

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
Notes
February 16, 2012

SUBJECT: Class I Design Review for trash compactor and surrounding fencing, and Water Resources Area permit for bank and slope stabilization and erosion prevention project, at Bolton Primary School at 5933 Holmes Street

ATTENDEES: Applicants: Nancy Hubbard, Seth Stevens, Don Whitehead, Travis Butler

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, West Linn-Wilsonville School District, proposes a new trash compactor surrounded by fencing, east of the main building at Bolton Primary School at 5933 Holmes Street in the Bolton Neighborhood. The applicant also proposes work in the natural drainageway, Bolton Creek, along the north edge of the site, to stabilize the bank. Bolton Creek is a significant riparian corridor. The site is located in the R-10 zone, and is an approved Conditional Use with Class II Design Review via previous applications, as this is required for schools in the R-10 zone. Community Development Code (CDC) 55.020(C) requires Class I Design Review for new "Fences and walls (at non-single-family/duplex residential sites)." Therefore a Class I Design Review permit is needed for the trash compactor/fence proposal.



Driveway area east of building with existing trash/recycling area. A trash compactor inside fencing is proposed on the left half of this area, as the right half is on City property (edge of Hammerle Park).

CDC 32.025 states, “No person shall be permitted to fill, strip, install pipe, undertake construction, or in any way alter an existing water resource area without first obtaining a permit to do so from the decision-making authority, paying the requisite fee, and otherwise complying with all applicable provisions of this chapter.” Therefore a Water Resource Area permit is needed for the bank stabilization proposal. (The trash compactor proposal is not affected by the Water Resource Area regulations as it is on an already developed area of the site, far outside the water resource setbacks established by CDC 32.050[E].)

These two proposals can be done concurrently as one application for the two approvals, as they are on the same site and are both Planning Director decisions. If the review period does not overlap at all, they can also be done as separate, non-concurrent applications.

While this is an established conditional use in the R-10 zone, Conditional Use approval is viewed by staff as not needed to be applied for with either or both of these proposals. This is because the proposals do not change major aspects of the site plan or make the conditional use on site more intense in terms of building additions, parking additions, student activity areas, or increased levels of staff or students.

For the Water Resource Area permit, revegetation and mitigation plans will be required as provided for by 32.080 and 32.070 respectively. These criteria for these two sections will also have to be answered in a narrative, along with the 32.050 approval criteria (also discussed below in Process section). Revegetation plans are for areas temporarily disturbed during construction. Mitigation plans are to mitigate elsewhere on and off site for the square footage of areas permanently disturbed, which according to LUBA interpretation of the CDC include both areas with new surface changes such as the proposed manhole on the conceptual plan, as well as areas of new below-ground development such as the proposed pipe on the plan. Due to the density of the rocks, the rip-rap area at the pipe outfall would be considered an area to mitigate for as well, whether or not the grade is being changed there. The applicant has stated that the contours will change in the rip-rap area along the southern curve of the creek and possibly areas south of where the rip-rap will be put (the rip-rap area here will be more narrow than shown on the concept plan, per the applicant). These areas along the southern curve will need to be both revegetated for *and* mitigated for, per 32.050(K). It is considered a permanent disturbance when the contours are being permanently changed, but it also needs to be revegetated since it is not proposed for actual development.

The removal of trees and other vegetation from the water resource transition area necessitates ensuring that the proposal would restore the area to the canopy and vegetation minimums provided for in 32.050(K), if it is already in an unhealthy state per the provisions of 32.050(K) and/or if it would be in an unhealthy state after the project's removal of trees and vegetation.

In general, all of the criteria should be answered to ensure staff and the public know why the applicant has concluded that the project is necessary as a water resource area modification, that it is the best alternative possible to solve the problems, and that there will not be a net loss of native vegetation from the combination of this on-site area and off-site mitigation area(s). Mitigation would likely have to be off-site here, since it can only be done on site if it adds to the transition area (restoring unhealthy transition area on site, while encouraged if there is some, does not count towards mitigation). Work with the Parks and Recreation Department to find a mitigation location on City land, or pay an appropriately-sized fee towards Parks doing this work themselves as a part of a project of their own.



In the background is the slope where stabilization efforts are proposed, as seen from the dead end of Irving Street across the creek north of the site.



Also from Irving Street across the creek, the playground can be seen, with the school in the far background. The slope along the creek where work is proposed (as shown in the previous photo) is to the left of this scene.

Process

A Class I Design Review is required for the compactor/fence project, and a Water Resource Area permit is required for the bank stabilization project.

A neighborhood meeting is not required for a Class I Design Review permit or a Water Resources Area permit, but neighborhood meetings are always encouraged by staff nonetheless. If the applicant chooses to have a neighborhood meeting, contact Sally McLarty, President of the Bolton Neighborhood Association, at (503) 722-2137 or gbryck@easystreet.net. 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.

Follow the submittal requirements of 55.070 and 32.040 strictly. These include a site plan complying with both 55.120 and 32.060, as well as a revegetation plan complying with 32.080 and a mitigation plan complying with 32.070. For the Water Resources Area permit, respond individually to the criteria of 32.050, 32.070, and 32.080 in a narrative. For the Class I Design Review, respond individually to the criteria of 55.090 in a narrative (regarding only the compactor/fencing project, not the bank stabilization project). In responding to 55.090(A)(1-2) the applicant can explain that the criteria from 55.100 listed here do not apply since there are no proposed new buildings and since the fence/compactor project proposed in a paved area of the site. 55.090(A)(3) allows staff

to require other sections of 55.100 be responded to as necessary to the Class I Design Review project at hand. In which case, the applicant shall respond to the following 55.100 criteria for this project:

- 55.100(A)(2) Accessory structures
- 55.100(A)(6) Fences
- 55.100(A)(8) Access, egress, and circulation (since this is proposed in a truck maneuvering area)
- 55.100(C) Compatibility, buffering, and screening
- 55.100(D)(4) Noise
- 55.100(I)(5) Solid waste storage areas
- 55.100(J)(3) Lighting of solid waste area
- 55.100(J)(8) Utility fencing

The deposit for the Class I Design Review permit is \$1,050, plus a \$300 inspection fee to cover staff time during eventual final inspection. The deposit for the Water Resources Area permit is \$1,850, plus a \$250 inspection fee to cover staff time during eventual final inspection. This would mean a combined initial deposit/fee of \$3,450 if the two approvals are requested concurrently. **PLEASE NOTE that the *deposits* are initial *deposits*, and staff time is charged against the *deposit* account. It is common for there to be more staff time spent on development applications than the deposits cover, and therefore additional billing is likely to occur. The *fees* are not refundable regardless.**

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 Planning Director will send out public notice of the pending decision then render a decision in two to four weeks. The decision may be appealed by the applicant or anyone with standing to City Council, requiring at least one City Council hearing.

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.

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.

Draft Pre-Application Notes

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-app2012/Pre-app 2011.02.16/Bolton Summary