

**City of West Linn**  
**PRE-APPLICATION CONFERENCE MEETING**  
**Notes**  
**February 17, 2011**

SUBJECT: Conditional Use Permit and Class I Design Review for several proposed improvements and several existing unpermitted improvements at City Public Works facility at 4100 Norfolk Street

ATTENDEES: Applicants: Mike Cardwell, Jeff Randall, Jim Whynot, Dennis Wright (City of West Linn Public Works)  
Review Staff: Tom Soppe (Planning Department), Khoi Le (Engineering)

---

*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 Public Works Department, proposes a new parking shed within a few feet east of their existing parking shed at their existing facility at 4100 Norfolk Street in the Sunset neighborhood. The applicant also proposes two 3,000 gallon above-ground fuel tanks to replace one 500 gallon above-ground fuel tank. The applicant also proposes to cover the fuel tank area, an existing impervious area, with a 20 foot by 40 foot roof. At the pre-application conference the applicant also discussed a proposed wall along Norfolk Street that would be a few feet tall, in front of the current location of the arbor vitae hedges where new arbor vitas would be planted atop (discussed at the pre-application conference but not in the submitted materials).

Also, there is a) an existing outdoor vehicle washing facility and b) an existing materials storage area of several above-ground walls atop fill, with walls surrounding the fill, that have never been reviewed by Planning. Per aerials these have been built in the last 3-5 years. The materials storage area and washrack area already had walls and/or barriers and the materials storage area had hedges and fences already before the last few years, but there are some new walls where there were not walls before and/or some walls that replaced shorter walls in these areas, so there are visible changes.

The facility is zoned R-10, surrounded by single-family residential uses, with access to both Norfolk Street in front and Sussex Street in the rear. The existing multi-building

facility includes vehicle storage and service uses, a fueling station, and equipment storage and service uses as well as the offices for the Public Works operations. This facility has been at this location since at least 1977, when there is record of a conditional use permit for this applicant at this address (the file cannot be located by staff). This could be considered either a public safety facility or a public support facility or both (probably most accurately the latter). Either way, both of these uses are conditional uses in the R-10 zone. The expansion of a conditional use requires a new Conditional Use Permit (CUP) per Community Development Code (CDC) 60.050(B).



**Inside of materials storage area, including walls that have not gone through design review yet**

The proposed vehicle shed in the southeast area of the site, just east of the existing shed, is proposed to be approximately 48 feet long, and will be similar in depth (approximately 28 feet) to the existing shed to the west. Per Planning Staff's measurement the southeast corner of the existing building is 6.5 feet from the fence on the south side of the property. As agreed by public works the new building will be 7.5 feet from the property line to meet the current setbacks of the R-10 zone.



**Location where new vehicle shed is proposed in materials storage area. Existing vehicle shed is in background to the west.**

This vehicle shed is proposed in the “materials storage” area of the site, which per aerial photographs has been improved to its current state in the past few years but which has not undergone Planning review. This area includes walls along the south and east property lines surrounded by fences and high hedges, and includes fill within the walled area. This area on top of the fill is a parking and storage area which includes both a) an area with several adjoining several foot high concrete walls, on the north side of this area, and b) the open area to the south where the aforementioned shed is proposed.

The walls along the edge of the area to the south and east, along with their surrounding hedges, violate the clear vision area provisions of Chapter 42 in their relationship to both the Public Works main driveway to the north of the materials storage area and the driveway on the 4092 Norfolk Street property immediately to the south. While some of these walls are higher than the previous walls here and/or are new in the last few years, the applicant discussed at the pre-application conference how the clear vision area has already been violated by the hedges and fencing in this location for many years, possibly since the beginning of this use of this location initiated by the conditional use approval in 1977 (before the Clear Vision provisions of Chapter 42 came about in 1987). Therefore the Clear Vision situation was existing at least to a great extent in this area



before the unreviewed improvements of the past few years, so a variance to the Clear Vision provisions should not be needed as long as the applicant can prove that this was an existing situation that was not meaningfully worsened or worsened at new locations by the recent improvements.

Within the last few years a new washrack structure including approximately 3-5 foot tall walls and a new cement floor replaced a simpler vehicle washing apparatus with shorter and less formal walls.

The fuel tank area is located just west of the south end of the main building.



**Fuel tank area existing conditions**





### **Washrack- Existing washrack that has not been through Design Review**

The expansion of a previously approved conditional use such as the public works site requires a conditional use permit. CDC Section 60.050(B) states, "Any change in the conditional use plan or conditions of approval shall require a new application and hearing pursuant to the provisions set forth in this chapter and CDC 99.120(B)." In many cases Design Review permits are required for new buildings, but all the buildings involved in this case are accessory structures, which CDC Section 55.025 exempts from Design Review. However since the materials storage area and the washrack area include new walls that were not there before, and since the building up of the materials storage/proposed shed area in the last few years involved the building of walls along the south and east edges of the site and within the storage area, Class I Design Review is required per Section 55.020(C). This section requires Class I Design Review for new fences and walls at sites other than single-family and duplex residential sites. The Class I Design Review permit can also review the proposed wall discussed along the Norfolk Street right of way in the arbor vitae hedge area.



**Southeast corner of site where not-yet-reviewed material storage area walls are visible**



**Area by Public Works driveway entrance where not-yet-reviewed walls are visible**

## **Engineering Comments**

### **STREET IMPROVEMENT**

#### **NORFOLK STREET**

##### **Current Street and Right of Way conditions:**

Norfolk Street:	Local Street
Existing Right of Way Width:	60'
Existing Pavement Width:	35' Total Pavement Width
Sidewalk:	None
Planter:	None
Parking:	None defined but on street parking does exist
Bicycle Lane:	None

##### **Requirement Improvement:**

Right of Way Width:	No additional right of way is required
Pavement Width:	No pavement improvement is required
Sidewalk:	No new sidewalk is required
Planter Strip:	No new planter strip is required
Bicycle Lane:	None is required

#### **SUSSEX STREET**

##### **Current Street and Right of Way conditions:**

Sussex Street:	Local Street
Existing Right of Way Width:	60'
Existing Pavement Width:	28' Total Pavement Width
Sidewalk:	None
Planter:	None
Parking:	None defined but on street parking does
existing	
Bicycle Lane:	None

##### **Requirement Improvement:**

Right of Way Width:	No additional Right of Way is required
Pavement Width:	No pavement improvement is required
Sidewalk:	No new sidewalk is required
Planter Strip:	No new planter strip is required
Bicycle Lane:	None is required



## STORM DRAINAGE IMPROVEMENT

Provide storm-water treatment if creating more than 500 square feet of new impervious area.

## SANITARY SEWER IMPROVEMENT

None

## WATER IMPROVEMENT

None

## **Process**

Conditional Use and Class I Design Review permits are required.

A neighborhood meeting is required for the Conditional Use Permit. The site is in the Sunset neighborhood but within 500 feet of the BHT neighborhood. A neighborhood meeting is required with Sunset (BHT must still at least be contacted) and is encouraged with BHT. Contact Troy Bowers, President of the Sunset Neighborhood Association, at (503) 703-7303 or [bowerst@msa-ep.com](mailto:bowerst@msa-ep.com), and Steve Garner, President of the BHT Neighborhood Association, at 503-655-4531 or [sbgarner@e-m-a.com](mailto:sbgarner@e-m-a.com). Follow the provisions of 99.038 precisely.

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 60.070 and 55.090 shall be responded to individually in a narrative. N/A is not an acceptable response to the approval criteria. In a case like this where a site that is already built out is being modified, 55.090 requires responses only to 55.100(B)(5) and (6). However 55.090(A)(3) allows Planning to require responses to other 55.100 criteria as appropriate. Therefore for this proposal, the applicant should also respond to 55.100(A)(1), (5), and (6); 55.100(C); and 55.100(I)(2).

Prepare the application and submit to the Planning Department with deposit fees and signed application form. Follow 60.060 and 55.070 strictly and completely regarding submittal requirements (including plans, maps, etc.) that should accompany the narrative and the application form.

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.

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.

PRE-APPLICATION MEETING SIGN-IN SHEET PA# 11-02

DATE: 2-17-10

NAME	ADDRESS	E-MAIL	AFFILIATION
Jim Whynt	P. Works		Public Works
Mike Cardwell			P. W.
Jeff Randall	P. Works		
Dennis Wright	PW - Engo		West Linn.

PLANNING TS

ENGINEERING KL

PARKS \_\_\_\_\_



New - 2 fuel tanks - show  
20x40 ~~shed~~ roof - show  
28x48 structure ✓

Old - retaining wall / parking wall next to Army - 2007-8  
Washrack → 2007-8 ← "materials storage"

88 - office building

86 - ~~shed~~ parking shed next to proposed one

Treat unpermitted as new  
storm, criterion

none or I or II DR? — depends on new roof & whether  
it is attached to bldg. &  
whether accessory bldg. &  
if not, how much of  
bldg. does it  
constitute

SE corner  
definitely violates  
CVA w/ Krivonozoff downy.

82 definitely violates at main Ar Army  
Washrack & fuel tank  
pollution  
DEQ





















































CITY OF WEST LINN  
22500 Salamo Rd.  
West Linn, OR. 97068  
(503) 656-4211

PLANNING RECEIPT  
Receipt: # 936339  
Date : 01/24/2011  
Project: #PA-11-02  
BY: SR

\*\*\*\*\*

NAME : CITY OF WEST LINN PUBLIC WORKS OPS

ADDRESS : 4100 NORFOLK ST

CITY/STATE/ZIP: WEST LINN OR 97068

PHONE # : 503-657-0331

SITE ADD. : 4100 NORFOLK ST

\*\*\*\*\*

TYPE I HOME OCCUPATIONS		HO	\$	
PRE-APPLICATIONS	Level I ( ), Level II (X)	DR	\$	0.00
HISTORIC REVIEW	Residential Major ( ), Minor ( ), New ( )	DR	\$	
	Commercial Major ( ), Minor ( ), New ( )			
SIGN PERMIT	Face ( ), Temporary ( ), Permanent ( )	DR	\$	
SIDEWALK USE PERMIT		DR	\$	

APPEALS	Plan. Dir. Dec. ( ), Subdivsion ( ),	DR	\$	
	Plan Comm./City Coun. ( ), Nbhd ( )			

LOT LINE ADJUSTMENT		LA	\$	
CITY/METRO BUSINESS LICENSE		BL	\$	

\*\*\*\*\*

The following items are paid by billing against the up-front deposit estimate.  
If the amount of time billed to your project exceeds the amount covered by the  
deposit, additional payment may be required.

DESIGN REVIEW	Class I ( ), Class II ( )	RD	\$	
VARIANCE	Class I ( ), Class II ( )	RD	\$	
SUBDIVISION	Standard ( ), Expedited ( )	RD	\$	
ANNEXATION	"Does Not Include Election Cost"	RD	\$	
CONDITIONAL USE		RD	\$	
ZONE CHANGE		RD	\$	
MINOR PARTITION		RD	\$	
MISCELLANEOUS PLANNING		RD	\$	
Boundry Adjustments	( )			
Modification to approval	( )	Water Resource		
Code Amendments	( )	Area Protection	( )	
Comp. Plan Amendments	( )	Street Vacations	( )	
Temporary Permit Admin.	( )	Easement Vacations	( )	
Temporary Permit Council	( )	Will. River Greenway	( )	
Flood Management	( )	Tualatin River Grwy.	( )	
Inter-Gov. Agreements N/C	( )	Street Name Change	( )	
Alter Non-Conforming Res.	( )	Code Interpretations	( )	
Alter Non-Conforming Comm.	( )	Type II Home Occ.	( )	
Measure 37 Claims	( )	Planned Unit Dev. PUD	( )	

TOTAL REFUNDABLE DEPOSIT		RD	\$	0.00
--------------------------	--	----	----	------

GENERAL MISCELLANEOUS Type:		PM	\$	
-----------------------------	--	----	----	--

\*\*\*\*\*

TOTAL	Check #	Credit Card ( )	Cash ( )	\$	0.00
-------	---------	-----------------	----------	----	------



# Web Mapping Application

[West Linn GIS Home](#)
[More Historic West Linn Maps](#)
[GIS Help](#)

[Address Search](#)
[Print Air Photo](#)



Results

☒ 4100 norfolk (1)  
☒ Addresses (1)  
☒ 4100

Map Contents

☒ AirPhotos\_all\_1004v1  
☒ Current Street  
☐ Current Street  
☐ 2009 Air Photo  
☐ 1996 Air Photo  
☐ 1996 Air Photo  
☒ 1988 Air Photo  
☐ 1948 Air Photo  
☐ 1936 Air Photo



1988

# Web Mapping Application

West Linn GIS Home More Historic West Linn Maps GIS Help

Address Search Print Air Photo



**Results**

- ☒ 4100 norfolk (1)
  - ☒ Addresses (1)
    - ☒ 4100

**Map Contents**

- ☒ AirPhotos\_all\_1004v
  - ☒ Current Street
  - ☐ Current Street
  - ☐ 2009 Air Photo
  - ☒ 1996 Air Photo
  - ☒ 1996 Air Photo
  - ☒ 1988 Air Photo
  - ☐ 1948 Air Photo
  - ☐ 1936 Air Photo



1996



## Background and Process



**July 23, 2004**



MISC-10-14 Extension for 289,000 square-foot  
Office Complex

CITY OF  
**West  
Linn**  
PLANNING

## Background and Process



**July 18, 2003**



MISC-10-14 Extension for 289,000 square-foot  
Office Complex

CITY OF  
**West  
Linn**  
PLANNING



## Background and Process



**July 21, 2001**



MISC-10-14 Extension for 289,000 square-foot  
Office Complex

CITY OF  
**West  
Linn**  
PLANNING



## Background and Process



**June 26, 2006**

2007 OR Structural  
Spec. Code  
105-2.4:  
- retaining walls not  $> 4'$   
are exempt from permit.  
- all else requires permit.



MISC-10-14 Extension for 289,000 square-foot  
Office Complex

CITY OF  
**West  
Linn**  
PLANNING



## Background and Process



**May 30, 2002**



MISC-10-14 Extension for 289,000 square-foot  
Office Complex

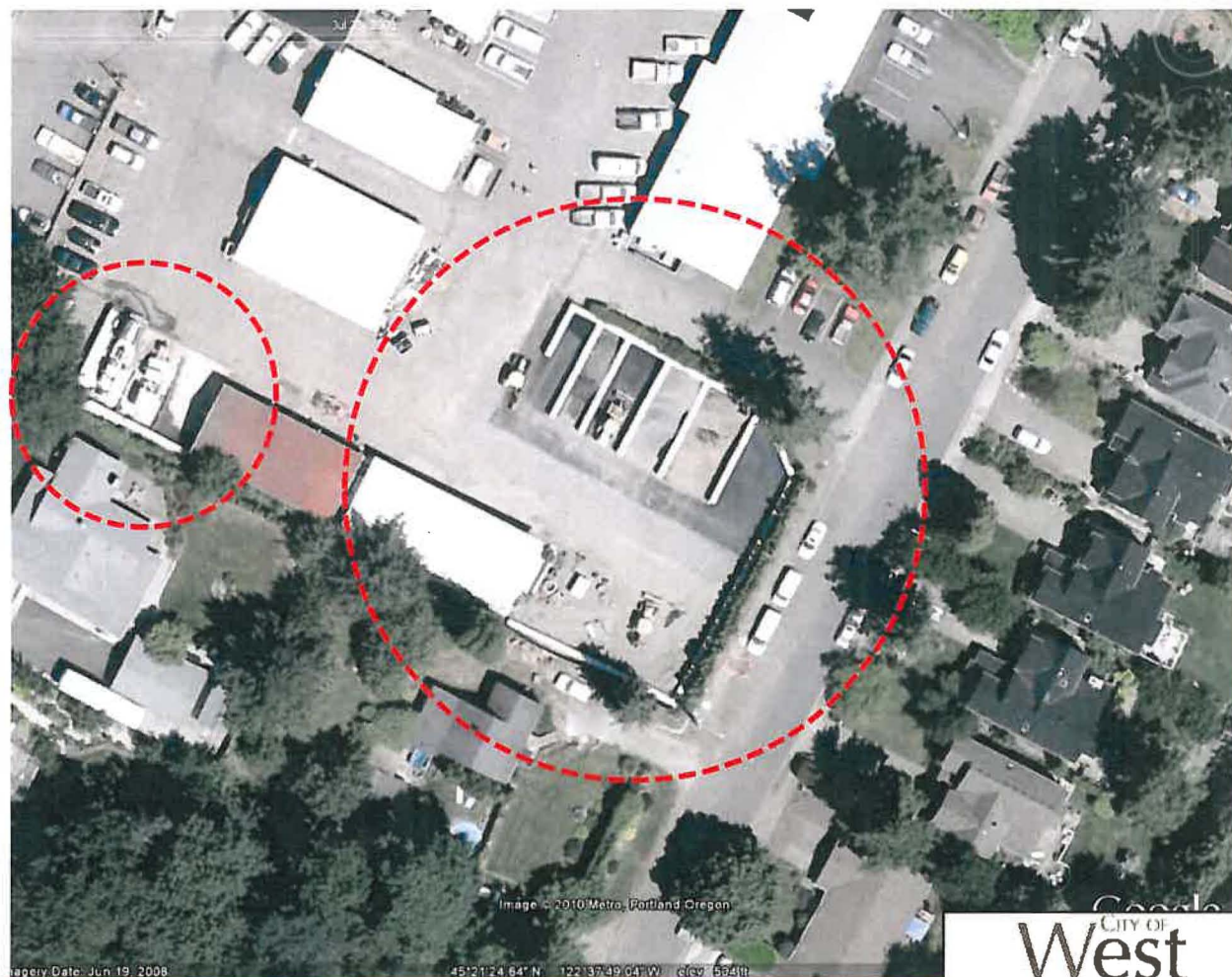
CITY OF  
**West  
Linn**  
PLANNING



## Background and Process



**July 23, 2008**



MISC-10-14 Extension for 289,000 square-foot  
Office Complex

CITY OF  
**West  
Linn**  
PLANNING



## Background and Process



**July 13, 2007**

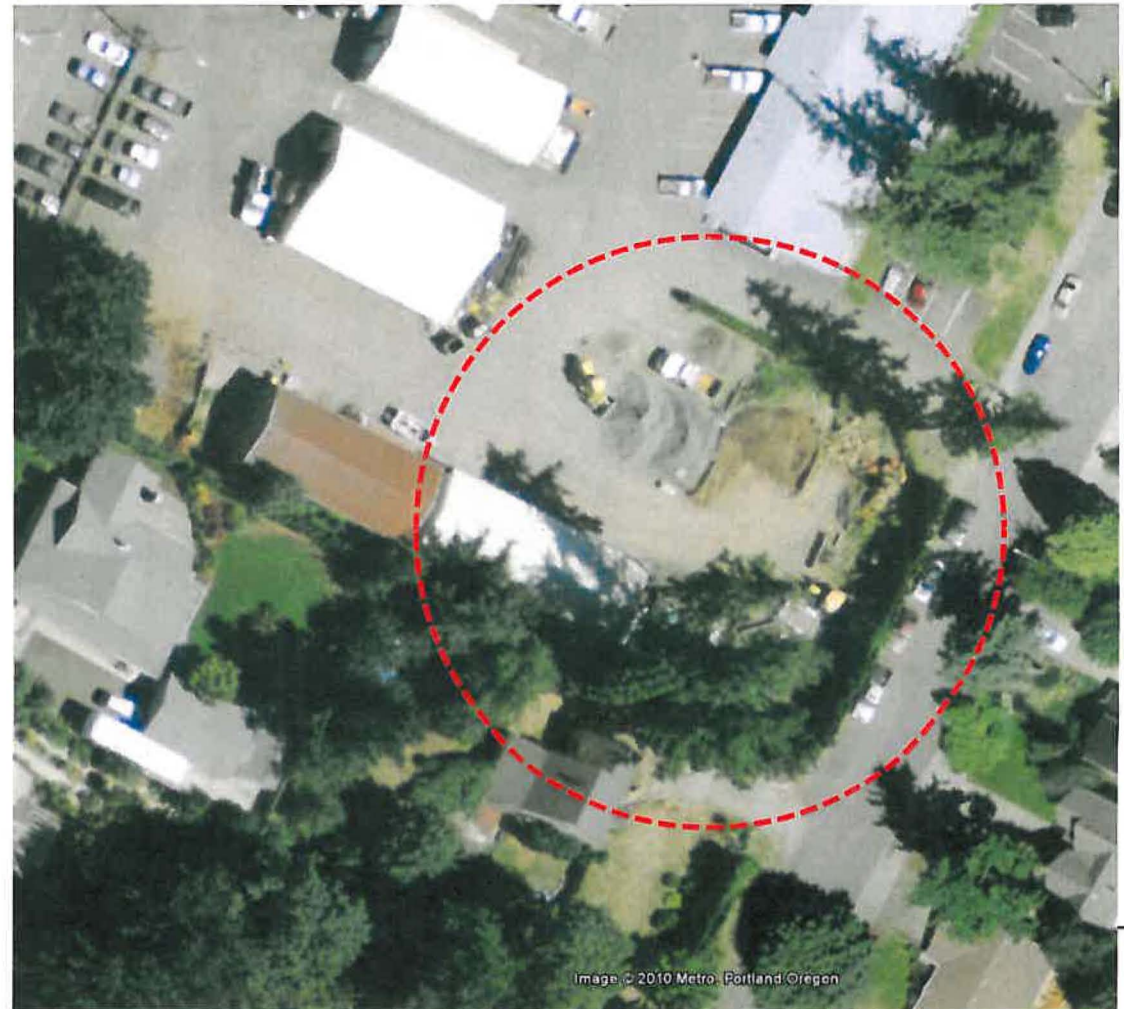


Image © 2010 Metro, Portland Oregon

MISC-10-14 Extension for 289,000 square-foot  
Office Complex

**Linn**  
PLANNING



## WEST LINN GIS



City of West Linn SnapMap, Geographic Information System, Date: 10/22/2007

Scale: 082 Feet

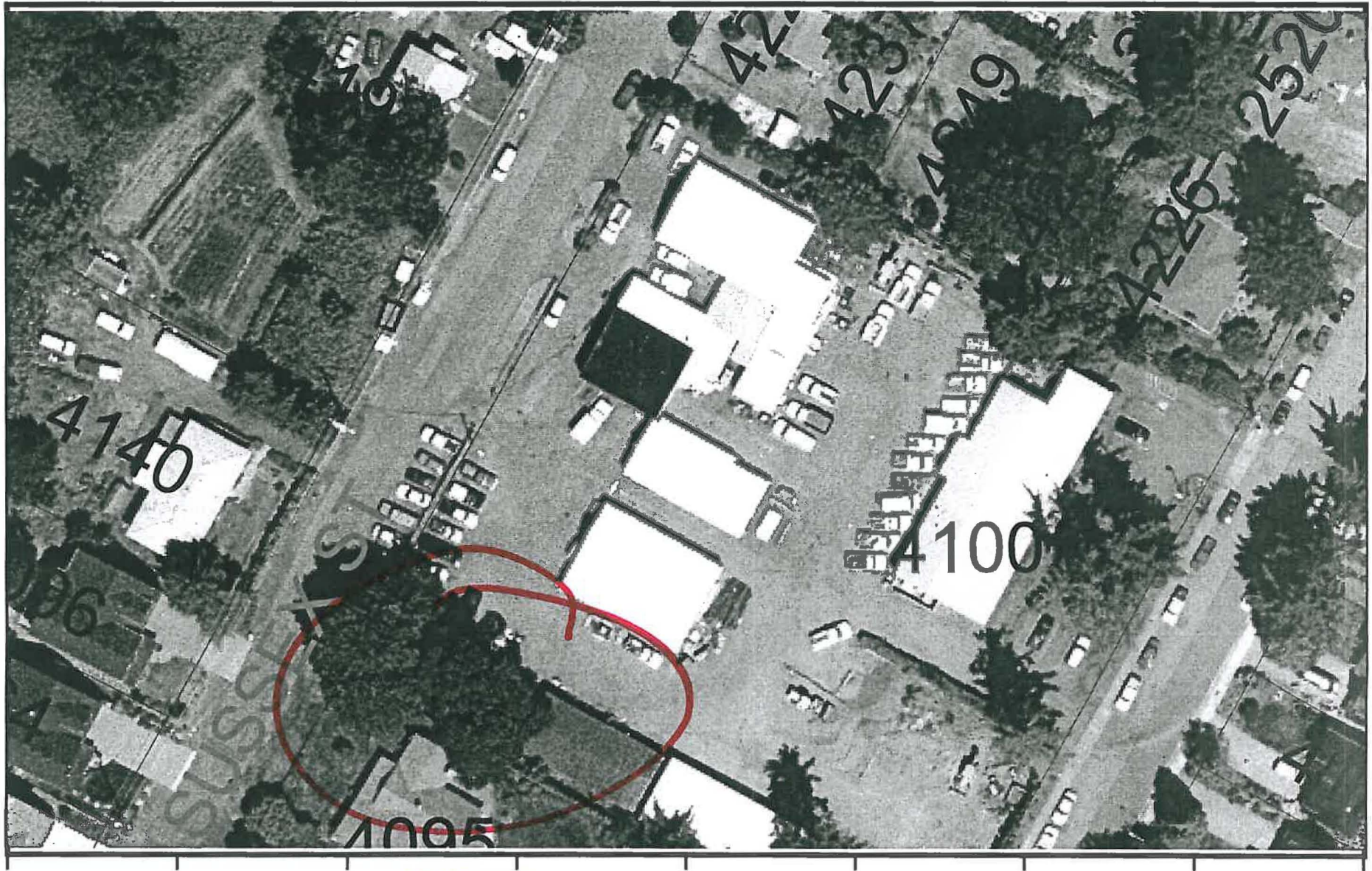
**MAP DISCLAIMER:**

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



4100 Norfolk

WEST LINN GIS



City of West Linn SnapMap, Geographic Information System, Date: 4/25/2006

Distance between lines: approx. 076 Feet

**MAP DISCLAIMER:**

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



# 1997 to Present

PERMIT_	ADD		TYPE	DATE_RECVD	S	VAL	DATE_
-----	-----	-----	-----	-----	-----	-----	-----
01-199	4100 NORFOLK ST		CMIS	04/05/2001	N	3000.00	04/17
01-228	4100 NORFOLK STREET <i>carport</i>		CMIS	04/20/2001	N	1000.00	04/24
02-114	4100 NORFOLK ST		CMIS	02/19/2002	N	500.00	
02-693	4100 NORFOLK ST <i>door</i>		CMIS	10/16/2002	Y	1000.00	10/17
05-039	4100 NORFOLK ST <i>window</i>		CMIS	01/25/2005		0.00	
697-97	4100 NORFOLK STREET		MECH	10/27/1997	N		10/27
98-481	4100 NORFOLK STREET <del>STREET</del>		CMIS	08/26/1998	N		
99-592	4100 NORFOLK ST		CMIS	11/09/1999	N	1000.00	11/09



01-10-01

- DR 88-05: expansion of Annex East of exist. buildings + 9 vehicle parking lot

- no landscaping or signs over 3' high in clear vision areas on Norfolk St.
- 9' wide driveways from Sussex + (2) 24' wide driveways from Norfolk
- perimeter of site is fenced
- PD decision
- use permitted outright

### • Tree Removal Permits

1. 4/3/2006 → remove 18" chestnut
  - tree on property line, roots will be cut with driveway
  - on N property line?
2. 4/25/2006 → remove (2) Oaks; 27" + 31"
  - need to do washback improvements; trees are in way
3. 11/27/2007 → remove (3) fir trees; 22", 22", 24"
  - need to do site improvements, enlarge storage shed to house equipment

### GET TO GOVT BY END OF DR

- options
- timeline
- is DR required?

### Options

- Withdrawal
- Withdrawal + Resubmit incl. washback and grading + bldg. permits
- Proceed

Last Plan.  
Permit  
DR-00-44  
(withdrawn)  
replacement  
bldg)  
associated w/  
01-228

No permit from  
planning for  
expansion of  
cond. use.  
is this @ CU  
in 2006?  
(YES)



August 15, 1977

3. Mike Clyburn, 18325 Vista Court, and Eric Robinson, 1492 Burns Street, cont. both opposed the zone change.

After further discussion, L. McIntyre moved to close public hearing, seconded by J. Junk. Motion carried.

M. Alton moved to continue the decision until next month's meeting; motion died for lack of second.

L. McIntyre moved to deny the zone change on the basis of staff report of August 15th and proponents not showing a need for the area; seconded by L. Lindas. Motion carried with M. Walsh and M. Alton abstaining, Lindas and McIntyre voting aye; J. Junk voting nay.

4. Item No. 4 was next. The Masters Company submitted a request for a variance to lot depth and variance to lot frontage on a public street, and approval of final plat of Hill House No. 2.

Public hearing opened by Chairman Lewis. G. Davis submitted movie slides and read staff report of August 15, 1977.

William Baker, representing Masters' engineering firm, said he concurred with staff report and said they could adjust lot frontage to comply with zoning ordinance but felt it was not necessary. LCDC recommends using land to fullest potential.

Paul Schultz, attorney, and Robert Brigos, developer, both made additional presentations.

After above presentations, J. Junk moved to close public hearing, seconded by M. Alton. Motion carried.

Staff recommended approval of the variance for lot depth and denial of the lot frontage onto a public street variance, and denial of the approval of the final plat.

J. Junk moved to approve the variance to lot depth, to approve the final plat with lots 6, 7, and 8 being adjusted to meet the 35 foot frontage requirements and staff to review and approve the adjustment. The motion was seconded by L. Lindas with motion carrying.

5. Variance to height restrictions for proposed three-story structure was item no. 5, submitted by Daniel McDermott. Mr. McDermott wished to build house on lot 16, block 2, tax lot 3400, map 2-1E-23BD, Sunburst Subdivision. Due to topography house would not be any higher than if McDermott built two-story home.

Mr. McDermott said he had talked with owner of the house across the street from proposed site and owner was not against three-story home as long as it did not block his view of the mountains. Mr. McDermott submitted soils engineer's drawings and statement to the Planning Commission.

Nick Fosses, developer of Sunburst Subdivision, said he did not object to three-story home in his development.

M. Walsh moved to close public hearing, seconded by L. McIntyre, motion carried.

M. Walsh moved to grant the variance, subject to staff findings, seconded by L. Lindas. Motion carried.

6. Item No. 6 was a request for a Conditional Use Permit submitted by City of West Linn. Proposal was to modify the existing public works maintenance building, expanding the northernmost building to connect with the building immediately adjacent to the south.

G. Davis opened public hearing with reading of the staff report of August 15th, recommending approval of the request.

Mr. Sanders, City Administrator, said existing structure does not allow large trucks to be worked on in the present structure as it is too small.

L. Lindas moved to close public hearing, seconded by L. McIntyre; motion carried.



August 15, 1977

L. McIntyre moved, seconded by J. Junk, to approve the Conditional Use Permit for City of West Linn, per staff report; motion carried.

7. Item No. 7 was a Willamette Greenway Conditional Use Permit again requested by City of West Linn for modifications and additions to the Willamette Wastewater Treatment Plant.

Public hearing opened with reading of staff report of August 15th.

Mr. Sanders said the modifications and additions would improve the quality of the treatment and have a bonus effect of additional quantity capabilities. Primary purpose was to increase the quality of the sludge treatment process and improve the sludge handling facilities.

J. Junk moved to close public hearing, seconded by M. Alton; motion carried.

L. McIntyre moved to approve the Conditional Use Permit for City of West Linn per staff recommendations, seconded by J. Junk; motion carried.

8. Next on the agenda was the approval of a Tentative Subdivision Plan of "Woodwinds" submitted by Thomas Goodwin. Property is located at the southeast corner of the intersection of Skyline Drive and Summit Street, immediately west of Wilderness Park.

Attorney Hammond referred to his memo received by the Commission regarding procedural ground rules regarding notification to the public about subdivisions. He personally felt as long as public notice was published in newspaper and notices posted at the site in question, city would be in compliance with the law. He did feel the Commission should handle the requests in the form of public hearing.

Public hearing was then opened on the Woodwinds matter with G. Davis reading staff report of August 15th, along with the showing of slides.

Tom Goodwin said he concurred with staff report.

After brief discussion, L. McIntyre moved to close public hearing, seconded by J. Junk; motion carried. J. Junk moved to approve the Tentative Subdivision Plan per staff report of August 15th and July 11th, seconded by L. Lindas; motion carried.

9. No. 9 on the agenda was a public hearing on a request for approval of a Tentative Subdivision Plan for "Woodhaven Views." This request was submitted by Larry Woodrum and was heard at the July 18th meeting.

G. Davis read the staff report of August 15th recommending denial.

M. Walsh moved to close the public hearing, seconded by L. McIntyre. L. Lindas moved to deny the tentative subdivision based on staff recommendation, specifically items numbered 7, 8, 9, and 11 of the August 15th staff report; motion carried.

10. Next on the agenda was the public hearing for approval of a Tentative Subdivision Plan submitted by Wallace Construction Company and Mario P. DeStefanis for "Woodhill". Property is located on the west side of Highway 43 between Arbor Drive and Robinwood; consisting of 10.84 acres and proposed platting of 37 single family lots.

G. Davis read staff report along with submission of slides. He added another requirement and that being applicant to secure driveway approach permit from Oregon State Highway Division for lot 14.

Mr. Evans, engineer for Wallace Construction, said he concurred with staff findings except for: Portion of item no. 1 regarding dedication of a full 50-foot of right-of-way along Lower Midhill Drive at Arbor Drive. They do not own this property and could not provide the dedication. Also he felt item no. 2 would present a hardship on the developer as there are no other improvements along Highway 43.

Discussion then followed regarding ordinance recently passed requiring curbs, sidewalks, etc. After reviewing ordinance 959, it was determined this includes multi-family, commercial, and industrial buildings only.

M. Walsh moved to close public hearing, seconded by L. McIntyre; motion carried.

DDB873