

Memorandum

Date: January 25, 2024
To: West Linn Planning Commission
From: John Floyd, Senior Planner
Subject: Public Comments Received After Publication of Staff Report
Calaroga Pump Station (CUP-23-01 / DR-23-08 / FMA-23-03 / WAP-23-03 / MISC-23-05)

The public hearing for the Calaroga Pump Station application was initially scheduled and advertised for January 17, 2024. That hearing was cancelled as a result of severe weather and a request by the applicant to allow time to meet with an adjoining neighbor that had submitted written testimony ahead of the hearing. New notice has been provided as required by CDC 99.080, inclusive of letters being mailed Driveto all property owners within 500 feet of the project site, and posting notices in the West Linn Tidings and along the frontage of Calaroga Drive.

The staff report for the January 17th meeting remains unchanged in order to avoid confusion. However, two comment emails were received after the publication of the original staff report. These comments, and a written response letter from the applicant, are attached to this memorandum and summarized below.

Wetland Land Use Notice Response (January 23, 2024)

Cities and Counties in the State of Oregon are required to submit a notice to the Department of State lands (DSL) whenever a development application has the potential to impact wetlands and waterways. As required by statute, the City mailed a notice letter to DSL and submitted a Wetland Land Use Notice (WLUN) through the DSL WLUN portal. In response, DSL provided with the following determination: *“Based on DSL site review, the proposed pump station project is above the OHWL [Ordinary High Water Level] of Trillium Creek, and does not appear to impact any wetlands or waters.”*

Jessica Bernardini of Tonkon Torp LLP, on behalf of Nicol West Linn LLC (January 16, 2024)

On January 16, 2024, the city received an email from an attorney representing the adjoining property owner at 3891 Calaroga Drive. The email included a statement from a geotechnical engineer concluding that the project could be constructed in a stable manner and any risks/impacts mitigated through sound design and construction methods, but believed the preliminary report included in the staff report was too brief or insufficient to be conclusive.

Carollo Engineers, Inc. (January 25, 2024)

On January 25, 2024, the applicant submitted a response letter addressing the concerns expressed in the January 16th written testimony, and stating that they were meeting with Nicol West Linn LLC and their attorneys to discuss final easement language and design documents. Staff understands these discussions are ongoing, and anticipates additional information will be provided to the Planning Commission as a result of these discussions.

From: Daniel.Evans@dsl.oregon.gov
To: [Floyd, John](#)
Subject: WN2023-0994 Response to Local Case File #CUP-23-01 et. al.
Date: Tuesday, January 23, 2024 11:03:24 AM
Attachments: [Wetland Land Use Notice.pdf](#)
[Wetland Land Use Notice Response.pdf](#)

You don't often get email from daniel.evans@dsl.oregon.gov. [Learn why this is important](#)

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Hi there,

Cities and Counties are required by statute (ORS 215.418 & 227.350) to submit notice to DSL of any projects that may impact wetlands and waterways, according to the Statewide Wetlands Inventory. DSL has completed review of the Wetland Land Use Notification that was prepared for Corianne Burnett (WN2023-0994).

Please see attached for the results and conclusions of this review. To request paper copies please contact support.services@dsl.oregon.gov. Otherwise, please review the attachments carefully and if you have questions regarding this response, contact Daniel Evans, Daniel.Evans@dsl.oregon.gov. Questions regarding the local permit should be directed to your Planner: John Floyd, jfloyd@westlinnregion.gov.

[Planning and Conservation Page](#)
[Permits and Authorization Page](#)

Thank you,

Aquatic Resource Management Program
Oregon Department of State Lands
775 Summer St. NE, Ste. 100
Salem, OR 97301-1279
www.oregon.gov/dsl



Wetland Land Use Notification

OREGON DEPARTMENT OF STATE LANDS

775 Summer Street NE, Suite 100, Salem, OR 97301-1279

Phone: (503) 986-5200

This form is to be completed by planning department staff for mapped wetlands and waterways.

* Required Field (?) Tool Tips

Responsible Jurisdiction

*

City of County of

Municipality*

West Linn

Date*

12/27/2023

Staff Contact

First Name*

John

Last Name*

Floyd

Phone* (?)

503-742-6058

Email*

jfloyd@westlinnoregon.gov

Applicant

First Name*

Corianne

Last Name*

Burnett

Applicant Organization Name

(if applicable)

Carollo Engineers

Mailing Address*

Street Address

707 SW Washington St, Ste 500

Address Line 2

City

Portland

Postal / Zip Code

97205

State

OR

Country

United States

Phone (?)

503-881-9604

Email (?)

cburnett@carollo.com

Is the Property Owner name and address the same as the Applicant?*

No Yes

Property Owner

First Name*

Erich

Last Name*

Lais

Property Owner Organization Name

(if applicable)

City of West Linn

Mailing Address (If different than Applicant Address)

Street Address

City of West Linn Engineering

Address Line 2

22500 Salamo Road

City

west linn

Postal / Zip Code

97202

State

or

Country

United States

Phone (?)

503-722-3434

Email (?)

elais@westlinnoregon.gov

Activity Location



Township * (?)

02S

Range * (?)

01E

Section * (?)

13

Quarter-quarter Section (?)

CA

Tax Lot(s) *

1101

You can enter multiple tax lot numbers within this field. i.e. 100, 200, 300, etc.

To add additional tax map and lot information, please click the "add" button below.

Address

Street Address

3821 Calaroga Dr

Address Line 2

City

West Linn

Postal / Zip Code

97202

State

OR

Country

united states

County *

Clackamas

Adjacent Waterbody

Trillium Cr

Proposed Activity



Prior to submitting, please ensure proposed activity will involve physical alterations to the land and/or new construction or expansion of footprint of existing structures.

Local Case File # * (?)

CUP-23-01 et. al.

Zoning

R-15

Proposed

- Building Permit (new structures)
- Grading Permit
- Site Plan Approval
- Other (please describe)
- Conditional use Permit
- Planned Unit Development
- Subdivision

Applicant's Project Description and Planner's Comments: *

A Conditional Use Permit, Design Review, Floodplain Management Area Permit, a Water Resource Area Permit, and a Nonconforming Development Review at 3821 Calaroga Drive. The applicant (City of West Linn) is requesting approval to replace an existing sanitary sewer lift pump station at a higher elevation and farther away from Trillium Creek than the current structure. The project is located near Trillium Creek, and the application includes a report from David Evans and Associates (Appendix C) that determined no wetlands were present on site or adjance to the project area.

Required attachments with site marked: Tax map and legible, scaled site plan map. (?)

03_2s1e13ca.pdf	1.86MB
CUP-23-01 Site Plan.pdf	467.47KB

Additional Attachments

CUP-23-01 Applicant Submittal - Revised 120823.pdf	45.41MB
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Date

12/27/2023



Response Page

Department of State Lands (DSL) WN# *

WN2023-0994

Responsible Jurisdiction

Staff Contact

John Floyd

Jurisdiction Type

City

Municipality

West Linn

Local case file #

CUP-23-01 et. al.

County

Clackamas

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
02S	01E	13	CA	1101

Street Address

3821 Calaroga Dr

Address Line 2

City

West Linn

State / Province / Region

OR

Postal / Zip Code

97202

Country

Clackamas

Latitude

45.3958384

Longitude

-122.6374581

Wetland/Waterway/Other Water Features

There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

The National Wetlands Inventory shows wetland, waterway or other water features on the property

Your Activity

A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

Applicable Oregon Removal-Fill Permit Requirement(s)

- ✓ A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.
- ✓ A state permit is required for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

Closing Information



Additional Comments

Based on DSL site review, the proposed pump station project is above the OHWL of Trillium Creek, and does not appear to impact any wetlands or waters.

As a reminder, DSL cannot review consultant determinations of wetlands/waters presence, included as part of a WLUN submission, unless they are part of a formal submission through OAR 141-090, fortunately, there was sufficient information to determine that this project does not require a permit.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

1/23/2024

Response by:

Daniel Evans

Response Phone:

503-986-5271

From: [Jessica Bernardini](#)
To: [Floyd John](#)
Subject: Written Testimony for Jan. 17, 2024 Hearing on CUP 23-01/DR-23-08
Date: Tuesday, January 16, 2024 5:30:46 PM
Attachments: [2024-01-16 Calaroga Pump Station Geotechnical Review_FINAL.pdf](#)

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Attached please find written testimony by Aspect Consulting prepared on behalf of Nicol West Linn LLC. This testimony is provided in response to CUP 23-01 for the City of West Linn Planning Commission's consideration at the January 17, 2024 hearing.

Jessica Bernardini | Tonkon Torp LLP
Attorney
Pronouns: she / her / hers
888 SW Fifth Ave., Suite 1600
Portland OR 97204
503.802.2125 direct | 971.438.7260 cell
Jessica.Bernardini@tonkon.com | [website](#)

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January 16, 2024

City of West Linn
Planning Commission
22500 Salamo Road
West Linn, Oregon 97068
VIA EMAIL – jfloyd@westlinnoregon.gov

Re: Testimony Provided in Response to CUP 23-01 / DR-23-08
West Linn Sanitary Pump Station
3821 Calaroga Drive
West Linn, Oregon 97068

Dear Commissioners:

Geosyntec Consultants, Inc. dba Aspect Consulting (Aspect) is providing this testimony on behalf of Nicol West Linn LLC (the “Nicols”), the owners of the property at 3891 Calaroga Drive. Aspect has conducted a geotechnical engineering review for the proposed West Linn Pump Station Project (Project) located at 3821 Calaroga Drive, West Linn, Oregon (Site). The Nicols own the adjacent private property located at 3891 Calaroga Drive that includes an access driveway that is in close proximity to the proposed Project and are concerned about the potential impacts of the Project to the driveway and their property.

Summary of Findings

Based on our review, we have the following comments and recommendations:

- Quantitative global stability analyses should be completed to assess the stability of the proposed fill and retaining wall.
- Design calculations for the proposed retaining wall should be completed.
- Foundation requirements for the proposed retaining wall should be clearly identified.
- The Project geotechnical engineer should assess the feasibility of the proposed caisson-style excavations and provide recommended trench shoring methods.
- Earthwork recommendations and requirements for the fill to be placed should be clearly documented.
- Excavation monitoring requirements should be developed to protect surrounding areas and infrastructure.

Documents Reviewed

We reviewed a copy of the Conditional Use Permit (CUP) Revised Applicant Submittal dated December 8, 2023. Several reports are included in the CUP submittal and the most relevant to our geotechnical engineering review included the following:

- “Calaroga Pump Station Conditional Use Permit Application,” prepared by Consor, dated December 8, 2023.



January 16, 2024

- “City of West Linn Calaroga Sanitary Sewer Pump Station Replacement Plans – 90% Design Submittal”, Sheets G01 through TS02 (64 Sheets), prepared by Carollo, dated July, 2023.
- “Geotechnical Data Report, Calaroga Sanitary Sewer Pump Station Replacement,” prepared by Northwest Geotech, Inc. (NGI), dated August 18, 2023.
- “Technical Memorandum, Geotechnical Design Summary, Calaroga Sanitary Sewer Pump Station Replacement,” prepared by Northwest Geotech, Inc. (NGI), dated December 31, 2023.

To aid in our review, we also compiled and reviewed readily available geologic and geotechnical information at and near the Site including geologic mapping, geologic hazard mapping, historical aerial photos, LiDAR, topographic maps, and the City of West Linn Municipal Code and parcel maps.

The purpose of our review was to evaluate the completeness of the available geotechnical engineering documentation, identify potential impacts to the Nicol’s property and driveway from the Project, and to provide questions/comments for submittal ahead of the Planning Commission Hearing related to the CUP.

General Site and Project Descriptions

The Site is located northeast of Calaroga Drive on a moderately to steeply sloping parcel. A small creek flows west to east across the Site and has eroded a swale feature in the northern third of the Site which contributes to the sloping topography. The Site is developed with the existing pump station near the center of the Site and an access driveway that extends from Calaroga Drive down to the exiting pump station.

Moderately steep to steep slopes exist along Calaroga Drive and the creek swale with slope inclinations on the order of 1H:1V or slightly steeper in some locations. Total topographic relief from Calaroga Drive across the Site is about 25 feet. The Site is mapped by the City of West Linn¹ as a “Landslide Hazard Area” and “Moderate Earthquake Hazard Area (Zone B)”.

The Project proposes to construct a new sanitary sewer pump station at the Site, widen Calaroga Drive, and place fill with a retaining wall to facilitate the improvements and future vehicle access. The existing wet well will be preserved and connected to the new pump station and a gabion retaining wall system is proposed. The new wet well will extend approximately 40 feet below the ground surface and into the weathered basalt underlying the Site.

NGI completed subsurface investigations at the Site, with two soil borings extending to depths between 26.5 and 40 feet. In the borings, they encountered soft to medium stiff fill overlying Missoula flood deposits (or recent alluvium) overlying weathered basalt. In boring B-1, a thin layer of clayey colluvium was observed at the interface between the Missoula flood deposits and

¹ City of West Linn, 2003, Natural Hazards Mitigation Plan, accessed at: <https://westlinnoregon.gov/planning/natural-hazards-mitigation-plan>, January 15, 2024.

January 16, 2024

weathered basalt. Groundwater was encountered and monitored using vibrating wire piezometers between Elevations 25 and 29 feet in the borings.

NGI completed a geotechnical data report (GDR) for the project and a short technical memorandum addressing seismic and slope stability hazards. The technical memorandum briefly concludes that the Project can be constructed in a stable manner and that a gabion basket retaining wall is suitable at the Site due to its self-draining properties, large structural mass, and tolerance for variable settlement conditions.

Basis of Review

The scope of work for this letter was limited to a review of the information, conclusions, and recommendations contained in the documentation provided to us and data readily available to Aspect. Our scope of work did not provide for any field verification of explorations or testing, a site visit, or verification of reported exploration logs, testing results, and analyses presented in the reviewed reports and plans.

Review Comments and Recommendations

Based on our review of the provided documentation and background data relative to the Site and Project, we generally agree that the Project can be constructed in a stable manner and risks/impacts to the adjacent driveway at 3891 Calaroga Drive can be mitigated through sound design recommendations and construction methods; however, in our opinion, the geotechnical engineering documentation and recommendations are brief and/or insufficient and we offer the following review comments and questions:

Geotechnical Documentation

1. NGI concludes that the Project can be constructed in a stable manner. We recommend additional documentation be provided to support this conclusion as follows:
 - a. The Project proposes the placement of up to 16 feet of fill along with a gabion retaining wall to create additional flat space adjacent to Calaroga Drive and around the new pump station. We recommend quantitative global stability analyses be completed (or results provided) to demonstrate this amount of fill can be placed at the top of the sloping Site in a stable manner for both static and seismic conditions. Design and construction recommendations required for stable construction should be clearly identified in the Project documentation.
 - b. Calculations demonstrating satisfactory external stability of the proposed gabion retaining wall should be completed (or provided) by NGI, including, but not limited to, design checks related to sliding, overturning, and bearing capacity.
 - c. Foundation requirements for the proposed gabion retaining wall should be clearly documented by NGI and account for the clayey colluvium and recent alluvium layers that are at/near the proposed bottom of wall elevations. In our opinion, the bottom of the wall should be keyed into the weathered basalt for stability.

January 16, 2024

2. The Project Plans show caisson-style excavations and shoring for the new wet well and modifications to the existing wet well, along with shoring for trenching between the two locations. Shoring methods that are not suitable for the Site geologic conditions could cause settlement and deformation of areas around the proposed excavations. We recommend that NGI review and provide input on appropriate shoring methods for the Project excavations as well as any required geotechnical design input.

Project Plans

1. Due to the sloping nature of the Site, the earthwork methods for placing fill will be critical for the short- and long-term stability of the Site and surrounding areas. Fill material requirements, keying and benching requirements at the interface with the existing ground surface and new fill, and compaction requirements for the fill should be clearly documented in the Project plans and/or specifications.
2. Due to the proximity of the Project excavations to Calaroga Drive and the adjacent private property at 3891 Calaroga Drive, we recommend that the Project documents include excavation monitoring plans and requirements that include establishing survey points for regular monitoring during active excavation and pre-identified movement thresholds that require mitigation and/or work stoppages if/when exceeded.

Limitations

Work for this project was performed and this letter prepared in accordance with generally accepted professional practices for the nature and conditions of work completed in the same or similar localities, at the time the work was performed. This letter does not represent a legal opinion. No other warranty, expressed or implied, is made.

Sincerely,

Aspect consulting



EXPIRES: 6/30/25

Andrew J. Holmson, PE

Principal Geotechnical Engineer

andy.holmson@aspectconsulting.com



January 24, 2024

City of West Linn
Planning Commission
22500 Salamo Road
West Linn, Oregon 97068

Subject: Response to testimony provided in response to CUP 23-01/DR-23-08

Dear Commissioners,

This letter is in response to two formal letters submitted for testimony on behalf of Nicol West Linn LLC during the Jan 17, 2024 land use hearing for the Calaroga Pump Station Project, CUP 23-01/DE-23-08.

The applicant and David Petersen, the attorney for the owners of the Nicol West Linn LCC, met on January 19, 2024 to discuss the questions and concerns stated in their January 12, 2024 letter to Mr. Lais. During the meeting, both parties welcomed the opportunity for open communication and an efficient resolution to the concerns listed in the January 19, 2024 letter. In particular, the request for continuous access to the Nicol West Linn LCC property during construction was expressed. Two more meetings are scheduled for January 30 and February 6, 2024 to continue the discussions with the goal of finalizing a formal and legal temporary construction easement required to construct the Calaroga Pump Station.

In response to the geotechnical letter submitted by Geosyntec Consultants, Inc dba Aspect Consulting, Carollo Engineers, Inc., on behalf of the City of West Linn Public Works, sent the parties representing Nicol West Linn LLC the following documents for review:

1. Final Stamped and Sealed Construction Bid Documents for the Calaroga Pump Station, including drawings and specifications.
2. Final Calaroga Drive Geotechnical Data Report
3. Final Calaroga Investigation Report

In the Documents Review section of the Aspect Consulting letter, Aspect lists the documents they reviewed: the conditional use permit application, the geotechnical data report and geotechnical design summary technical memorandums, and 90% plans. The project specifications were not included with this list as they were not required to be submitted with the land use application.

The currently available final bid set drawings and specifications support Aspect's conclusion that the Project can be constructed in a stable manner and address all of Aspect's noted items. Specific responses to each item follow below.

1. The construction bid set drawings and specifications identify the design and construction requirements for stable construction. The quantitative global stability analysis was completed during construction contract development.



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2. The final gabion retaining wall calculations will be provided as a deferred design submittal. Refer to specifications section 02337 Gabion Basket Retaining Walls.
3. The foundation requirements for the stable construction of the gabion retaining wall are specified in the final bid set drawings and specifications. Attention is called to specifications in Division 2 including 02241 Dewatering, 02256 Subgrade Probing and Grouting, and 02300 Earthwork, and drawings C02 and S01.
4. Caisson-style excavation support design requirements are specified in section 02260 Excavation Support and Protection.

Project Drawings:

1. Fill material requirements are specified in Section 02050 Soils and Aggregates for Earthwork, and 02300 Earthwork and related sections.
2. Section 02260 Excavation Support and Protection specifies the contractor establish control points to monitor horizontal and vertical movement. Additionally, vibration monitoring is specified, and monitoring locations shown on drawing C02. Additional specific settlement monitoring locations can be added as requested.

The applicant is confident in their structural design of the retaining wall and confident in our resolution with the Nicol West Linn LLC.

Sincerely,

A handwritten signature in black ink, appearing to read "Corianne Burnett". The signature is stylized with a large initial "C" and a long horizontal stroke extending to the right.

Corianne Burnett
CAROLLO ENGINEERS, INC.

