



City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
August 4, 2022

SUBJECT: Flood Management Area Permit for environmental remediation project at Boiler Beach

FILE: PA-22-22

ATTENDEES: Applicant: Jacob Neal (PGE), Jason Palmer, Mia Taylor, Andy Clodfelter (AECOM)
Staff: Darren Wyss (Planning), Ben Gardner (Planning)
Public: None

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

Site Address: 4800 Mill Street
Tax Not No.: 2S 2E 31 tax lot 700
Site Area: 0.76 acres
Neighborhood: Bolton Neighborhood Association
Comp. Plan: Industrial
Zoning: General Industrial
Zoning Overlays: Flood Management Area
Applicable CDC Chapters: Chapter 23: General Industrial Zoning
Chapter 27: Flood Management Areas
Chapter 99: Procedures for Decision-Making: Quasi-Judicial

Summary

The applicant is proposing to implement a Removal Action along a Willamette River shoreline area (“Boiler Beach”), located adjacent to the West Linn Paper Company. The project will be conducted pursuant to Oregon Department of Environmental Quality (DEQ) Removal Rule OAR 340-122-040. Previous surveys and site assessments have found high concentrations of lead and other contaminants in fill material primarily consisting of construction debris including SEMCO bricks. Removal of these bricks and placement of a temporary cap on the shoreline will remove the direct contaminant exposure pathway for humans and sensitive ecological receptors.

The project will involve shoreline capping above the top of the bank and hand removal of SEMCO bricks. SEMCO bricks along the riverbank will be removed by hand whereas in-water SEMCO bricks will be removed by diver team. Potential impacts to the shoreline area include placement of a riprap within the cap area (approximately 16,000 square feet) and removal of brick and debris within the in-water area (approximately 17,000 square feet). All excavated material and bricks from the site will be transported to an upland unloading site via barge, and then offloaded at the Columbia Ridge Landfill in Arlington, Oregon for disposal as characteristic hazardous waste due to elevated lead concentrations.

The applicant will seek a floodplain development permit and a Land Use Compatibility Statement as part of the Joint Permit application process to ensure that the project meets City code requirements. No fill will be placed within the regulatory floodway to avoid the need for a FEMA no-rise certification. Further, to offset placement of fill within the 100-year floodplain, PGE will seek cut credits from an approved source, such as PGE’s Harborton mitigation site, to meet City code cut/fill balance requirements. The project is scheduled to occur during the 2023 in-water work window (July 1- October 31) once all local, state, and federal permits and approvals are obtained.

Applicant Questions:

1. Is there a fee to review and sign the LUCS? Yes, the City charges a \$100 fee.
2. Who notifies the adjacent property owners? The City creates and sends the notice to all property owners within 500-feet of the property.
3. Can the application deposit be paid by credit card? Yes

Planning Comments: contact Darren Wyss at dwyss@westlinnoregon.gov or 503-742-6064

Engineering Comments: contact Justin Loveland at jloveland@westlinnoregon.gov or 503-722-3437

Tualatin Valley Fire & Rescue Comments: contact Jason Arn at jason.arn@tvfr.com or 503-259-1510

Process

For a Floodplain Management Area Permit, address the submittal requirements (CDC Chapter 27.060.C(2)) and responses to the applicable criteria of CDC Chapter 27.070, 27.080, and 27.090 (27.070(I) appears to be the only relevant criteria). N/A is not an acceptable response to approval criteria.

Submittal requirements may be waived by the Planning Manager following a request by the applicant. Such a request must identify the specific grounds for the waiver and must be submitted to the Planning Manager (or designee) in letter form (email is acceptable).

A neighborhood meeting is not required per 99.038.

The deposit for a Flood Management Area Permit is \$1,050.

You may access the West Linn Community Development Code (CDC) online at <http://westlinnoregon.gov/cdc>.

Once the application and fees are submitted, the City has 30 days to determine if the application is complete or not. If the application is not complete, the applicant has 180 days to make it complete or provide written notice to staff that no other information will be provided.

A Flood Management Area Permit is a Planning Manager decision and does not require a public hearing. Once the submittal is declared complete, staff will send a 20-day public comment notice. When the public comment period closes, staff will issue a decision. There is a 14-day window following the decision to appeal the decision to City Council. If no appeal has been received by the close of the appeal period, the decision is final and the applicant may move forward with the development of their proposal.

Submittal of the JPA LUCS for review and signature requires a \$100 fee and can happen at any time during the process.

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 **or provide any assurance of potential outcomes**. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. 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. Any changes to the CDC standards may require a different design or submittal.