



22500 Salamo Road
West Linn, OR 97068

STAFF REPORT FOR THE CITY COUNCIL

FILE NO: MISC-12-02

HEARING DATE: February 27, 2012

REQUEST: One-year temporary permit for storage of material and equipment to be used by Oregon Department of Transportation (ODOT) in the refurbishment and reinforcement of the Oregon City-West Linn Bridge. This is ODOT's second temporary permit request.

APPROVAL CRITERIA: The approval criterion for a temporary use permit is contained in Community Development Code (CDC) Section 35.040(B).

STAFF REPORT PREPARED BY: Peter Spir, Associate Planner

Planning Director's Initials _____

EXECUTIVE SUMMARY

ODOT is half way through a two-year project to restore and reinforce the Oregon City-West Linn Bridge. The form and size of the bridge will remain the same. The project entails replacement of aging concrete and shotcrete that cover the steel structural elements of the bridge, improved railings, pedestrian facilities, roadway surface and possible replacement of weakened steel components. The bridge is expected to remain closed to all traffic until October 15, 2012 with an estimated completion date of March 31, 2013.

ODOT needs staging areas to accommodate trailers for the administration and supervision of the project as well as storage of building materials, equipment and vehicles. To accommodate the staging areas, a one-year temporary permit was applied for, and approved by City Council, in January 2011 per CDC Section 35.030(C). That one- year permit has lapsed. ODOT needs another one year temporary permit. In the event that the project is not complete by the time this temporary permit (*if approved*) lapses in 2013, ODOT can apply for an additional temporary use permit.

The two staging areas along Mill Street and Territorial Drive have paved or gravel surfaces and are close to the bridge. There is some potential for occasional traffic congestion and parking issues impacting the residents of the eight homes along Territorial Drive beyond the construction site. (See Finding 3). Anchors on the shoreline that are connected by cable to a construction barge

under the bridge required the removal of some vegetation that will have to be replaced once the project is complete.

Construction and construction noise is allowed between 7am and 7pm weekdays and 7am to 5pm on the weekends per the West Linn Municipal Code. In January 2012, the contractor extended the work hours on the Oregon City portion of the bridge from 5am to 11pm. ODOT then applied for a waiver of West Linn's limitations to allow work from 6am to 11pm. The City Manager, acting under the authority of the Municipal Code subsection 5.487(2) (c), approved the waiver with conditions on February 7, 2012. That waiver is attached on page 20. To date; the City has received no reports or complaints from homeowners along Territorial Drive regarding traffic or noise issues.

Staff recommends approval of the application subject to conditions of approval.

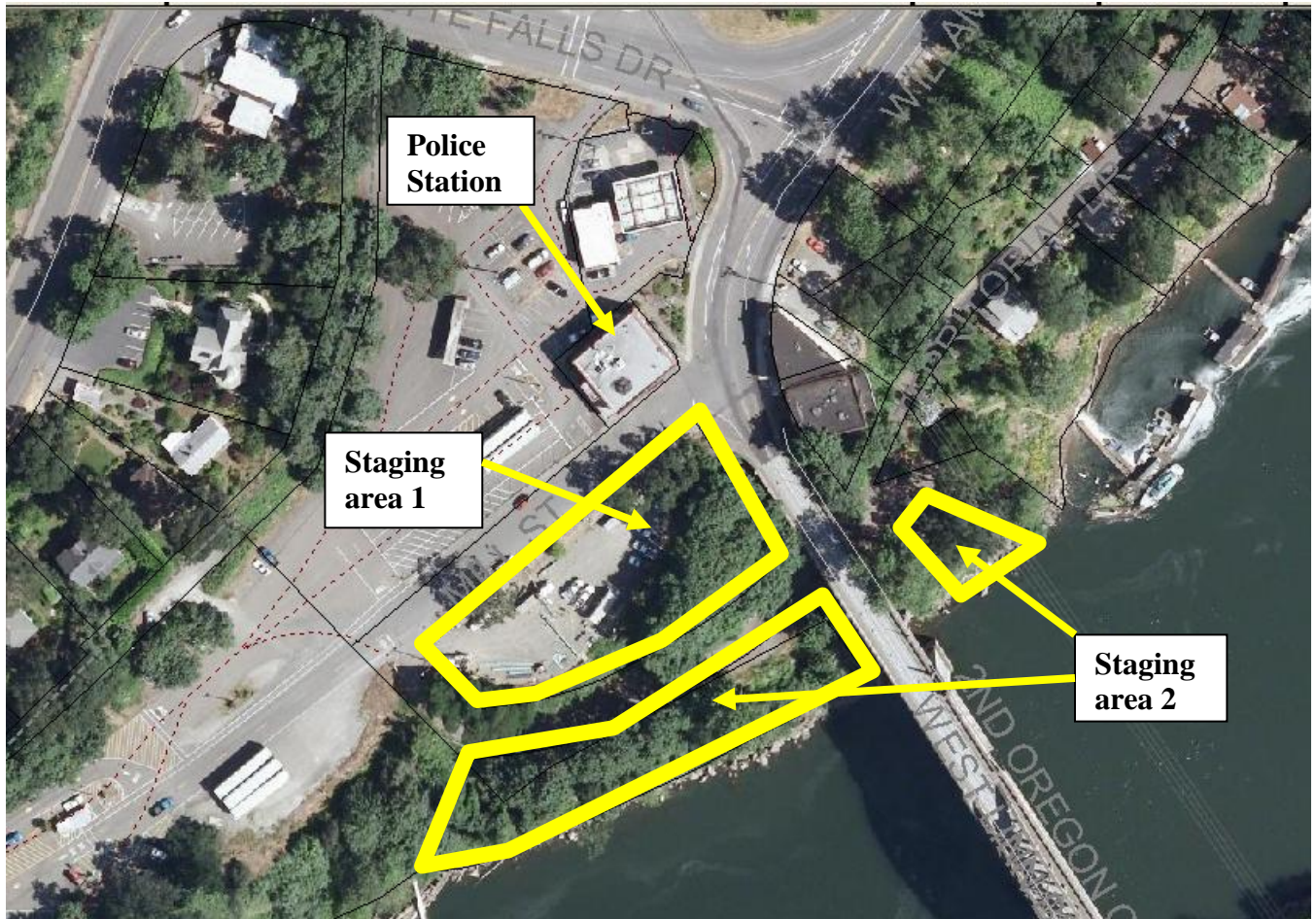


TABLE OF CONTENTS

Page

STAFF ANALYSIS AND RECOMMENDATION

GENERAL INFORMATION.....4

BACKGROUND4-6

FINDINGS.....7-12

RECOMMENDATION AND CONDITION.....12

EXHIBITS

PC-1 PUBLIC NOTICE.....13

PC-2 APPLICANT’S SUBMITTAL.....14-19

PC-3 CTY MANAGER’S WAIVER TO EXPAND CONSTRUCTION HOURS..... 20



GENERAL INFORMATION

APPLICANT: Wayne A. Statler
ODOT-Project Manager
3700 SE 92nd Avenue
Portland, OR 97266

OWNER: West Linn Paper Company
4800 Mill Street
West Linn, OR 97068

LOCATION: South side of Mill Street, across from Police Station, extending down to the Willamette River at the west end of the bridge.

LEGAL DESCRIPTION: Clackamas County Assessor's Map 2-2E-31BA; Tax Lots 400 and 1800

SITE SIZE: 1.3 acres

ZONING: Residential (R-5), General Industrial and General Commercial

COMP PLAN DESIGNATION: Medium Density Residential, Commercial and Industrial

120-DAY PERIOD: The application was complete upon the submittal of materials on January 30, 2012. The 120-day period lapses on May 30, 2012.

PUBLIC NOTICE: Public notice of the February 27, 2012 City Council hearing was mailed to the Bolton and all other Neighborhood Associations, to affected property owners within 500 feet and Clackamas County on February 3, 2012. The property was posted with a sign on February 6, 2012. Notice appeared in the West Linn Tidings on February 16, 2012. In addition, the application has also been posted on the City's website. Therefore, notice requirements have been satisfied.

BACKGROUND

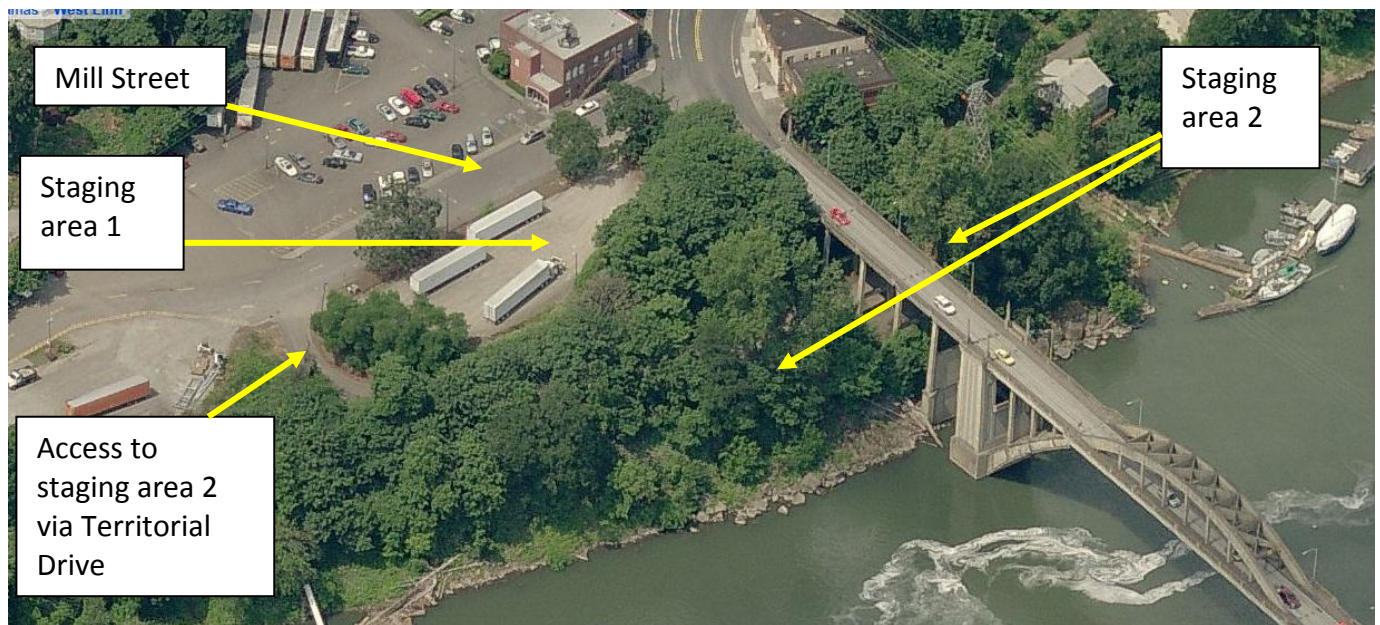
Project Description. The applicant's original submittal stated that there were concerns about the structural and architectural integrity of the 87 year old bridge linking West Linn and Oregon City. The surfaces were showing signs of cracking, loss of material and discoloration. Also the load capacity was restricted to 14 tons. In the months prior to construction, no commercial vehicles were permitted on the bridge. Consequently the state began a major renovation of the bridge. The project is half way through the two-year project timeline. The project required the establishment of staging areas for material and equipment storage, trailer sites and parking. The applicant is currently using two parcels totaling 1.3 acres which are owned by the West Linn Paper Products Company. The parcels are located at the northwest end of the bridge between the police station and the Willamette River. A large construction barge is being held in place under the bridge with

four cables anchored to cleats in native rock along the shoreline and two other cables are secured to anchors mounted in concrete in the Territorial Drive rights-of-way. Once the project is complete, these anchor sites will be restored with native vegetation.

Temporary permits are required for construction related storage. Temporary permits for periods of six to 12 months are issued by the City Council if the applicant can show that the project is eligible and meets the approval criterion. With a completion date of March 2013, it is expected that after the second one-year temporary permit lapses, ODOT can apply for a temporary permit from the Planning Director to cover the last two months or may choose to re-apply for a longer permit through City Council or the Planning Commission.

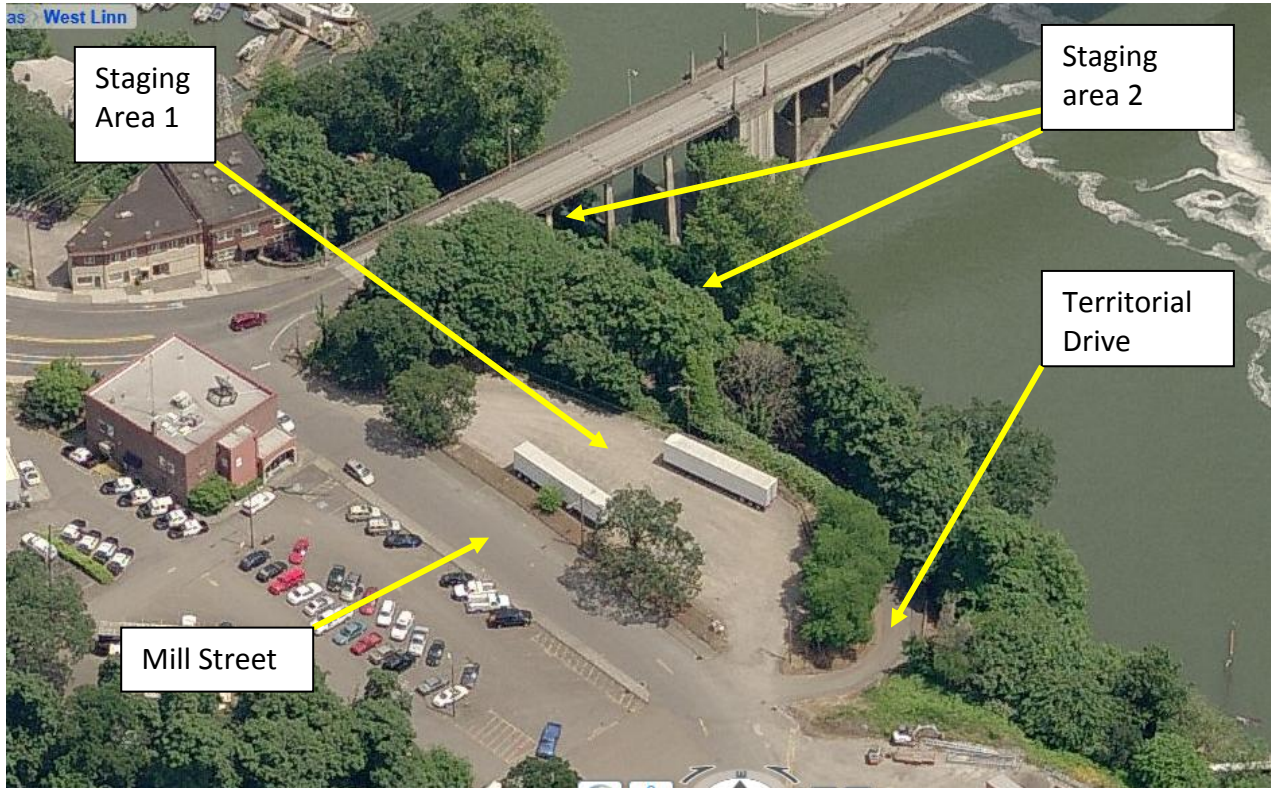
| January 10, 2011 | January 27, 2012 | February 27, 2012 | February 27, 2013 |
|--|---|--|---|
| City Council approves a one-year temporary permit. (MIS-10-25) | ODOT applies for another one-year temporary permit. | City Council hearing. Another one-year temporary permit may be approved. (MIS-12-02) | The second one-year temporary permit, if granted, lapses. |

Site Conditions. Staging area 1 is a flat paved area southeast of Mill Street while staging area 2 is accessed via Territorial Drive and comprises two flat graveled areas under the bridge. The riparian area outside of these developed sites is steeply sloped and densely forested, as shown in the photograph below.



Surrounding Land Use and Zoning

| DIRECTION FROM SITE | LAND USE | ZONING |
|---------------------|-------------------------------------|--------------------|
| North | Parking for Paper Mill | General Commercial |
| East | Residential along Territorial Drive | R-5 |
| South | Willamette River | --- |
| West | Paper Mill | General Industrial |



Public Comments: No public comments or complaints have been received in the course of the first year long temporary permit.

FINDINGS

Staff finds that the proposed construction staging areas are eligible as a temporary use per CDC Section 35.040(A) (3) below.

35.040 TEMPORARY USES

A. *Temporary uses include:*

1. *Uses associated with the celebration of a specific holiday such as the sale of Christmas trees and fireworks;*
2. *Uses associated with the sale of fresh fruits, produce, and flowers;*

3. *Uses associated with construction...*

The following findings are presented in response to the approval criteria for temporary uses listed in CDC Section 35.040(B):

B. Temporary uses described in Section 35.040(A) may be approved if they:

1. Are located on property that is appropriate for the proposed use as determined by the Planning Director;

FINDING NO.1

The staging areas are adjacent to the West Linn-Oregon City Bridge. The staging areas accommodate job trailers, material and equipment storage, worker parking and facilitate access to the bridge itself. Staff finds that the upper staging area (staging area 1) across from the Police Station is flat, paved with access to Mill Street, and has been shown, in the first year of operation, to be well suited to the task.

The staging area 2 comprises flat gravel areas on Territorial Drive adjacent to and underneath the bridge. This area currently allows cranes and workers to more easily access the underbelly of the bridge.



Upper staging area at right on Mill Street. The Police Station is on the left.



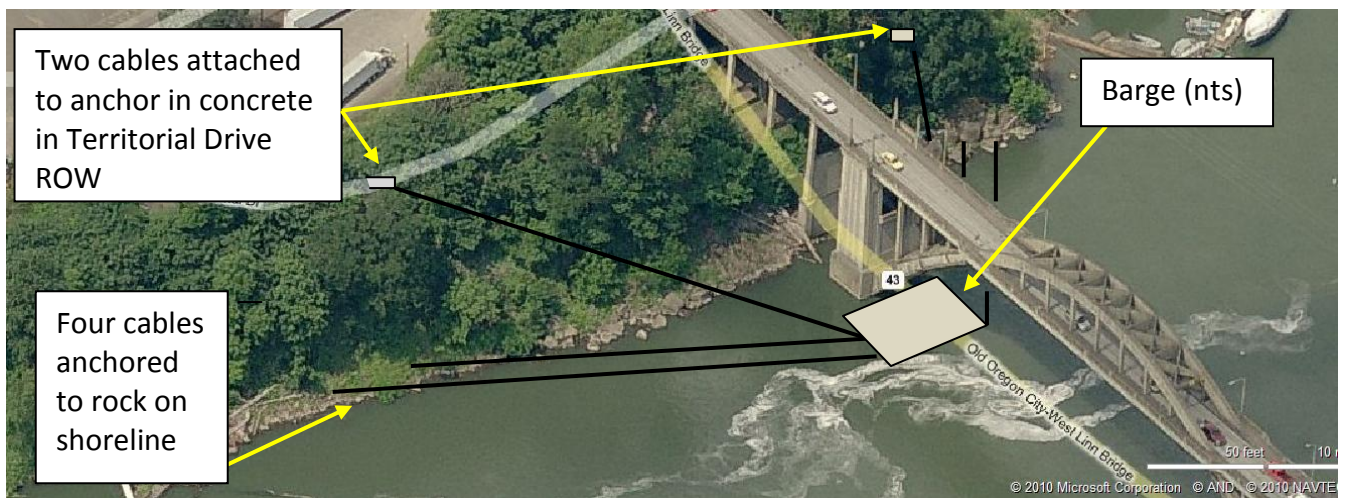
Lower staging area under the bridge along Territorial Drive

The temporary use site also provides ODOT with areas to anchor six cables to hold a large construction barge in place under the bridge. Tim Smith of ODOT reported in the initial application that the four cables at the edge of the river are anchored into native rock and the two cable anchors that are in the Territorial Drive ROW are poured concrete. The contractor has been able to get the cables up to the anchors on Territorial Drive without tree loss. Once the project is completed, the anchors in the native rock will be removed as will the concrete mounted anchors on Territorial Drive.

A condition of approval from the initial temporary permit approval by City Council was that any site disturbance would be restored with native vegetation upon project completion. Erosion control measures are in place.



West Linn-Oregon City Bridge as seen from Territorial Drive/Staging Area 2



2. Have a paved or graveled surface to minimize dust generation or mud tracking;

FINDING NO. 2

The site across from the Police Station is paved while the staging areas adjacent to Territorial Drive are graveled. ODOT has erosion control measures throughout the project period which are addressing mud tracking and dust. The City Engineering Department reports no problems with mud being tracked off-site.

3. Have adequate parking and circulation space;

FINDING NO. 3

This criterion brings up the question of the peak number of workers at the site and whether there is enough room for their parked cars. According to a November 29, 2010 e-mail from ODOT Project Manager Wayne Statler:

“there could be up to 30 people on the project at the peak but generally it will be fewer than that. There is just not a lot of room to work on the bridge. We have rented a number of parking spaces on the Oregon City side – under the approach spans and along the river wall. When we are not actually working in those areas, they will be used for worker parking. Also there is parking in the area across from the Police station.”

Staff finds that there are no parking standards for construction projects listed in CDC Chapter 46: Parking. It would seem reasonable that so long as the peak period amount of workers can be accommodated at the site then this criterion is met.

In a subsequent meeting on December 22, 2010, Wayne Statler explained that most work crews carpool to the project site with three or four workers per car being common. Taking a conservative position, the availability of 15 parking spaces should be sufficient.

Staff finds that there are 18 on-street parking spaces along Mill Street, five parking spaces in the paved area of staging area 1, and an additional 19 spaces rented by ODOT in Oregon City for construction and parking. Combined, this parking supply exceeds the parking demand easily. As a fallback position, the West Linn Paper Mill could make additional parking available. After one year in operation, staff is not aware of any parking problems. Thus the criterion is met.

Adequate circulation usually means: is there enough room on the project site for the internal movement of vehicles? Staff finds that the upper site (staging area 1) offers enough room. Movement on and off the site is facilitated by “spotters” or “flaggers” as needed or when heavy equipment is maneuvering on Territorial Drive or Mill Street.

There is also the issue of preserving existing circulation for homeowners/residents of Territorial Drive. There are eight homes along that street. Residents have been slightly impacted by increased traffic in the area under the bridge but beyond that, the impacts have been minimal. To ensure that construction traffic keeps away from the homes on Territorial Drive, a condition of approval for the first temporary permit required that a sign be installed stating: *“No construction vehicles or construction parking permitted beyond this point”*. The sign was installed and is being correctly observed by workers.

Spotters are available as required to direct traffic at the intersection of Mill Street and Willamette Drive. Staff notes that traffic conflicts at this normally busy intersection have been greatly diminished in the course of this construction project given the fact that there is no traffic on the bridge to contend with.

4. Are in an area that will allow safe ingress and egress including adequate line of sight;

FINDING NO. 4

The lines of sight around the staging areas, particularly the parking lot across from the Police Station, are excellent. The site also benefits from the fact that there is very little trip generation from the homes on Territorial Drive so the chance of conflicts between construction traffic and homeowners is minimal.

According to Wayne Statler in the original application: *"The amount of construction traffic on Territorial will be low volume and random. Spotters will be used to move construction equipment through the intersection of Territorial and Mill when needed. The situation for the residents living on Territorial entering Mill Street will for all wants and purposes be only minimally changed. There may be an occasion where they will need to wait a minute or two for construction equipment to exit or enter Territorial. The paper mill traffic was there before the project and other than signs no other traffic control was provided."*

Staff notes that although there is poor line of sight for traffic exiting from Mill Street onto Willamette Drive, the fact that the bridge is closed means that there is no traffic to deal with, so that problem has been eliminated.

5. Have the property owner's signed permission.

FINDING NO. 5

The applicant has the property owner's permission as shown by the application form.

6. Section 35.030(D) has the following criteria: The applicable approval authority may attach reasonable conditions to any temporary use permit approval which will protect the health, safety, and welfare of the City's residents.

FINDING NO. 6

The Municipal Code sets limits on hours of construction. Construction is allowed from Monday to Friday 7am to 7pm and on the weekends from 9am to 5pm. ODOT has requested a waiver through a separate application to the City Manager. The City Manager, through the authority of Municipal Code subsection 5.487(2) (c), approved the waiver request which will allow work/construction on the bridge be expanded to the hours of 6am to 11pm. This is expected to have the positive benefit of getting the project done faster. The potential downside is that the noise will disturb nearby residents on Territorial Drive, Willamette Falls Drive and near Mill Street and Willamette Drive. With this in mind, the City Manager imposed strict conditions on activity and noise generation after normal hours. Those conditions (see attached February 7, 2012 letter from City Manager to Wayne

Statler on page 20) make it unnecessary to impose conditions relating to noise with his temporary permit.

RECOMMENDATION

Staff has reviewed the applicant's proposal relative to all approval criteria and finds that there are sufficient grounds for approval of the temporary use permit with the condition listed below.

RECOMMENDED CONDITION OF APPROVAL

1. Site Restoration. The applicant shall replace any damaged or destroyed riparian vegetation and trees impacted by this project (e.g. through installation of the anchor(s), cables, etc.) per CDC Section 32.070 and 32.080.