction Materials and Methods
    - Utilities and Equipment
    - Base Flood Elevation Data
    - Structures Located in Multiple or Partial Flood Zones
    - Balanced Cut and Fill
    - Other Requirements
  - 27.080 Specific Standards for Riverine Flood Zones
  - 27.090 Standards for Floodways

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- [Chapter 28: Willamette and Tualatin River Protection](#)
  - 28.030 Applicability
  - 28.040 S,T,U Exemptions/Uses Permitted Outright
  - 28.050 Prohibited Uses
  - 28.090 Submittal Requirements
  - 28.110 Approval Criteria
- [Chapter 32: Water Resource Area Protection](#)
  - 32.020 Applicability
    - 32.020A, B,
  - 32.030 Prohibited Uses
  - 32.040 Exemptions
  - 32.050 Application
- [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:

Development on the subject property has already surpassed the 5000 square feet of Maximum Disturbed Area (MDA) for properties within the Water Resource Area. The subject property has nearly 12,000 square feet of disturbed area therefore extending development into the Habitat Conservation Area would not be permitted by the West Linn Community Development Code.

Replacement of the existing wall, without enlargement would be allowed but may require a Water Resource Area Permit or Floodplain Management Permit. A more detailed and accurate site plan will be needed in order to determine if such a land use action will be needed.

Balance cut and fill is required. Development will not be allowed to leave the cut within any environmentally protected area of the property. And the cut must be contained on the property.

The proposed application may require a Water Resource Area Permit, a Floodplain Management Permit, or a Willamette River Greenway Permit or a combination of 2 or 3 of those permits. The determining factor for the permit requirements will be the final proposed project and its location.

**RESPONSE TO APPLICANT QUESTIONS:**

The applicant did not present any specific questions rather the questions raised have been addressed in the above Key Issues section.

**PUBLIC COMMENT:**

None.

**ENGINEERING:**

The Engineering department comments are attached. For further details, contact Clark Ida at 503-722-3437 or [CIda@westlinnoregon.gov](mailto:CIda@westlinnoregon.gov).

**BUILDING:**

For building code and ADA questions, contact Adam Bernert at [abernert@westlinnoregon.gov](mailto:abernert@westlinnoregon.gov) or 503-742-6054 or Alisha Bloomfield at [abloomfield@westlinnoregon.gov](mailto: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](mailto: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](mailto: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.

**NEIGHBORHOOD MEETING:**

A neighborhood meeting is not required for a Water Resource Area 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. 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 Floodplain Management Permit = \$2850
- Fee for a Willamette River Greenway Permit = \$2850
- Combination of 2 permits = \$4275
- Combination of 3 permits = \$5700

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.*