City of West Linn

PRE-APPLICATION CONFERENCE MEETING

December 3, 2009

SUBJECT: Replacement of existing facilities at West Linn High School baseball field including bleachers, plus new facilities including bathrooms and concessions, additional fencing, relocating utilities, improved access and ADA accessibility, and the addition of an announcer's booth at 5464 West A Street (Assessor's map 22E 30 tax lot 800).

ATTENDEES: Applicants: Norm Dull, Tim Woodley, Keith Liden, Steve Winkle, Pat Tortora
Staff: Peter Spir (Planning Department); Khoi Le (Engineering Division)

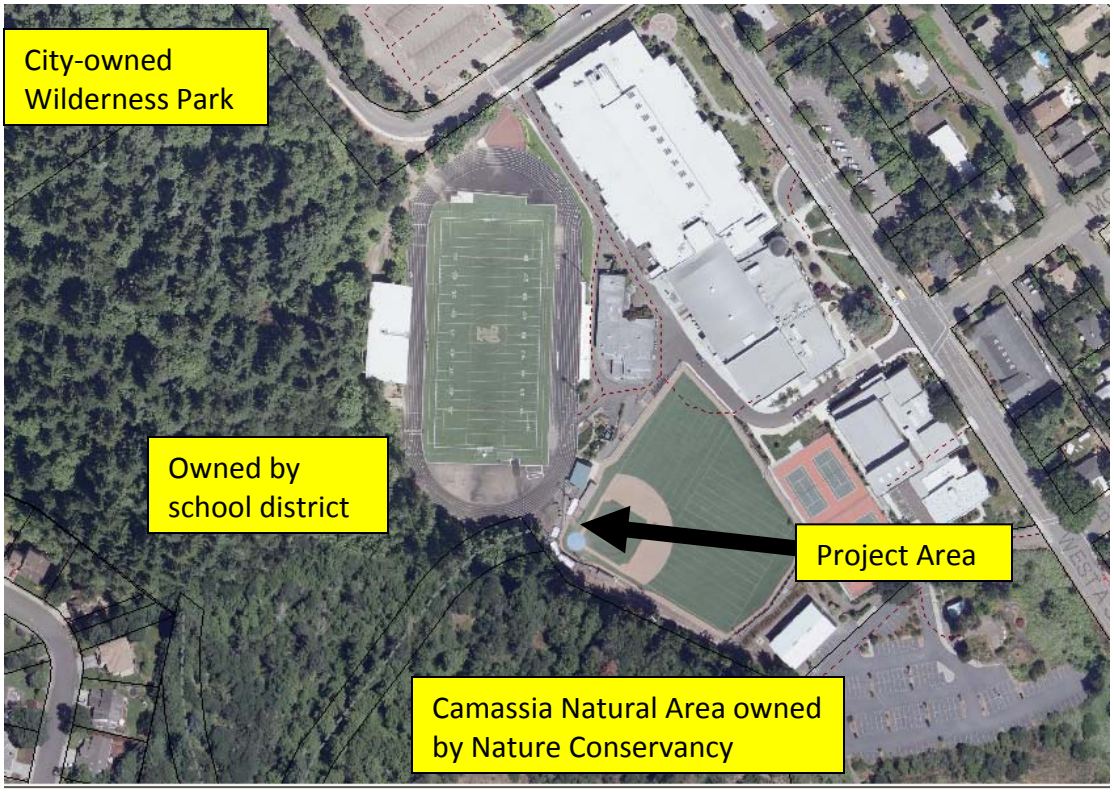
The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. <u>These comments are PRELIMINARY in nature</u>. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.

Project Details

The baseball facility already exists at the high school including most of the features proposed in this application. New additions include an announcer's booth and a concession stand with attached washrooms. Replacement stands/bleachers will be installed for 300 spectators. Fences are to be increased in height to guard against fly balls hitting spectators or going into the adjacent Camassia Natural Area. Most of the work is replacement in kind. Overhead powerlines will be relocated. Pedestrian access will be improved including a link from the southeast parking lot to the football and baseball fields. ADA standards of access will be met. The work is modest in scope and will not increase off site impacts. This application only requires a Class I Design Review. There was initial concern that an open channel and associated riparian corridor as depicted on the Storm Water Master Plan and City GIS mapping would impact the project and trigger a Water Resource Area (WRA) Protection permit but a subsequent site visit revealed no open channels and thus no basis for water resource area permits.

Site Analysis and Site Visit

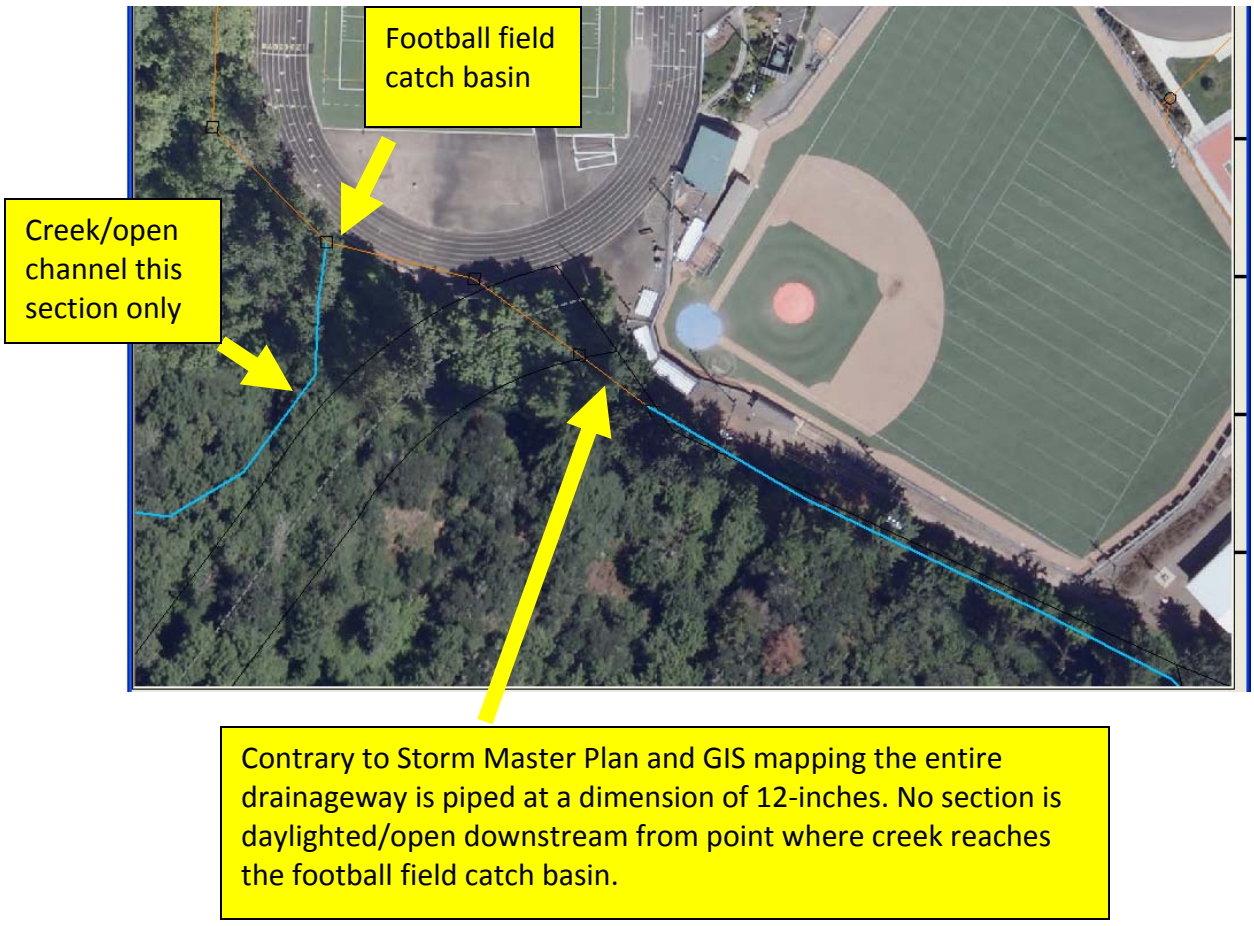
A site visit (12-01-09) with engineering staff revealed that the majority of the 38.9 acre site is developed and occupied by the school or school related facilities including athletic



fields. The area south and east of the baseball field and football stadium is heavily forested with slopes in the 15-35% range. The Camassia Natural Area is south of the baseball field and owned by the Nature Conservancy. The area west of the football field is owned by the School District, but functionally speaking, it is part of Wilderness Park.

Runoff from Wilderness Park is surficial across the rocky hillside surface with one small creek originating in Wilderness Park and the Villa Roma subdivision area which makes its way to the south edge of the running track where it then flows
directly into a catch basin. From that point the drainage goes from the catch basin via a buried 12- inch pipe terminating about 100 meters east at the toe a slope that leads up to the overflow student parking area. The 12-inch pipe runs about three feet below a gravel service drive.

There is no open channel as depicted on the GIS maps. The storm drainage master plan is also wrong. Another error is the depiction of a riparian corridor next to the baseball field. No riparian corridor exists since, by definition, riparian corridors require open stream or creek channels. The City Engineer has found that the Storm Master Plan and GIS mapping is in error and per CDC 32.050(A) since there is no channel and no riparian corridor there is no need for a WRA permit.



There is a riparian corridor in association with the creek that cuts through Wilderness Park to the catch basin next to the football field but the 100-foot transition area of that riparian corridor is at least an additional 85 feet away from the proposed baseball field improvements.

Certainly staff is concerned about maintaining and protecting the natural areas south and west of the athletic fields but these areas are already protected physically by cyclone fencing and by tenure given that the Camassia Natural Area is owned by the Nature Conservancy and the forested hillside adjacent to the football field is protected by a conservation easement required by an earlier land use approval.

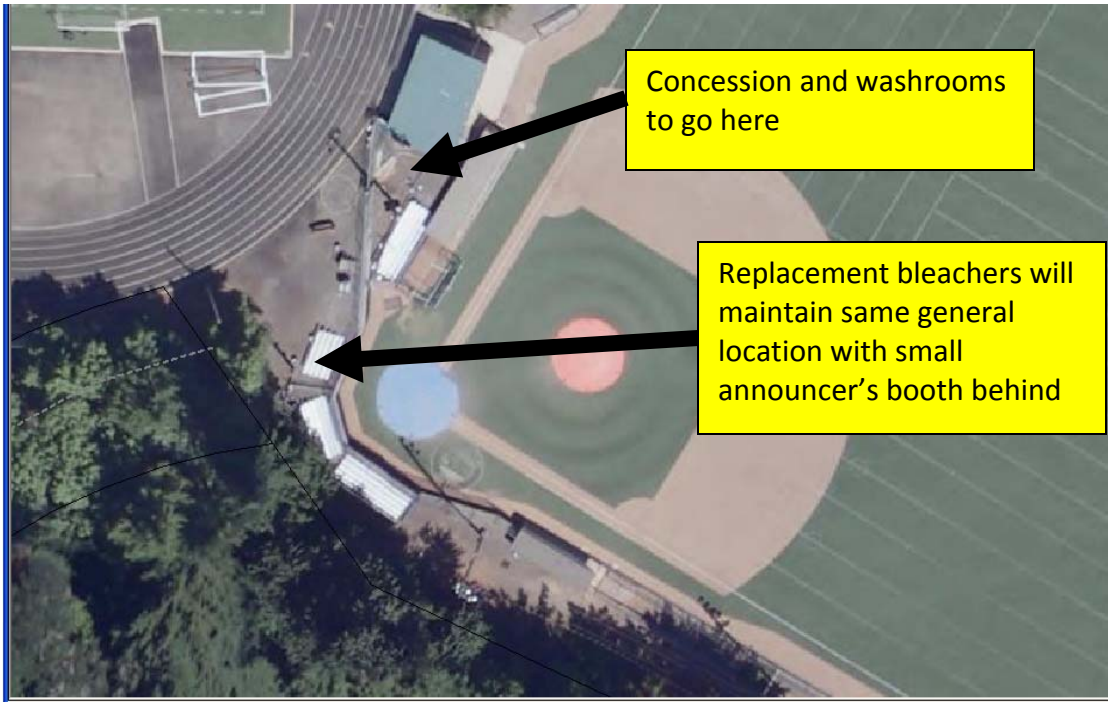
Catch basin at base of hill where pipe heads south east towards I-205.
No open channel/stream exists along gravel driveway where other catch basins were noted. Corridor on school property is clearly developed and non-natural.

CDC 32.050 seeks to have piped drainageways opened up but it only applies to Class II Design Review and Land Division. This is proposed as a Class I Design Review so these daylighting provisions do not apply. Also, in practical terms, opening up the channel would have no value since it would traverse a fully developed/non-natural area for 300 feet before it would have to disappear into another catch basin and pipe at the base of a hillside which would be counter to N(2),N(7) and N(3) below.

N. As part of any proposed land division or Class II Design Review application, any covered or piped drainageways identified on the Surface Water Quality Management Plan Map shall be opened, unless the City Engineer determines that such opening would negatively impact the affected storm drainage system and the water quality within that affected storm drainage system in a

manner that could not be reasonably mitigated by the project's site design. The design of the reopened channel and associated transition area shall be considered on an individualized basis, based upon the following factors:

1. *The ability of the reopened storm channel to safely carry storm drainage through the area.*
2. *Continuity with natural contours on adjacent properties*
3. *Continuity of vegetation and habitat values on adjacent properties.*
4. *Erosion control*
5. *Creation of filters to enhance water quality*
6. *Provision of water temperature conducive to fish habitat*
7. *Consideration of habitat and water quality goals of the most recently adopted West Linn Surface Water Management Plan.*
8. *Consistency with required site Mitigation Plans, if such plans are needed.*



ENGINEERING COMMENTS

Please note: The following engineering comments are provided outside of the context of any nexus and proportionality analysis to the extent that some of the requirements may or may not be waived. (*According to the U.S. Supreme Court, while local governments can place conditions on land use permits, the Constitution requires a "nexus" between the permit conditions and a legitimate regulatory interest. A "nexus" exists where the permit conditions are connected to and further the regulatory interest. Even if there is a "nexus" between the conditions and the regulatory interest, the Constitution also requires that the permit conditions be "roughly proportional" to the projected impacts of the land use development. "Proportionality" does not require a precise mathematical calculation, but jurisdictions "must make some sort of individualized determination that the required [condition] is related both in nature and extent to the impact of the proposed development.)*

STREET IMPROVEMENT

WEST A STREET

Current Street and Right of Way conditions:

Classification	Minor Arterial.
Existing Right of Way Width	60'
Existing Pavement Width	35'
Curb	Standard curb
Sidewalk	8'
Planter	None
Bike Lane	Yes
Parking	One side along the school frontage
Others	An existing retaining wall is currently resided along the project frontage on West A Street behind the sidewalk One existing utility anchor pole located on West A Street inside the sidewalk area.

Required Improvement:

Applicant shall provide repair/replace/improve the existing damage sidewalk panels per the Municipal Code Section 3.355.
Applicant shall modify existing ADA ramps and crosswalks to meet current ADA standard requirements.

SKYLINE DRIVE

Current Street and Right of Way conditions:

Classification	Minor Arterial.
Existing Right of Way Width	50’
Existing Pavement Width	Varies between 26’ and 38’
Curb	Standard curb
Sidewalk	8’
Planter	None
Bike Lane	None
Parking	None
Others	Steep road

Required Improvement:

Applicant shall provide repair/replace/improve the existing damage sidewalk panels per the Municipal Code Section 3.355.

Applicant shall modify existing ADA ramps and crosswalks to meet current ADA standard requirements.

The City TSP on page 6-7 recommends bicycle lanes to be installed along Skyline Drive from Summit Street to West A Street.

Resolution No. 08-20 listed Skyline Drive Street Improvement from Summit Street to West A Street as one of the SDC projects.

Arterial Street with bicycle lanes on both sides will require a 60’ right of way. Currently Skyline Drive along the school frontage only has 50’ right of way. 10’ right of way dedication along the Skyline Drive will possibly be required.

Sidewalk in front of the existing parking lot along Skyline Drive will be required.
Bicycle lanes in front of the school and the parking lot along Skyline Drive will be required.
Street widening for bike lanes will possible be required.

All street improvements are eligible for Street SDC credit. A maximum 17% of the total street improvement cost shall be eligible for Street SDC credit.

STORM DRAINAGE IMPROVEMENT

If creating more than 500 square feet of new impervious area, storm-water treatment shall be required.

If creating more than 5,000 square feet of new impervious area, storm-water detention shall be required.

Table 7.2 in the City Storm-water Management Master Plan indicates that the existing 12" concrete culver located across the two drainage ways just South of the proposed seating construction is current deficient.
The Master Plan recommends 235 lineal feet of the 12" existing concrete culvert to be replaced with 42" to resolve the current deficiency.
Since the culvert is private culvert, an engineering assessment of the culvert is required. Provide adequate improvement to resolve deficiency as needed. When advised of this, the applicant agreed that any required storm pipe upgrade would be fulfilled.

SANITARY SEWER IMPROVEMENT

The school is currently connecting to the City Sanitary Sewer System on West A Street.

No public sanitary sewer improvement is required.

WATER IMPROVEMENT

The property is currently located in the Bolton Pressure Zone.

Bolton Pressure Zone Elevation: 330/340 – 250

The City Water Master Plan on page 6-12 does not indicate that Bolton Water Storage is deficient. The school is currently connecting and receiving City Water System through the existing water meter connection on West A Street.

No public water improvement is required.

DRY UTILITIES

No requirement is requested at this time.

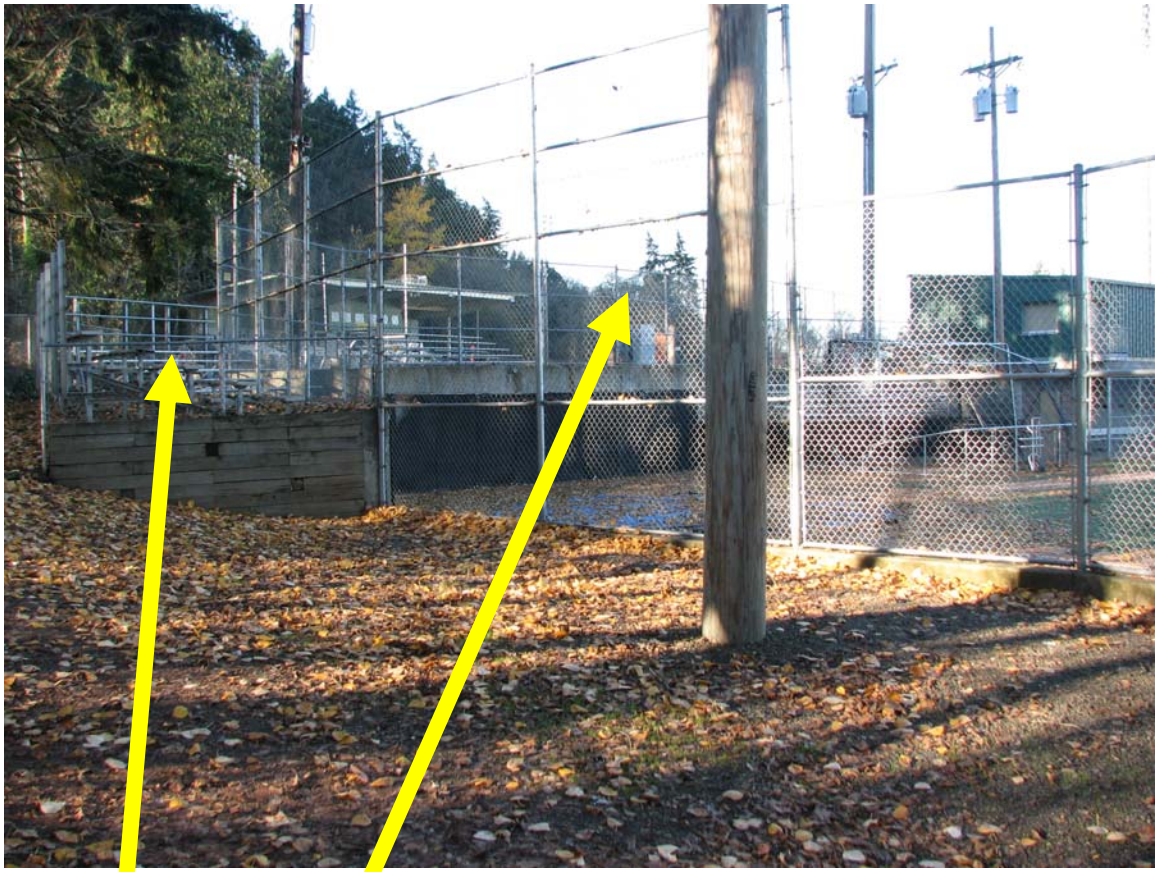
OTHER ISSUES

There is an indication that a tree easement was established for the property west of the football stadium but the City has no record of whether of not the easement was recorded. Please provide recorded documents if it has been recorded. If it has not been

recorded, the applicant shall submit draft easement language to the city for review and approval prior to recording the final document.

Miscellaneous

The applicant asked at the pre-app if doing some preliminary grading and utility work would be permitted prior to the final land use decision. Staff's answer was no. Site work prior to review and approval only clouds and compromises circumstances of the application. The applicant must wait until review and approval has been received.



Existing bleachers and fencing to be replaced

Process

A neighborhood meeting is not required per CDC 99.038.
For the application, the next step is full and complete response to the submittal requirements and approval criteria of:

- Chapter 55 Design Review Class I Permit. Sections 55.090(A)(1) “Natural Environment” is not applicable so long as the applicant can demonstrate that construction activity will only occur on areas that are already developed. Section 55.090(A)(2) “Architecture” should just address the fact that this is primarily replacement in kind or limited in scale. Consequently issues such as scale and transparency are not applicable. Sections 55.100(J) “Crime Prevention”and (K) “ADA accessibility” must, however, be addressed.

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. For the approval criteria, no waivers are allowed. 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.

The deposit fee for Class I Design Review is 850 dollars.

The City has 30 days to determine if the application is complete or not. Most applications are incomplete, usually due to inadequate responses to approval criteria or lack of sufficient engineering information on the drawings. The applicant has 180 days to make it complete, although usually it is complete within three months of the original submittal. Once complete, the City has 120 days to exhaust all local review and appeals. The Class I Design Review is a Planning Director’s decision. There is no public hearing. In the event of an appeal, the review body is the City Council. Subsequent appeals go to LUBA.

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. Also note that these notes have a limited “shelf life” in that future changes to the CDC standards may require a different design or submittal.