

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
Notes
May 16, 2013

SUBJECT: Class I Design Review, Water Resource Area permit, Class II Variance, and permit to Enlarge/Alter a Non-Conforming Structure for moving ingress/egress points, paving, and installing stormwater swale, at Dan Davis Recycling Center at 4001 Willamette Falls Drive. Variance is for curb cut width.

ATTENDEES: Applicants: Mike Robinson, Larry Wilkins, Ame LeCocq
Staff: Tom Soppe (Planning Department), Khoi Le (Engineering Department)

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 Dan Davis Recycling center is located on the south side of Willamette Falls Drive along the General Industrial-zoned stretch of this street, on the bank above the Willamette River in the Willamette neighborhood. Like the nearby Laidlaw school bus facility, the recycling center is located in one of the areas where the bank extends south of Willamette Falls Drive and can accommodate a facility. Portland General Electric owns the site, but the site is leased by the City. The City has a contract with the applicant to provide and manage the recycling facility. The contract specifies that the applicant is a contractor, not a partner, with the City and does not specify that changes to the site done by the contractor are the responsibility of the City. Therefore this will be handled like any other private applicant's application in that deposits will be required by the applicant (unlike applications where the City is the applicant, in which deposits do not apply in some circumstances).

Currently the facility includes a large paved area served by two ingress/egress gates that are the only ingress/egress points along the site. There is a chain link fence just south of the property line along the Willamette Falls Drive right-of-way (ROW). Trees line the area between the fence and the street. Much of the site consists of a large paved area lined along the south side with dumpsters and bays where recyclables are deposited. There is an existing building near the east end of the site, and a smaller shed-like

building just west of the eastern entrance and south of the fence. An area that has been gravel and currently has piles of debris on top of it is located at the west end of the site.

Several improvements and changes are proposed to the facility. These include paving the gravel area at the west end of the site; installing a storm swale just beyond what is now the east end of the site; closing the two ingress/egress spots, and; replacing them with two others at different locations along the Willamette Falls Drive frontage. Both the taxlot where most of the improvements exist today and the surrounding taxlot are owned by Portland General Electric (PGE). The proposed improvements would expand the functional area of the recycling center into the surrounding taxlot, but no lot line adjustment is needed as these parcels are both owned by the same party.

The Class I Design Review is needed due to some of the proposed improvements, per Section 55.020. These include the moving of the ingress/egress points of the site, as 55.020(K) requires Class I Design Review for "Revised points of ingress/egress to a site." The addition of the stormwater swale also requires Class I Design Review as 55.020(L) requires this for modification of a landscape plan and 55.020(M) requires it for modifications to the stormwater system of a site.

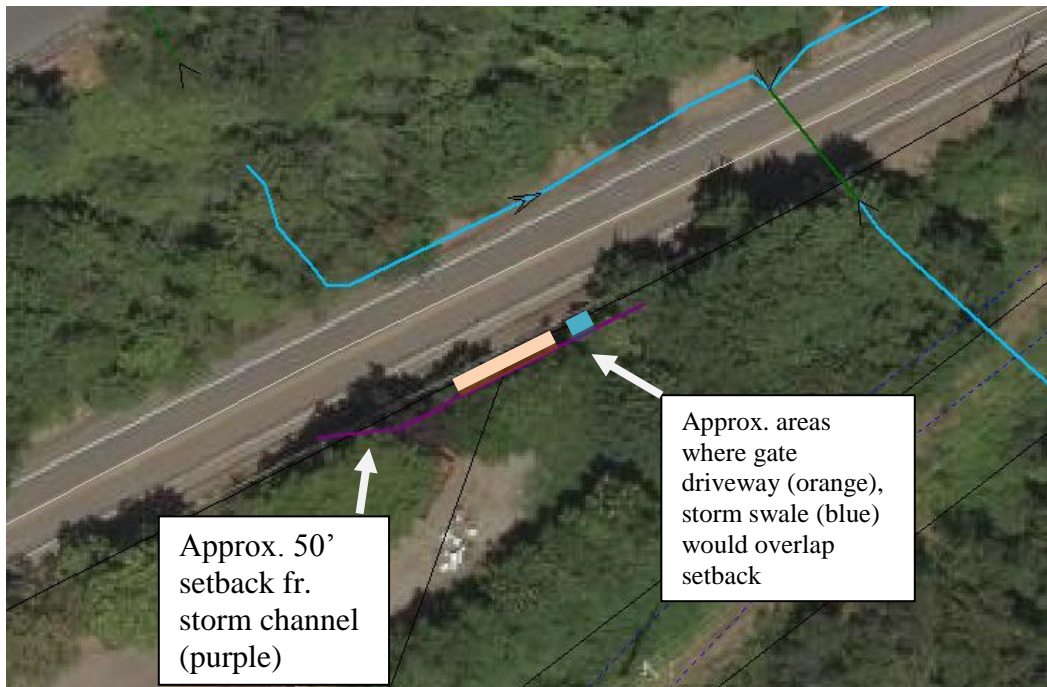
The site is within the Willamette River Greenway overlay zone, but none of the areas where improvements are proposed are within the Habitat Conservation Areas, so the proposal is exempt from the Willamette River Greenway permit per CDC Section 28.040(S).

There is a storm channel across Willamette Falls Drive that is covered by the provisions of Chapter 32, per 32.020(C), as it is an open channel on the Surface Water Management Plan that is a roadside swale in a non-residential area. Therefore any development proposed within 50 feet of this channel requires the Water Resource Area permit, if the development is proposed where no paving or structures exist currently. Per both City GIS (insert below) and staff measurements, the only development proposed that would overlap with this 50 foot setback (in areas where there is not already development) is in the northeast corner of the site. This overlap occurs where areas that currently have trees and vegetation would become developed with the north ends of the stormwater treatment swale and the driveway serving the new entrance gate. See these approximate overlap areas on the aerial photo insert below.

In the approval criteria for the Water Resource Area (WRA) permit, 32.050(F) allows driveways to be built in these transition area setbacks if no other practicable alternative exists, so the applicant should demonstrate that no practicable alternative exists, or not propose to move this entrance/exit point of the site. Also in the approval criteria for the Water Resource Area permit 32.050(M) allows stormwater treatment facilities to encroach up to 25 feet into the transition area setback as long as an equal sized area is added to the transition area on site. The proposed swale would definitely encroach less than 25 feet into the setback, so this should be fine as long as the appropriate mitigation

and revegetation are done. Like the driveway, the storm swale could be alternately proposed only in areas that are not in the Water Resource Area transition area. If both these changes are made to the proposal the Water Resource Area permit would not be needed.

Mitigation on or off site, per the provisions of 32.080, would have to be done to offset the square footage developed within the transition area. If done on site it would have to be done outside of but contiguous to the current WRA setback, and then dedicated to the City or preserved in an easement. If it is done off-site, this would be done by working with the Parks department to restore part of an unhealthy water resource area or transition area on City land, under Parks supervision.



The west end of the site is within the significant riparian corridor setback (100 feet) of Tanner Creek. However if no new development is added here where there was none before (including gravel or pavement where there was vegetation previously) then the proposal is exempt from the Water Resources Area permit per CDC Subsection 32.020(D)(8)(a), at least as far as it relates to development at this end of the site. Unlike with the proposed entrance and proposed stormwater treatment swale at the east end of the site, there are not provisions for allowing development that further encroaches into the resource area at the west end of the facility. Therefore the applicant should be sure that new pavement and bays at the west end do not extend further south or southwest than the current gravel and pavement in this area in order to avoid needing a variance to the Water Resource Area provisions. In replacing the gravel with pavement and in implementing new stormwater treatment infrastructure on site, the applicant

should be sure to design all improvements so that there is no interbasin transfer to comply with Section 32.050(I).

As discussed with the applicant, the swale would not be needed if the pavement on the west end was not proposed, if that is the only proposed activity increasing the amount of on-site impervious area by more than 500 square feet. Even if the pavement is not proposed and the swale not proposed either, the Water Resource Area permit and the Class I Design Review would still be needed due to the revising of the driveway location and the proposal of the one new driveway entrance within 50 feet of the aforementioned storm channel.

The two ingress/egress driveways are currently approximately 90 feet apart and the proposal would make them approximately 250 feet apart. Section 48.025(B)(6) states that the access spacing standards in Chapter 8 of the Transportation System Plan (TSP) shall be applicable. These standards, in Table 8-3 in the TSP, require a minimum of 300 feet between driveways on an arterial street such as Willamette Falls Drive. Therefore the site is non-conforming to current code standards but would become less non-conforming upon implementing the proposal. Therefore a permit to Enlarge/Alter a Non-Conforming Structure is required.

CDC Section 48.060(B) requires curb cuts on all streets except Highway 43 to be a maximum of 36 feet wide. The applicant plans to have curb cuts that are more than 36 feet wide to accommodate the truck traffic at the site, so a Class II Variance is also needed. As can be seen in the criteria of 75.060, the applicant must prove the necessity of the variance requested.

While not shown or discussed in the pre-application submittal, the applicant discussed the possibility of replacing the small "gate house" building at the front of the site with a pre-fabricated metal shed. However as an accessory structure this is exempt from Design Review per 55.025(B). Therefore the applicant can go directly to building permit stage with this aspect of the project.



One of two similar existing ingress/egress points, both to be moved



Area where new west entrance is proposed along Willamette Falls Drive



Area where new east entrance is proposed along Willamette Falls Drive



Area in background is formerly gravel area to be paved. New walled bays will be placed here also, at the far end.



Behind fence is the area east of site where stormwater swale will be installed

Process

A Class I Design Review permit is required. A Water Resources Area permit is also needed, unless plans are reconfigured so no development takes place within the 50 foot setback of the storm channel across Willamette Falls Drive. A Class II Variance for curb cut width is also needed. A permit to enlarge/alter a non-conforming structure is also needed to increase the distance between driveways without achieving full compliance.

A neighborhood meeting is not required for any of these permits, but neighborhood meetings are always encouraged by staff nonetheless. Contact Beth Kieres, Willamette NA President, at 503-722-1531 or Willamettena@westlinnoregon.gov. 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.

For Design Review, the criteria of 55.090 shall be responded to individually in a narrative. Subsection 55.090(C) allows Planning to determine which approval criteria in 55.090(A) are appropriate; 55.090(A)(2) is not applicable as architectural work is not proposed, so therefore the applicant does not have to respond to the criteria listed here. 55.090(A)(1) requires responses to the criteria related to tree preservation in the code. Since trees are proposed to be removed for the new entrances, be sure to see whether the City Arborist designates these trees as significant and respond to the requirements accordingly. Subsection 55.090(A)(4) allows Planning to require responses to additional criteria from 55.100 as appropriate. For the improvements proposed, the following additional criteria are appropriate and shall be responded to in a narrative:

- 55.100(A)(1) Stormwater
- 55.100(A)(5) Clear vision areas
- 55.100(A)(6) Fences
- 55.100(A)(7) Parking/loading
- 55.100(A)(8) Access, egress, and circulation
- 55.100(I)(2) Drainage
- 55.100(I)(5) Waste and recycling storage areas

For the Water Resources Area permit the approval criteria of 32.050, 32.070, and 32.080 shall be responded to in a narrative. If on-site mitigation is not available for areas to be developed for the driveway in the transition area, arrange with the Parks and Recreation Department (before applying) as to where and/or how mitigation can occur. For the Class II Variance the criteria of 75.060 shall be responded to in a narrative. For the permit to Enlarge/Alter a Non-Conforming Structure, the criteria of 66.080(B) shall be responded to in a narrative.

Prepare the application and submit to the Planning Department with deposit fees and signed application form. Follow 55.070 for Design Review submittal requirements, 75.050 for Variance submittal requirements, and 32.040, 32.070, and 32.080 for Water Resources Area permit submittal requirements (including plans, maps, etc.) that should accompany the narrative and the application form.

The fee for a Class I Design Review request is \$2,100, a deposit for a Water Resources Area permit is \$1,850, a Class II Variance has a deposit of \$2,900, and the permit to Enlarge/Alter a Non-Conforming Structure carries a fee of \$3,000. **PLEASE NOTE that the deposits (but not the fees) as quoted 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 may be waived. To allow this to possibly happen, the applicant must first identify the specific submittal requirement and request, in letter form, that it be waived by the Planning Director, identifying 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 staff will schedule a public hearing before the Planning Commission and send out a notice to the applicant, neighbors, and other stakeholders at least 20 days in advance. The Planning Commission'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.