

WEST LINN PLANNING COMMISSION

FINAL DECISION NOTICE

CUP-12-01/DR-12-03

IN THE MATTER OF THE PROPOSAL OF A CONDITIONAL USE PERMIT AND CLASS II DESIGN REVIEW FOR A PUMP STATION AT 23120 BLAND CIRCLE

At their meeting of April 4, 2012, the West Linn Planning Commission held a public hearing to consider the request by the City of West Linn Public Works Department to approve a water pump station at the Bland Reservoir site at 23120 Bland Circle. This required a Conditional Use Permit and Class II Design Review permit. The approval criteria for Conditional Use Permit are found in Chapter 60 of the CDC. The approval criteria for Design Review are found in Chapter 55 of the CDC. The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing commenced with a staff report presented by Tom Soppe, Associate Planner. Dennis Wright of the Public Works Department and Adam and Ed Butts of 4B Engineering presented for the applicant. Alice Richmond spoke in favor of the application. Kathie Halicki, Charles Mathews, Roberta Schwarz, and Gary Hitesman spoke in opposition to the application. John Coppedge provided neutral testimony.

The Planning Commission voted to continue the hearing until April 25, leaving the record open for new written testimony and for new oral testimony at the hearing.

Chair Babbitt re-opened the hearing on April 25. Ms. Richmond testified in favor of the application. Ms. Halicki, Mr. Hitesman, Ken Pryor, Dave Rittenhouse, and Mr. Mathews testified against the application. The applicant's rebuttal was provided by Mr. Wright, Mr. Ed Butts, and Jim Whynot of Public Works.

A motion was made, seconded, and passed to approve the application with four new findings, with the 6 conditions of approval in the staff report including modifications to conditions of approval 3, 5, and 6, and with a new Condition of Approval 7. The additional findings are as follows:

Additional Finding 1: The gate should be limited to 6 feet tall to match the fence and be compatible with the neighborhood.

Additional Finding 2: There is the possibility that sanitary sewer service may not be necessary, if water used in the pump station building can be drained outside to a bioswale or other stormwater treatment facility. The applicant is working with the Building Division to see if there is a stormwater treatment solution that complies with plumbing code. If this were to happen, the easement required by Condition of Approval 5 should be allowed to be for the electrical line only, not a sanitary sewer line.

Additional Finding 3: Staff's recommended Condition of Approval 6 requires arbor vitae for screening. Fast-growing evergreen trees and other shrubs on the ground would be a better solution for screening the pump station and for helping screen the existing tank, as they would be more attractive and they would provide the screening of the tank now provided by the trees proposed for removal. The applicant should work with the property owner to the south as their view is most affected by the building of the pump station, as the landscaping near their property should be to their liking, and because vegetation within their property could be a part of the final screening scenario.

Additional Finding 4: There is an abandoned well on site near the proposed pump station building. This should be decommissioned to state Water Resource Division standards to ensure it is not a safety hazard, to ensure it does not interfere with the functioning of the pump station and related pipes, and to be in compliance with state requirements.

The approved conditions of approval are as follows:

1. Site Plan. With the exception of modifications required by these conditions, the project shall conform to the Proposed Site Plans dated January 25, 2012 located on Page 113 (close-up) and Page 114 (entire site) of Exhibit PC33, and shall conform to the Building Elevations plan dated January 25, 2012 on Page 115 of Exhibit PC-3.
2. Shade Tree for Parking Area. A minimum of one shade tree at least 2 inches in diameter at breast height (DBH) shall be planted beside at least one of the new gravel areas where parking may occur. The species and exact location of the tree(s) shall be approved by the City Arborist.
3. Front Gate Height. The proposed gate at the driveway entrance shall be a maximum of 6 feet in height.
4. Signage. The sign proposed to be located on the gate identifying the site and its utilities, as discussed on pages 64 and 67 of Exhibit PC-3 by the applicant, shall be of the style and material used by the Parks and Recreation Department for signs identifying parks, as this will make the signage compatible with the residential neighborhood.
5. Utility easement on 23150 Bland Circle. The utility easement proposed by the applicant to accommodate sanitary sewer and electrical lines serving the site, connecting from the site to Bland Circle along the west edge of the 23150 Bland Circle property, or an alternative easement approved by the City Engineer, must be recorded with Clackamas County before final inspection is approved for the project. Alternately the easement would not need to include sanitary sewer if an alternative solution such as a stormwater bioswale or similar design could be implemented on site.

6. Screening.

a. In the areas where vegetative screening is proposed, the proposed fence location shall be shifted 5 feet away from the property boundary (per Section 54.020 E[3][b]) to accommodate the proposed vegetation on the pump station site and to allow it to screen these fencing areas.

b. The proposed arborvitae on the east and south frontages shall be replaced with evergreen trees, such as Leyland cypress, interspersed with native shrubs. The applicant will coordinate landscaping and fencing materials with the property owner to the south to screen the pump station and reservoir.

7. Decommission Well. The existing well on site shall be decommissioned to state Water Resource Division standards.

This decision will become effective 14 days from the date of mailing of this final decision as identified below. Those parties with standing (i.e., those individuals who submitted letters into the record, or provided oral or written testimony during the course of the hearings, or signed in on an attendance sheet or testimony form at either of the hearings, or who have contacted City Planning staff and made their identities known to staff) may appeal this decision to the West Linn City Council within 14 days of the mailing of this decision pursuant to the provisions of Chapter 99 of the Community Development Code. Such appeals would require a fee of \$400 and a completed appeal application form together with the specific grounds for appeal to the Planning Director prior to the appeal-filing deadline.



MICHAEL BABBITT CHAIR
WEST LINN PLANNING COMMISSION

5-2-12
DATE

Mailed this 3rd day of May, 2012.

Therefore, this decision becomes effective at 5 p.m., May 17, 2012.