

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
Notes
April 17, 2014

SUBJECT: Class II Parks Design Review, Willamette River Greenway Permit, Water Resources Area Permit, Flood Management Area Permit, and possible Class II Variances for stream setback and from hardship provisions, for proposed “replica” boat barn at Maddax Woods Park, 5785 River Street

ATTENDEES: Applicants: Ken Worcester(West Linn Parks and Recreation Department), Alma & William Coston, Claudia Davis, Marla Gaarenstroom, Susan Carley, Sandra Streeter, Gail Holmes

Review Staff: Tom Soppe, Peter Spir, John Boyd (Planning Department), Khoi Le (Engineering Division)

Neighborhood: Sally McLarty (Bolton NA)

Tualatin Valley Fire & Rescue (TVFR): Ty Darby

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

The applicant, the City Parks and Recreation Department, proposes a boat barn at the River Street entrance to Maddax Woods Park along the Willamette River in the Bolton neighborhood, in the R-10 zone. The barn is proposed as a replica of a pre-existing barn on a footprint still formed by the outline of a foundation. This site is east of the existing caretaker’s house at this entrance to the park, just off the driveway to the house. A replica of the ramp pavement connecting the barn to the river is also proposed. As a new building in a City park, Class II Parks Design Review is implied to be necessary by Community Development Code (CDC) Section 56.020(D)(3), as this is a new building with less than 10,000 square feet in a park. This is the case even if it is a replica of a previously existing building from years past.

While the applicant has discussed how this is a replica of a boatbuilding operation which may include some spectator seating, Planning staff's review of definitions leads Planning staff to think that this would still fit under the umbrella of "community recreation" (permitted use outright in R-10, includes most park activities) and not a "cultural exhibit" or "civic assembly" which would be conditional uses in the R-10.

As a barn that is less than 1,500 square feet, the proposed building can be considered an accessory structure per the definition of "accessory structure" in Chapter 2. Unlike Chapter 55 Design Review, Chapter 56 Parks Design Review does not exempt accessory structures from the design review process.

The proposed area for the building is within the 1996 flood area and the FEMA 100-year floodplain. Therefore it is in the Flood Management Area (FMA) overlay zone per the CDC. As new development in the FMA, a Flood Management Area permit is required per CDC Section 27.020.

The proposed area for the building is within 100 feet of Maddax Creek (a significant riparian corridor) to the east. Per Table 32-1 in the CDC, the proposed building area is partially within the corridor transition area, so a Water Resource Area permit is required as well per CDC Section 32.025. Also a piped tributary is along the barn foundation site itself, so this must also be opened per 32.050(N) (see further discussion below for what this entails for the project). The project is within Maddax Creek's transition area, and the tributary's transition area upon the tributary's daylighting, per 32.050(E)'s measurement methods. However, development can be applied for within a transition area (and mitigated for if approved), if there are no other practicable alternatives, per 32.050(C), if the hardship provisions of 32.090 are employed. This means that the applicant will have to show there are no alternatives outside the transition area and that the project needs to happen, and happen at this location, for there to be economically viable use of the property. The property already has a building with the boatbuilder's house, and already is developed as an economically viable City park, so the proposal would not meet the provisions of 32.090 and would need a Class II Variance from this under the current code. Conversely, under the proposed code changes, the hardship provisions would allow "reasonable use" which means that so long as this interpretive historic site involved uses consistent with other similar interpretive facilities then it would be allowed. The proposed WRA code changes are scheduled for a May 19 hearing before City Council with an effective date 30 days later if they are approved.

Also, the edge of the foundation is right at the underground pipe where the stream to the west and its nearby tributary have been undergrounded, starting at the house's driveway just south of the barn site. Section 32.050(N) requires that as part of a Class II Design Review, piped drainageways must be opened and their 32.050(E) setbacks respected unless the City Engineer determines that the opening of the drainageway would have a negative effect on water quality and the storm water system. The absolute minimum setback allowed is 15 feet per 32.090(C)(1) even with a Water

Resources Area permit and mitigation. This may make this proposal difficult in terms of compliance with Chapter 32 unless it is determined the drainageway should not be opened, or unless opening it could result in a different trajectory through this part of the site. If the barn is proposed at this location with the creek right beside it, a variance to the minimum structural setback of 15 feet would be necessary. This would be a Class II Variance. To be approved it must meet all variance criteria of Chapter 75 as well as showing that such a proposal can be made to not be environmentally damaging.

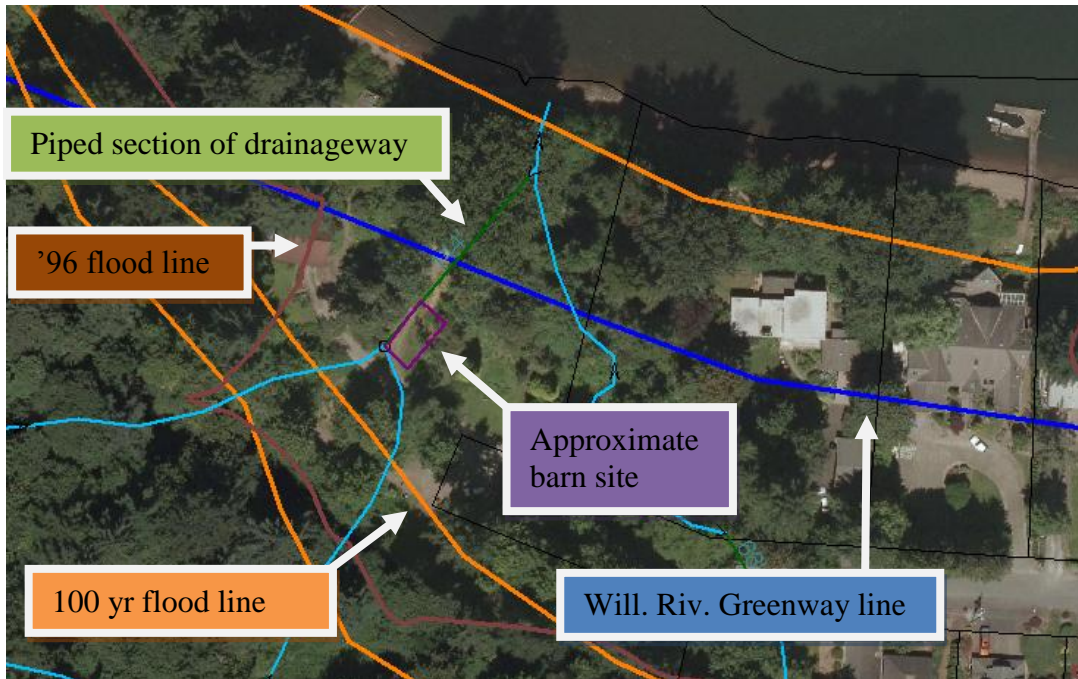
If it is determined the stream is able to be daylighted here without harming the system, the applicant shall daylight it as part of a Class II Design Review approval. Engineering's initial look at the site did not produce compelling reasons to leave the stream piped, so it may not be very likely that the division would determine otherwise when the application is under review. To be able to avoid daylighting it under this scenario, a different Class II Variance would be necessary.

Alternately the barn could be built at a somewhat different location on this part of the site so it is further than 15 feet from where the drainageway may be daylighted, avoiding the need to apply for either of the variances discussed above.

Keep track of the code changes to see if they may make any of the other above variances moot as well. If the code changes are approved as proposed, more flexibility on sites like this one will be allowed if a report from a riparian/wetland specialist determines that the area is not damaging in which to build.

Another alternative is to daylight the stream but divert the water around the barn site in a way that allows for a minimum 15-foot setback between water and barn. In this scenario the stream, which already enters Maddax Creek just downstream, could be diverted south of the site to enter Maddax Creek at a slightly different point. The feasibility of this solution would depend on how much Parks can spend or is willing to spend on this engineering project, and whether the solution would be environmentally damaging.

Any daylighted section of this stream will have a standard 50-foot transition area, the same as the other open areas of the same streams nearby (except for the 100-foot transition area for significant riparian corridor Maddax Creek). Therefore mitigation for development would be based on the barn's and associated development's overlap with the transition area, including for areas of the stream daylighted as part of this project. If the proposal includes benches on or terracing of the hillside west of the foundation so visitors can see work being done inside the barn, the square footage of these changes to the environment would also have to be mitigated for.



Map of proposed barn area in relation to piped drainageway, overlays. Willamette River River is at top. Light blue lines are open drainageways, including Maddax Creek in the center area of the photo.

Suggestions arose during the conference as to how to integrate potential barn redevelopment with the daylighted stream. These included building the replica barn at the same location as the original, as planned, but with decking suspended above the reopened creek along the side, with the daylighted creek designed to be a treatment bioswale for the areas above it. Even if this could be proven to be environmentally benign it would still require the variance for the reduced distance to the stream, at least under the current code.

Finally, the building area is partly within the Willamette River Greenway overlay zone and fully within a Metro-designated Habitat Conservation Area. Per CDC Section 28.030, a Willamette River Greenway permit is needed for new development that is within both the Willamette River Greenway overlay, as well as development in any HCA areas outside the overlay on lots that are partially in the overlay. That includes this park.



Area where former boat barn stood, looking north from driveway. This is where applicant proposes “replica” barn. Piped stream is somewhere along the left foundation line.



Looking southeast with river to rear, barn foundation on right. In the foreground are trees that may be affected by the rebuilding.

The Flood Management Area permit will require compliance with Chapter 27 including flood-proof construction, flood-resistant materials, and the balancing of cut and fill, and the Willamette River Greenway and Water Resource Area permits will require mitigation of habitat conservation areas and water resource transition areas respectively. These two chapters also require a revegetation plan for temporarily disturbed areas. The Class II Parks Design Review provides for criteria relating to architecture, compatibility, access, tree preservation, and other design features.



Looking northwest from park entrance at the end of River Street. This is the driveway to the existing caretaker house just uphill from barn site. The stake that can be seen on the right marks the corner of the barn site. Two streams come from the left here, and confluence in a pipe under the driveway. The pipe then goes north along the site of the barn foundation.

TVFR's comments at the meeting involved how the fire access requirements for this building may depend on whether it could be classified as a commercial, agricultural, or historic structure, or none of the above. The turnaround is not expected to be an issue as this is close to the end of a wide, straight street.

Engineering Notes

Per field observation and Public Works Operation site preliminary investigation, there is an existing 12" concrete storm pipe located underneath the exiting boat barn foundation.

The concrete storm pipe receives storm water from the two water bodies from upstream. One upstream basin has more runoff in comparison to the other. Public Works Operation has found and exposed the outfall of this pipe. When tested, there is a delay indicated from the time water was pumped into an open upstream and the time water showed up at the end of the outfall. The conclusion was that the pipe may be under root intrusion from the two big cottonwood trees located on top of the pipe nearby the outfall.

In order to allow the pipe to function properly, root and all intrusion objects must be removed. Removal of pipe and allowing storm run-off flowed through open channel is also an option. Redirecting the flow to another location and abandon and/or removal of existing pipe is also another option. This can be expensive since other grounds around the site are at higher elevations.

Process

Class II Parks Design Review, Flood Management Area, Willamette River Greenway, and Water Resource Area permits are required. A Class II Variance to be closer than 15 feet to a re-opened drainageway may also be necessary, and a Class II Variance for not meeting the hardship provisions. Alternately a Class II Variance to not daylight the stream may be necessary. Variances would not be required if this is done after the proposed code changes, assuming these get approved as presented to Council. Class II Parks Design Review is a Planning Commission decision (as is Class II Variance), so the application concurrently including the above applications would be a Planning Commission decision.

A neighborhood meeting is not required for any of these applications including the Class II Parks Design Review application, being that this Class II application is not for a new park or new resource area/open space, per 56.070(B)(3), nor does it need one per Section 99.038. However, these meetings are always encouraged to solicit public input and make the public more informed of an applicant's plans. The site is in the Bolton neighborhood. Contact Sally McLarty, President of the Bolton Neighborhood Association, at (503) 503-722-2137 or boltonna@westlinnoregon.gov. The applicant is required to provide the neighborhood association with conceptual plans and other material at least 10 days prior to the meeting.

The criteria of 56.100, 27.060, 27.070, 27.090, 28.110, 32.050, 32.070, 32.080, and 32.090 shall be responded to individually in a narrative. For any variances the criteria of 75.060 shall also be responded to individually in a narrative; again this may not be necessary if code changes are approved.

Prepare the application and submit to the Planning Department with a signed application form. No deposits are required as the City is the applicant. Follow 56.080, 27.050, 28.090, and 32.040 strictly and completely regarding submittal requirements

(including plans, maps, etc.) that should accompany the narrative and the application form. Follow 75.050 also, if a Variance is requested.

Submittal requirements may be waived but the applicant must first identify the specific submittal requirement and request, in letter form, that it be waived by the Planning Director and must identify the specific grounds for that waiver. The waiver may or may not be granted by the Planning Director. Since the applicant is another City department, the Planning Department plans to waive application fees.

The CDC is online at <http://westlinnoregon.gov/planning/community-development-code-cdc>.

N/A is not an acceptable response to the approval criteria. Prepare the application and submit to the Planning Department with deposit fees and signed application form.

Once the submittal is deemed complete, the staff will schedule a hearing with the Planning Commission and will send out public notice of the hearing at least 20 days before it occurs. The Planning Commission's decision may be appealed to City Council by the applicant or anyone with standing.

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.

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. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. Thus, there is no "shelf life" for pre-apps.