

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
Notes
June 21, 2012

SUBJECT: Class I Design Review to fill an existing wading pool and install pergola, install a trash compactor, install fencing around compactor and perimeter of Sunset Primary School at 2351 Oxford Street

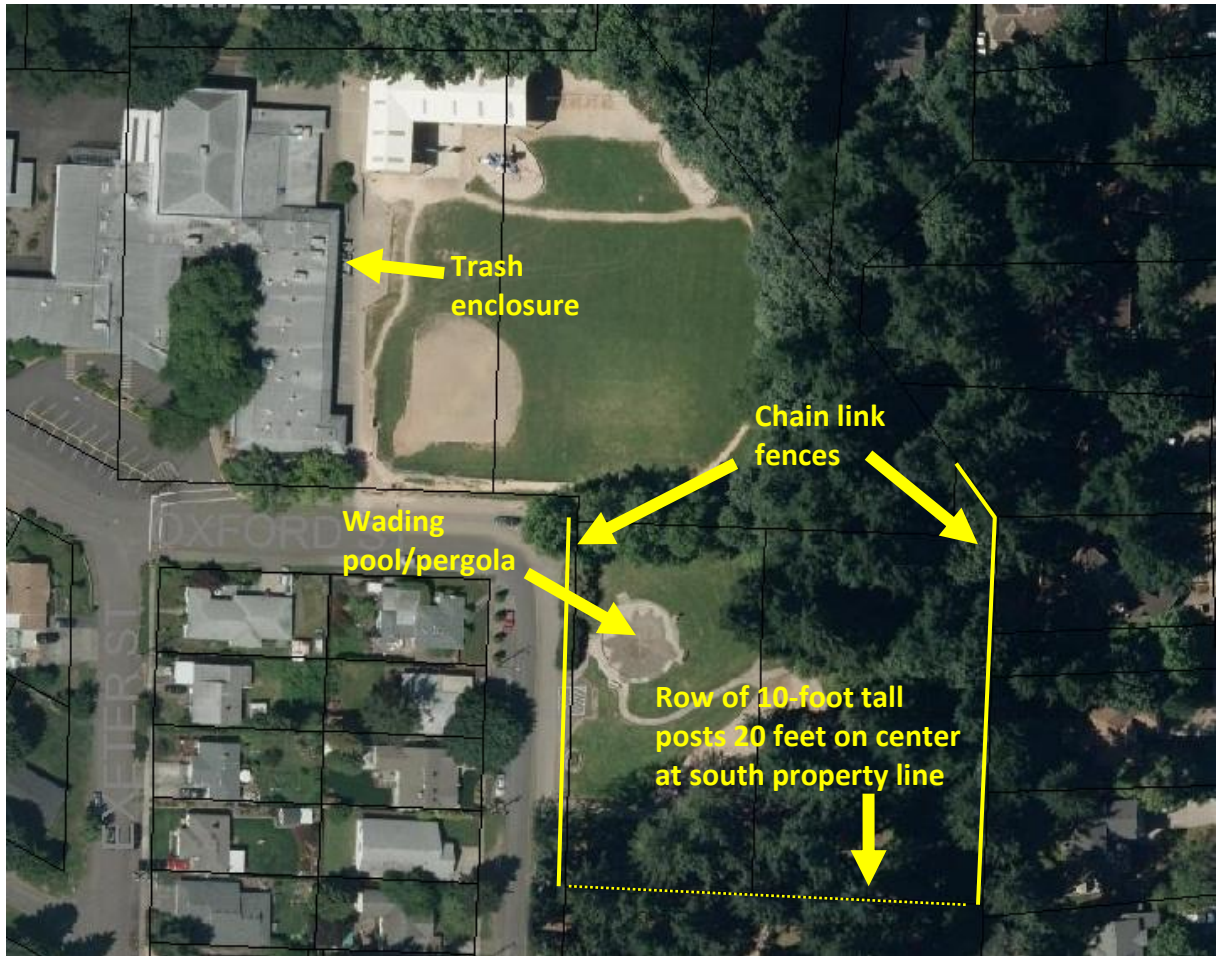
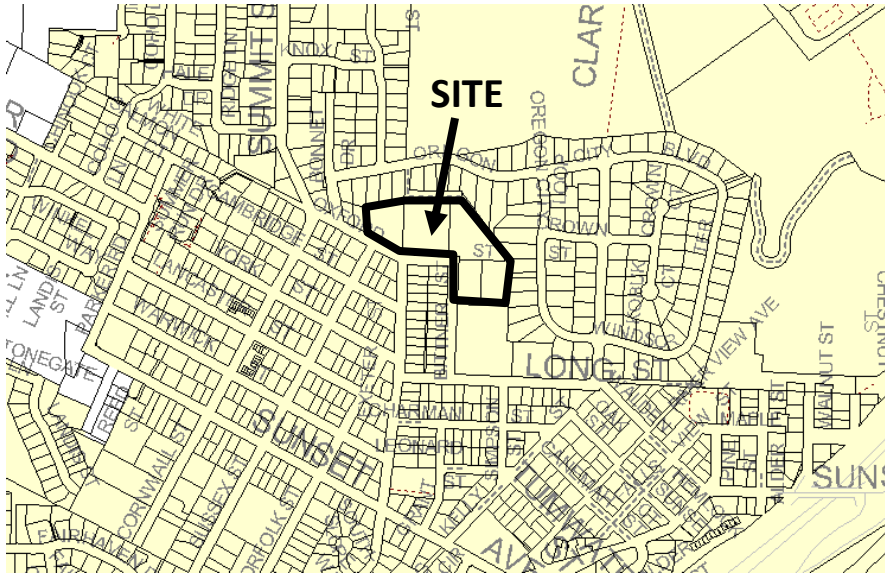
ATTENDEES: Applicants: Tim Woodley, Remo Douglas (WLWV), Nancy Rad (DOWA)
Review Staff: Peter Spir (Planning Department)
Neighborhood: Randall Johnson (Sunset NA)

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.

GENERAL PROPOSAL

The applicant, West Linn-Wilsonville School District, proposes to:

- Install a new trash compactor surrounded by chain link fencing with slats on the east side of Sunset primary school. The new trash compactor will be on the site of an existing brick walled garbage enclosure.
- Modify a wading pool to create an amphitheater or outdoor learning space. The pool will be filled with gravel to the level of adjacent grade. A 12 X 16 foot pergola will be installed to define a “stage” or learning space.
- Delineate the property line adjacent to Bittner Street with a three foot high chain link fence.
- Delineate the east property line with a six foot high chain link fence.
- Delineate the south property line adjacent to City owned park with a row of 10-foot high posts, 20 feet on center, capped with art work or birdhouses. Signs on the City park side of the posts will identify the school boundary.



DISCUSSION

Design Review

The existing trash facility is surrounded by a brick wall. The proposed facility will include a trash compactor and occupy a footprint only slightly larger than the current one. In other circumstances, this could be considered a “replacement in kind” and exempt from land use permits per section 55.025(D). However the fact that a noise producing compactor equipment will replace the traditional trash containers elevates it to Class I design review per section 55.020(Q) since it represents a potential increase in noise impacts on abutting properties.

Community Development Code 55.020(C) also requires Class I Design Review for new *“Fences and walls (at non-single-family/duplex residential sites.”*

At the pre-application conference, staff noted provisions in CDC Chapter 55.100(O) relating to garbage and recycling enclosures which were subsequently found to apply only to commercial, industrial and multi-family projects. They do not apply to public facilities like schools. That discovery eliminates the need to provide landscaping around the walled enclosure. It also eliminates the need, under section 55.100(O), to provide a masonry wall. The applicant initially proposed a chain link fence with slats to screen the garbage and compacter. Staff would hold firm on the use of masonry due to the superior noise deadening quality of masonry blocks over chain link fencing. A masonry wall is also preferred due to its ability to meet the architectural compatibility standards of 55.100(B) (6) (b) which calls for matching the existing building materials of the brick clad school.

The wading pool/pergola triggers a Class I Design Review per section 55.020(L): *“Modification of a landscape plan (including water features, ponds, pergolas, arbors, artwork, sculptures, etc.)”*. The posts along the south property line also trigger Class I Design Review under either the same category as pergolas or the *“freestanding art or statuary over five feet tall”* category of 55.030(P)

Conditional Use Permit

Is a Conditional Use Permit (CUP) required? Similar to the recent addition of a trash compacter at Bolton Primary School, the current proposal will not enlarge, alter or change the school itself, so no CUP is needed. Staff also finds that the scope of the proposed improvements is so small to the extent that they do not eclipse the standards of section 99.120 which considers a 10 percent change (e.g. expanding the school’s footprint) as the point after which a new (CUP) application would be required.

Non-Conforming Structure

The school is a non-conforming structure by virtue of inadequate parking. The applicable language from section 66.080 is as follows:

B. An enlargement or alteration to a non-conforming structure containing a conforming use may be permitted subject to the following:

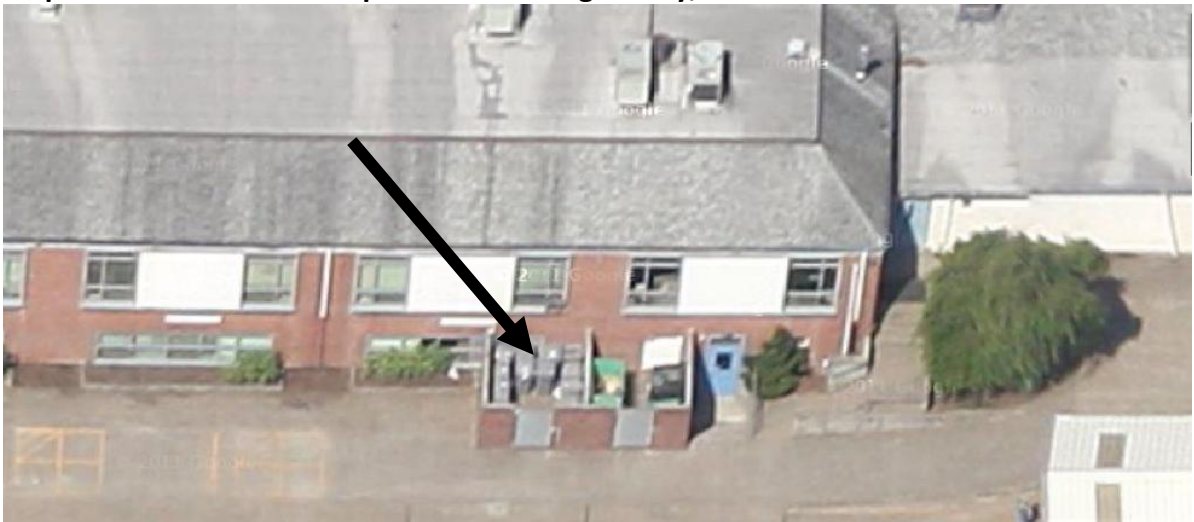
- 1. If the enlargement, in and of itself, meets all provisions of this code, the enlargement will be permitted. This exception does not preclude design review or other applicable provisions of this code*

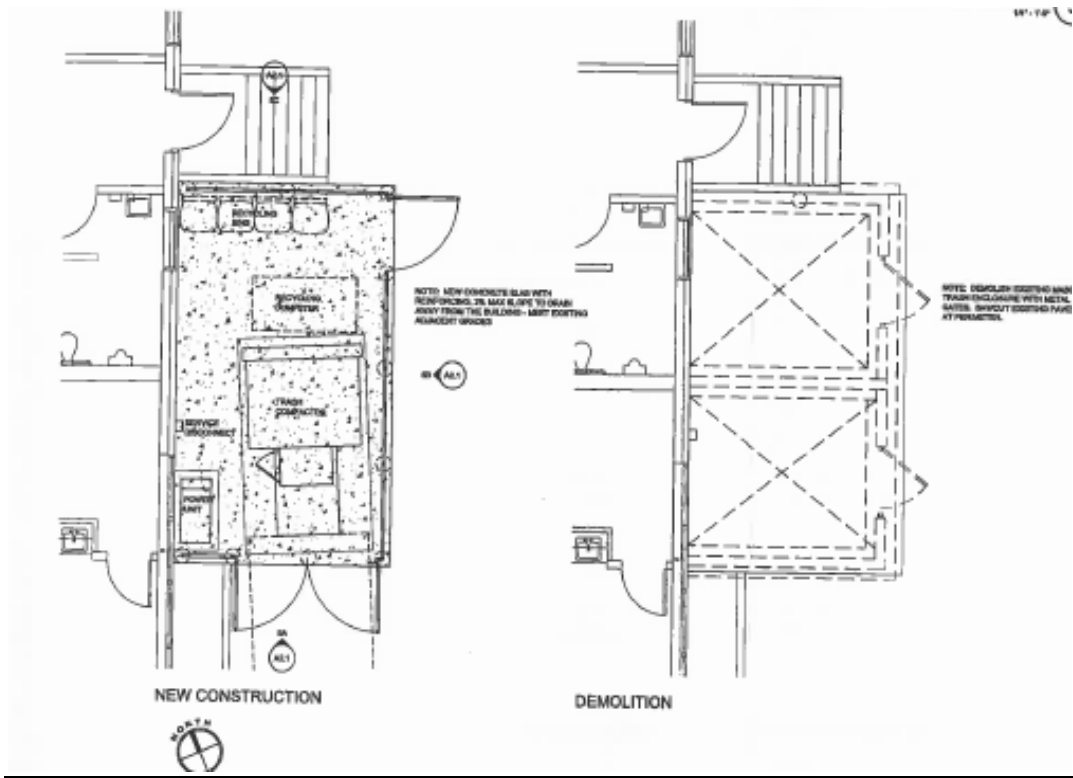
Staff finds that the proposed changes will meet all the provisions of the CDC, and therefore no “enlargement or alteration to a non-conforming structure permit” is required per 66.080(B) (1).

Signs

The applicant wants to post signs on the posts along the southern property line facing towards the City park. The signs would identify the school property and provide additional information. By posting the small signs on the City park side of the 10-foot tall posts, the applicant may be able to waive the limit on the number of signs otherwise permitted for a school. The signs would be processed under the provisions of section 52.300 (“public uses” footnote 4). The City may have to co-sign the sign permit application.

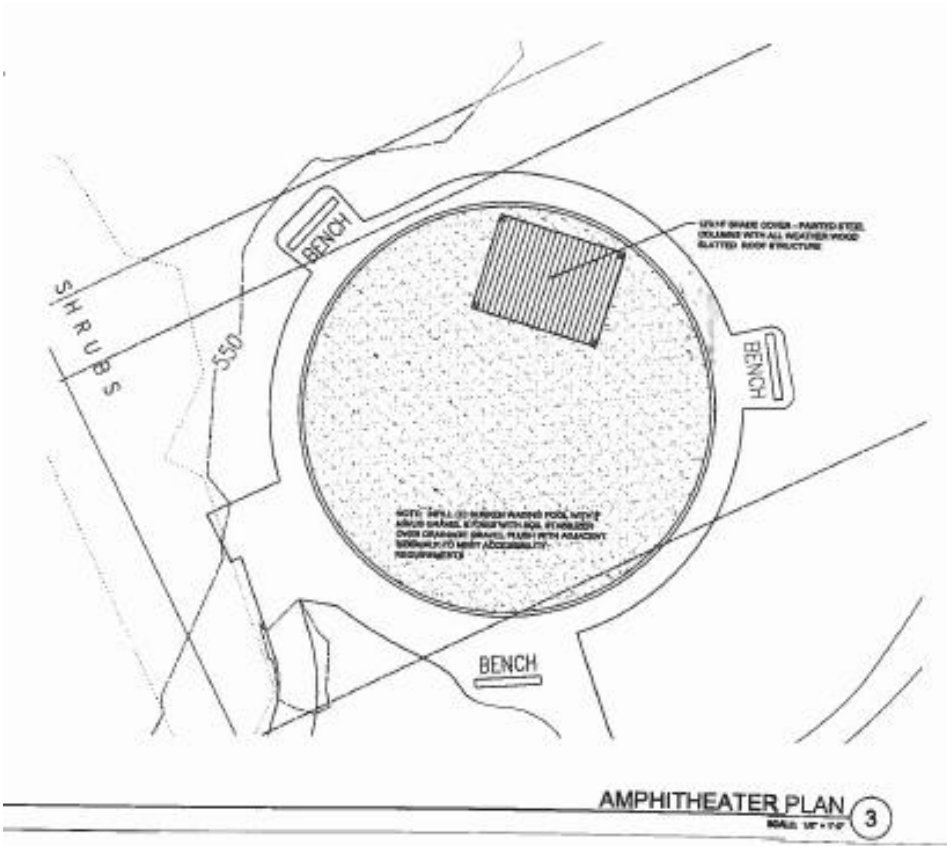
Proposed encloserer will replace the existing facility, shown here.







Wading pool with proposed design below



PROCESS

The applicant may apply for one Class I Design Review permit to cover all site improvements (trash enclosure, compactor, pergola, fences, etc.) A separate sign permit application is needed for the signs on the posts.

A neighborhood meeting per section 99.038 is NOT required for a Class I Design Review permit, but an informal/informational meeting with the neighborhood association is always encouraged by staff. Contact Troy Bowers, President of the Sunset Neighborhood Association, at (503) 703-7303 or bowerst@msa-ep.com.

Submittal Requirements

The submittal requirements for a Class I Design Review shall include the following items:

- A site plan (CDC [55.120](#)) is required.
- The applicant shall provide a report from an acoustic engineer or the manufacturer's tests that demonstrate that the compactor will be able to meet DEQ noise standards
- Architectural drawings, including building envelopes and all elevations (CDC [55.140](#)) and building materials and colors.
- The applicant shall also submit a sign permit application that addresses the submittal requirements of Chapter 52.

Response to the following approval criteria is required:

- Section [55.100](#)(B) (5) and (6), architecture, et al. *Specifically, discuss type of materials used, colors, provide elevations and plans for the compactor enclosure/fencing and the pergola.*
- The applicant shall also respond to section 55.100 (C) Compatibility between adjoining uses, buffering and screening, (D) Privacy and Noise (*Discuss how the compactor stays below Oregon DEQ standards of 50 dBA during the day and 45 dBA at night.*), (J) Crime Prevention and Safety/Defensible Space, (G) Demarcation of Public, Semi-Public and Private Spaces, and (O) Refuse and Recycling Standards.
- Approval criteria of Chapter 52 (signs). (*See 52.300 footnote 4*)

One original application form must be submitted. Three copies at the original scale and three copies reduced to 11 inches by 17 inches or smaller of all drawings and plans must be submitted. Three copies of all other items must be submitted. Electronic versions on disc are required. When the application submittal is determined to be complete, additional copies may be required as determined by the Planning Department. Revised electronic versions will be required.

Prepare the application and submit to the Planning Department with deposit fees and signed application form. The deposit for a Class I Design Review permit is \$1,050. A fee of \$250 is required for the sign permit.

PLEASE NOTE that these 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.

Submittal requirements and approval criteria may be waived but the applicant must first identify the specific 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.

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. Fourteen day notice is sent to property owners within a 100 foot radius of the site. No sign is required to be posted at the site. The decision is made by the Planning Director. There is no public hearing. The Planning Director's decision may be appealed by the applicant or anyone with standing to City Council, requiring at least one City Council hearing.

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.