

**WEST LINN CITY COUNCIL
FINAL DECISION AND ORDER
AP-16-01**

This Final Decision and Order amends the June 2, 2016 Final Decision and Order on AP-16-01 and memorializes the decision of the West Linn City Council on the remand of this case from the Land Use Board of Appeals (LUBA).

The scope of the decision is confined to the matters remanded by LUBA for determination by the City.

GENERAL INFORMATION

APPELLANT: David Dodds/Save Our Sunset Park
18931 Old River Road
West Linn, OR 97068

**LUBA REMAND
DEADLINE:** ORS 227.181(2) requires the City to take final action on the remand within 120 days of the City receiving a request to proceed. The request was received from West Linn-Wilsonville School District legal counsel on February 13, 2017. Final action must be taken by June 8, 2017.

PUBLIC NOTICE: Public notice was mailed to all persons with standing, neighborhood associations, and property owners within 500-feet on February 28, 2017. The property was posted with a notice sign on March 9, 2017. The notice was published in the West Linn Tidings on March 9, 2017. The notice requirements of CDC Chapter 99 have been met. In addition, the modified stormwater report (Stormwater Drainage Report, July 2016, prepared by KPFF Consulting Engineers) and LUBA Final Order and Opinion was posted to the City's website February 22, 2017.

SITE LOCATION: 2351 Oxford Street (Sunset Primary School)

**LEGAL
DESCRIPTION:** Clackamas County Assessor's Map 2S-1E-25DC, Tax Lots 3700, 5800, 6100, 6200, and 6300

SITE SIZE: 6.19 acres

ZONING: R-10, Single-Family Residential Detached and Attached.

**COMP PLAN
DESIGNATION:** Low-Density Residential

OWNER/APPLICANT: West Linn-Wilsonville School District
2755 SW Borland Road
Tualatin, OR 97062
Contact: Tim Woodley

BACKGROUND

The West Linn-Wilsonville School District submitted a land use application in November 2015 to replace the Sunset Primary School at 2351 Oxford Street. This application was deemed complete on February 1, 2016. The request required approval by the West Linn Planning Commission for a Conditional Use Permit (CUP-15-03), Class II Design Review (DR-15-17), and Class II Variances (VAR-15-01, VAR-15-02). The School District withdrew a third variance request that was part of the original application, with approval by the Planning Commission, at the April 6, 2016 public hearing.

The proposal was for the purpose of constructing a new Sunset Primary School on the site containing the existing school and included the following improvements:

- Replacing the existing school building with a new 61,680 square foot building
- New on-site circulation and parking
- New sports field and play areas

The project will be conducted in two construction phases to allow the school to operate continuously on the site. The first phase will include construction of the new school building and playground in the general location of the existing playground and sports field. The second phase will commence once the new school building is complete. The second phase includes demolition of the existing school building and constructing a new sports field and parking in that location.

The proposed development site is located in the Sunset Neighborhood and currently contains the existing 54,000 square foot Sunset Primary School and associated driveway, parking, and play areas. The site is zoned R-10, is 6.19 acres, "L" shaped and bordered by Oxford and Bittner Streets, Sunset Park, and residential development. The site is relatively flat and contains a number of significant trees in the southeast portion. Access to the site is provided by Oxford and Bittner Streets, as well as two pedestrian pathways that connect through the residential areas north to Oregon City Boulevard and east to Oregon City Loop.

PROCEDURAL HISTORY

The West Linn Planning Commission held the first of three public hearings on March 16, 2016, to consider the replacement of the Sunset Primary School. The hearing included a staff report, applicant presentation, oral testimony by 11 individuals, several written submittals/exhibits, and applicant rebuttal. The hearing was continued to April 6, 2016 for additional written comments and oral testimony.

The applicant submitted additional materials on March 30, 2016, to address testimony received at the initial hearing. The continued hearing on April 6, 2016 included a staff report, written comments submitted since the previous hearing, oral testimony by four new participants and four previous participants, and the applicant's rebuttal. The applicant also offered to withdraw VAR-15-03 and the Commission approved the withdrawal. The Commission closed the hearing, granted seven days until noon on

April 13, 2016, for written response to new evidence, and continued the hearing to April 13, 2016, for deliberations. After deliberations on April 13, 2016, the Commission approved the applicant's proposal by finding compliance with the applicable criteria:

- Chapter 11, Single-Family Residential Detached, R-10;
- Chapter 38, Additional Yard Area Required, Exceptions to Yard Requirements, Storage in Yards, Projections into Yards;
- Chapter 41, Building Height, Structures on Steep Slopes, Exceptions;
- Chapter 42, Clear Vision Areas;
- Chapter 44, Fences;
- Chapter 46, Off-Street Parking, Loading and Reservoir Areas;
- Chapter 48, Access, Egress and Circulation;
- Chapter 52, Signs;
- Chapter 54, Landscaping;
- Chapter 55, Design Review;
- Chapter 60 Conditional Uses;
- Chapter 75, Variances and Special Waivers;
- Chapter 92, Required Improvements;
- Chapter 96, Street Improvement Construction; and
- Chapter 99, Procedures for Decision Making: Quasi-Judicial.

The Planning Commission approval of CUP-15-03, DR-15-17, and VAR-15-01/02 was appealed on April 28, 2016, by Save Our Sunset Park, pursuant to CDC 99.250. The appellant contended the West Linn Planning Commission misapplied the following provisions of the West Linn Community Development Code:

- CDC 60.070.A(2)
- CDC 60.070.A(3)
- CDC 60.070.A(6); CDC 55.130.B
- CDC 75.020.B
- CDC 92.010.E

The appellant met the application requirements by referencing the application to be appealed, providing a statement of standing, paying the required fee, and identifying the applicable approval criteria that were misapplied. The appellant did not identify grounds for a procedural irregularity, nor did the appellant request the Council re-open the record.

The appeal hearing was held on May 23, 2016. The Appellant presented oral argument, followed by oral argument from the Applicant, and the public. The appeal hearing was continued to May 24, 2016, for Council questions and deliberation. Council closed the public hearing on May 24, 2016, and a motion was made to deny the appeal AP-16-01 and tentatively affirm and modify the Planning Commission's decision to approve the Sunset Primary School Replacement, and adopt the Planning Commission's findings and conditions of approval, except to the extent modified by a new condition, defined during the May 24, 2016, hearing as:

"Reconfigure and reduce size of proposed stormwater detention facility to provide for an impervious lined stormwater detention facility and to preserve a minimum of 7 trees that were originally proposed for removal to accommodate the stormwater detention facility."

The motion passed three votes in favor and two votes opposed. The proceeding was continued to May 26, 2016, and staff were directed to prepare final language of the condition for consideration by the Council.

On May 26, 2016, the Council deliberated briefly before retaining the original draft condition as stated above. The Council also determined there was insufficient time to prepare final findings that day and asked the Applicant if it would grant a short extension so the Council could adequately prepare its findings. The Applicant agreed to an extension and the appeal hearing was continued to June 2, 2016.

On June 2, 2016, the Council adopted the Final Decision and Order (Exhibit CC-3) to deny the appeal and affirm the Planning Commission decision with additional conditions of approval.

The Council decision was appealed to the Land Use Board of Appeals (LUBA) and after the record was finalized, LUBA held oral argument on December 8, 2016. LUBA issued its Final Opinion and Order on January 12, 2017 (Exhibit CC-2), which sustained the first and second assignment of errors and denied the third and fourth assignments of error. On remand the City needs to address the two issues that were raised by LUBA regarding the modified storm drainage plan and the City's code criteria, specifically whether the modified plan was "(1) submitted by a registered engineer and (2) supported by factual data."

CITY COUNCIL JURISDICITON

The City Council determined that the evidentiary hearing following LUBA's remand of the case would be conducted by the City Council. In testimony and in a memorandum, Counsel Peggy Hennessey objected on behalf of her clients, urging that the matter should first be heard by the Planning Commission. Some other witnesses joined in this objection.

The City Council has considered the objection and the relevant Code provisions and for several reasons reaffirms its decision to conduct the remand hearing before the City Council.

The objection is based on the provisions of the City Code which govern the conduct of quasi-judicial appeals from the Planning Commission to the City Council. In most cases, these appeals are conducted based on the record made before the Planning Commission and no new evidence is accepted during the Council hearing. The Code does, however, allow the City Council the discretion to accept new evidence where it finds that:

1. A procedural error was committed that prejudiced a party's substantial right, and reopening the record before the Council is the only means of correcting the error; or
2. A factual error occurred before the lower decision making body through no fault of the requesting party that is relevant to an approval criterion and material to the decision.

The objection to Council jurisdiction is based on the argument that neither of these conditions are satisfied and therefore only the Planning Commission can accept new evidence regarding the compliance of the modified Stormwater design with applicable criteria.

The City Council has considered the cited Code provision and finds that the text of the Code does not expressly address the applicable procedure for conduct of a hearing after remand from LUBA. The cited provisions control hearings on appeals from the Planning Commission or other lower decision making bodies, but not remands from LUBA. The Council must therefore determine a fair process to conduct the proceeding.

In our view the procedural posture of the case is different than a matter coming before the Council on appeal from the Planning Commission. After the Council's earlier deliberation and decision, the case was reviewed by LUBA which affirmed part of the decision and remanded part of the decision. On remand, the Council found itself again at the deliberation stage, but with guidance from LUBA as to the issues the Council must consider. Our judgment is that the hearing should be reopened to accept evidence and argument on the issues identified by LUBA. We interpret the Code provision regarding appeals from the Planning Commission to be inapplicable to this situation.

Conduct of the evidentiary hearing at the Council level is reasonable based on several considerations. First, there has been no prejudice to any party. All participants were given the opportunity to present and rebut evidence and to offer argument. Second, the City Council itself imposed the condition which is the subject of the hearing. It is therefore most familiar with the relevant aspects of the record and the reasoning and analysis that led to the conclusion that imposing a condition requiring a modified Stormwater design was necessary to assure compliance with the applicable criteria. Finally, considerations of administrative efficiency are relevant in this case because the City has expended a very large amount of its staff capacity on the matter and because it is important to all parties to the case to know the outcome as soon as possible because the school project is already under construction.

Alternatively, we do not interpret our authority to accept evidence under 99.280(C) as restrictively as those who argue that it prevents our consideration of new evidence. We interpret Subsection (C)(2) broadly to include errors of the type made in this case. Had no error been made, it would not have been necessary for the City Council to impose new conditions related to the Stormwater design. Based upon this determination, if

Section 99.280(C) was applicable to this remand proceeding, the Council would conduct an evidentiary hearing and consider new evidence.

CONDITION 2

In its decision LUBA ruled that Condition 2 of the June 3, 2016, decision did not obviate the need for public hearing on compliance of the modified stormwater facility design with applicable code criteria. Accordingly, we are modifying Condition 2 to reflect that the modified plan must be reviewed by the City Council in a public hearing. To assure that the detention facility is constructed as represented, we are also modifying Condition 2 to require that the pond liner meets the specifications of the liner submitted as part of the modified stormwater plan. Condition 2 is amended as follows:

2. Engineering Standards. All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to the City Engineer's review, modification, and approval. These must be designed, constructed, and completed prior to the issuance of the final building certificate of occupancy.

2a. The Applicant shall reconfigure and reduce the size of proposed stormwater detention facility to provide for an impervious lined stormwater detention facility and to preserve a minimum of 7 trees that were originally proposed for removal to accommodate the stormwater detention facility.

2b. The stormwater discharge offsite from the modified detention facility must achieve or be less than the reduced discharge rates specified in the approved CUP application.

2c. Applicant shall submit to the City Council Engineer for review and approval in a public hearing, under adopted engineering standards, an amended stormwater management plan incorporating the modified detention facility, supported by the calculations required by the City's engineering standard, and signed by a registered engineer.

2d. The liner employed to provide an impervious surface on the bottom of the modified detention facility shall meet the specifications of the liner submitted as part of the modified stormwater plan.

FINDINGS

As required by Condition 2 of the Council's June 2, 2016, decision in this case, and pursuant to the Council's February 17, 2017, Order reopening the record in this case, the Applicant submitted a modified storm drainage design and a supporting report. The Council conducted a hearing to take evidence and determine whether the modified plan and report satisfied the applicable criteria. Based on the findings herein, the Council

concluded that the modified plan satisfies the applicable criteria and meets the requirements of Condition 2.

A. Matters of Conflicting Evidence and Other Issues

1. Liner Impermeability

The Council questioned the Applicant's representatives regarding the characteristics of the pond liner, seeking information on the degree of permeability of the product employed in the design. The design specifications indicate that the liner is only very slightly porous. The responsive testimony included that the liner was sufficiently impermeable that it would take sixteen years for one inch of water to infiltrate through to the soil underlying the pond.

The Council interprets the Condition 2(a) requirement of "an Impervious lined stormwater detention facility" to mean a liner which meets the specifications for geosynthetic clay liners submitted by the applicant and the requirements of Section 604.03 of the City Standard Construction Specifications resulting in no measurable water loss over a standard two hour hydrostatic test. The functional objective of the condition is to reduce infiltration of water into the soil to a level below what is occurring in the area of the pond in a predevelopment condition. The testimony supports a finding that the liner allows only a minute amount of infiltration and that level is below what occurs in the predevelopment condition. And, City Standard Construction Specification requires testing of the liner to meet the required standard. The Council therefore finds that the liner design specification satisfies the requirements of Condition 2(a).

2. Discharge into Sunset Creek

Application opponents reviewed the claim that there would be increased intensity of runoff from the site and that the design did not sufficiently mitigate the adverse impact from increased runoff. In response, the Applicant offered expert testimony as well as an updated Stormwater Drainage Report dated July 2016. In summary, the Applicant's evidence supports the conclusion that the post development level of runoff will be below the predevelopment level. If reliable, this evidence supports the conclusion that runoff from the site will not be intensified and that the stormwater system design mitigates the impact of stormwater flowing from new structures and impervious surfaces allowed by approval of the application. The Council questioned Applicant's engineering expert regarding his experience, credentials and the results of prior stormwater projects in West Linn. We find the testimony and the report credible and reliable in light of the experience of the project engineer which includes 50 projects completed over more than 20 years with no failures. At least three of these designs were constructed in West Linn with no failures.

Opponents also offered expert testimony which questioned certain aspects of the report, the design and how the project was being constructed. This witness indicated that he

did not have full information about the project. The applicant's engineer effectively responded to the questions raised, identifying the benchmarks employed to compare pre and post development runoff, affirming that the pond was being built to the designed specifications and pointing out that runoff from the site would no longer be discharged into Sunset Creek in an uncontrolled manner. He also offered persuasive testimony that the computer model employed to predict stormwater runoff characteristics yields results consistent with his long experience using conventional calculation methods.

We find that the Applicant's responsive expert testimony to be credible and we are satisfied that the points raised in opposition do not undermine the credibility of the Stormwater Drainage Report dated July 2016, or the supporting testimony provided by the Applicant.

B. Findings Addressing Applicable Criteria.

Community Development Code Chapter 55.130.B

55.130 GRADING PLAN

The grading and drainage plan shall be at a scale sufficient to evaluate all aspects of the proposal and shall include the following:

...

B. A registered civil engineer shall prepare a plan and statement that shall be supported by factual data that clearly shows that there will be no adverse impacts from increased intensity of runoff off site, or the plan and statement shall identify all off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine the off-site impacts from a 10-year storm.

Finding: The applicant submitted a modified Stormwater Drainage Report (Report) in July 2016 to address the conditions of approval imposed by the West Linn City Council in its Final Decision and Order dated June 2, 2016 (Exhibit CC-3). The Report was prepared by a registered civil engineer from KPFF Consulting Engineers. The Report complies with the City of West Linn Design Standards. The Report provides factual data showing no adverse impacts from increased intensity of runoff from the site, including from a 100-year storm. Moreover, the Report sets forth factual data convincingly showing that the intensity of runoff off-site will be reduced, not increased, for all stormwater events up to and including a 100-year storm. Therefore, no off-site measures are necessary for stormwater purposes. The Report and supporting testimony of the applicant's consulting engineer, who oversaw preparation of the Report, show that the proposed development and stormwater plan will reduce offsite runoff to Lewis & Clark Levels (pre-development conditions). This criterion is met.

Community Development Code Chapter 92.010.E

92.010 PUBLIC IMPROVEMENTS FOR ALL DEVELOPMENT

The following improvements shall be installed at the expense of the developer and meet all City codes and standards:

...

E. Surface drainage and storm sewer system. A registered civil engineer shall prepare a plan and statement which shall be supported by factual data that clearly shows that there will be no adverse impacts from increased intensity of runoff off site of a 100-year storm, or the plan and statement shall identify all off-site impacts and measures to mitigate those impacts commensurate to the particular land use application. Mitigation measures shall maintain pre-existing levels and meet buildout volumes, and meet planning and engineering requirements.

Finding: The applicant submitted a modified Stormwater Drainage Report (Report) in July 2016 to address the conditions of approval imposed by the West Linn City Council in its Final Decision and Order dated June 2, 2016. The Report was prepared by a registered civil engineer from KPFF Consulting Engineers. The Report complies with the City of West Linn Stormwater Management Manual and the City of West Linn Design Standards. The Report provides factual data showing no adverse impacts from increased intensity of runoff from the site, including from a 100-year storm. Moreover, the Report sets forth factual data convincingly showing that the intensity of runoff off-site will be reduced, not increased, for all stormwater events up to and including a 100-year storm. Therefore, no off-site measures are necessary for stormwater purposes. The Report and the supporting testimony of the applicant's consulting engineer, who oversaw preparation of the Report, show that the proposed development and stormwater plan not only maintain pre-existing levels, but reduce stormwater discharge intensity from the site. West Linn Engineering staff reviewed the Report and determined that the modified design and Report meets all engineering requirements. This criterion is met.

Community Development Code Chapter 60.070.A(2)

60.070 APPROVAL STANDARDS AND CONDITIONS

A. The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, except for a manufactured home subdivision in which case the approval standards and conditions shall be those specified in CDC 36.030, or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:

...

2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features.

Finding: The applicant submitted a modified Stormwater Drainage Report (Report) in July 2016 to address the conditions of approval imposed by the West Linn City Council

in its Final Decision and Order dated June 2, 2016. The Report calculations now account for an impervious liner and a reduced footprint for the stormwater facility to preserve additional significant trees on the site. The impervious liner addressed and eliminated all concerns of oversaturation of soils and offsite runoff with potential adverse impacts to significant trees, city properties, and private properties. With the modified design and Report, the applicant has shown the characteristics of the site are suitable for the proposed use because additional trees will be retained on-site due to the decreased area of the stormwater facility. In addition, the conditions of approval result in stormwater containment within the detention facility. The detention facility addresses and eliminates any concern that shallow landslide hazards mapped by the Department of Geology and Mineral Industries (DOGAMI) in the vicinity of the project site could be at a higher risk of landslide because the project will not increase soil saturation.

Evidence and testimony was presented during the 2016 hearings by Pacific Hydro-Geology (PHG) geologist Malia Kupillas, a registered geologist in Oregon, regarding soil saturation impacts and tree retention concerns with the original Stormwater Drainage Report. The applicant responded to those concerns by reducing the size of the detention facility, adding an impervious liner (as required by conditions of approval), and modifying its Stormwater Drainage Report with the July 2016 Report. The July 2016 Report provides substantial and convincing evidence that the detention facility will reduce the infiltration of stormwater, thereby reducing the landslide risk. Therefore, the City relies on the modified Report with supporting testimony of the applicant's consulting engineer who oversaw preparation of the Report, and it finds the evidence in that Report to be substantial and persuasive with regard to soil saturation impacts. This criterion is met.

Community Development Code Chapter 60.070.A(3)

3. The granting of the proposal will provide for a facility that is consistent with the overall needs of the community.

Finding: The applicant submitted a modified Stormwater Drainage Report (Report) in July 2016 to address the conditions of approval imposed by the West Linn City Council in its Final Decision and Order dated June 2, 2016. The Report calculations now account for an impervious liner and a reduced footprint for the stormwater facility to preserve additional significant trees on the site. The impervious liner addressed and eliminated all concerns of oversaturation of soils and offsite runoff with potential adverse impacts to significant trees, city properties, and private properties. With the modified design and Report, the applicant has shown the proposal will provide for a facility that is consistent with the overall needs of the community because additional trees will be retained on-site due to the decreased area of the stormwater facility. In addition, the conditions of approval result in stormwater containment within the detention facility. The impervious lined detention facility addresses and eliminates any concern that soil saturation downslope will potentially have negative impacts on mature trees in the vicinity of the project site because the project will not increase soil saturation.

Evidence and testimony was presented during the 2016 hearings by Pacific Hydro-

Geology (PHG) geologist Malia Kupillas, a registered geologist in Oregon, regarding soil saturation impacts and tree retention concerns with the original Stormwater Drainage Report. The applicant responded to those concerns by reducing the area of the detention facility, adding an impervious liner (as required by conditions of approval), and modifying its Stormwater Drainage Report with the July 2016 Report. The July 2016 Report provides substantial and convincing evidence that the detention facility will reduce the infiltration of stormwater, thereby reducing potential impacts to mature trees downslope. Therefore, the City relies on the modified Report with supporting testimony of the applicant's consulting engineer, who oversaw preparation of the Report, and it finds the evidence in that Report to be substantial and persuasive with regard to soil saturation impacts. This criterion is met.

Community Development Code Chapter 60.070.A(6)

...

6. *The supplementary requirements set forth in Chapters 52 to 55 CDC, if applicable, are met.*

Finding: The applicant submitted a modified Stormwater Drainage Report (Report) in July 2016 to address submittal requirements found in CDC 55.130.B (per LUBA remand) and allow the community to review the Report and provide comment at a public hearing. The Report satisfies the conditions of approval imposed by the West Linn City Council in its Final Decision and Order dated June 2, 2016. (Finding for CDC 55.130.B). This criterion is met.

Condition 2

2. Engineering Standards. All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to the City Engineer's review, modification, and approval. These must be designed, constructed, and completed prior to the issuance of the final building certificate of occupancy.

2a. The Applicant shall reconfigure and reduce the size of proposed stormwater detention facility to provide for an impervious lined stormwater detention facility and to preserve a minimum of 7 trees that were originally proposed for removal to accommodate the stormwater detention facility.

2b. The stormwater discharge offsite from the modified detention facility must achieve or be less than the reduced discharge rates specified in the approved CUP application.

2c. Applicant shall submit to the City Council for review and approval in a public hearing, under adopted engineering standards, an amended stormwater management plan incorporating the modified detention facility, supported by the

calculations required by the City's engineering standard, and signed by a registered engineer.

Finding: In its June 2, 2016, Final Decision and Order the City Council determined that satisfying the above criteria required submission of a modified stormwater design in compliance with the requirements of Condition 2. The applicant has submitted a modified design and Storm Drainage Report. The record indicates that the stormwater detention facility has been redesigned to preserve a minimum of seven trees that were originally proposed for removal and to provide for an impervious liner that allows only a minute amount of infiltration into the soil, less than occurs in the undeveloped condition. The calculations provided in the Stormwater Drainage Report demonstrate that the modified design for the detention facility achieves discharge rates equal to or less than the original design. The calculations in the Report are signed by a registered engineer and have been reviewed and approved by the City's Engineer under adopted engineering standards. We find that the condition 2 is satisfied by the documents submitted by the Applicant.

ORDER

The Council modifies its June 2, 2016, decision in AP-16-01 to approve the modified storm drainage design, adopt Supplemental Findings addressing the compliance of the modified stormwater design with applicable criteria, and amend and incorporate Condition 2 as follows:

2. Engineering Standards. All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to the City Engineer's review, modification, and approval. These must be designed, constructed, and completed prior to the issuance of the final building certificate of occupancy.

2a. The Applicant shall reconfigure and reduce the size of proposed stormwater detention facility to provide for an impervious lined stormwater detention facility and to preserve a minimum of 7 trees that were originally proposed for removal to accommodate the stormwater detention facility.

2b. The stormwater discharge offsite from the modified detention facility must achieve or be less than the reduced discharge rates specified in the approved CUP application.

2c. Applicant shall submit to the City Council for review and approval in a public hearing, under adopted engineering standards, an amended stormwater management plan incorporating the modified detention facility, supported by the calculations required by the City's engineering standard, and signed by a registered engineer.

2d. The liner employed to provide an impervious surface on the bottom of the modified

detention facility shall meet the specifications of the liner submitted as part of the modified stormwater plan.



RUSSELL AXELROD, MAYOR
WEST LINN CITY COUNCIL

April 12, 2017
DATE

This decision may be appealed to the Land Use Board of Appeals in accordance with the applicable rules and statutes.

Mailed this 12th day of April, 2017.

Therefore, this decision becomes effective at 5 p.m., May 3, 2017.