

WEST LINN PLANNING COMMISSION

FINAL DECISION AND ORDER

CUP-23-01 // DR-23-08 / FMA-23-03 / WAP-23-03 / MISC-23-05

**IN THE MATTER OF A CONDITIONAL USE PERMIT FOR REPLACEMENT OF AN EXISTING LIFT
PUMP STATION AT 3821 CALAROGA DRIVE**

I. Overview

At its meeting on February 7, 2024 the Planning Commission (Commission) opened the public hearing to consider a request by City of West Linn and Carollo Engineers for a Conditional Use Permit, Class I Design Review, Floodplain Management Area Permit, Water Resource Area Permit, and a Nonconforming Development Review to replace an existing sanitary sewer lift pump station at 3821 Calaroga Drive. The site is approximately .09 acres and is located in the R-15 zone. The approval criteria for this proposal are Community Development code (CDC) Chapters 10, 27, 32, 42, 48, 55, 60, 96, and 99. The hearing was conducted pursuant to the provisions of CDC Chapter 99.170.

The February 7th hearing commenced with a staff report presented by John Floyd, Senior Planner. Erich Lais and Corianne Burnett presented as the owner and applicant.

David Petersen testified in support of the application on behalf of Nicol West Linn LLC, the adjoining property owner to the west.

Commissioner Walvatne directed questions to the applicant regarding backup power and the geotechnical recommendations. Commissioner Watton directed questions to staff and the applicant regarding seasonal restrictions on construction.

The public hearing was closed. Deliberations were opened with no discussion from Commissioners. Commissioner Boddington moved to approve the application as presented and Vice Chair Metlen seconded. The application was approved with a 6-0 vote, with commissioner Boggess-Knutson absent.

II. The Record

The record was finalized at the February 7, 2023 public hearing.

Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The applicant is Carollo Engineers on behalf of the City of West Linn.
- 3) The Commission finds that it has received all information necessary to make a decision based on the Staff Report and attached findings; public comment; and the evidence in the whole record.

III. Findings

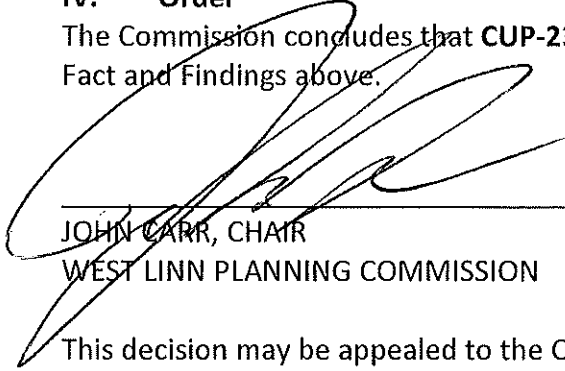
The Commission adopts the Staff Report for the February 7, 2024 hearing, with attachments, as its findings, which are incorporated by this reference with five conditions of approval. The Commission concludes that all of the required approval criteria are met subject to the following conditions of approval:

1. **Approved Plans.** With the exception of modifications required by these conditions, the project shall substantially conform to all Tentative Plan Sheets in Exhibit PC-1.
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 conformance with the City Municipal Code and Community Development Code. These must be designed, constructed, and completed prior to final building certificate of occupancy. The City may partner with the applicant to fund additional improvements as part of the project.
3. **Construction Management Plan.** Prior to site disturbance or the issuance of building permits, the applicant shall submit a construction management plan in compliance with CDC 32.050.G for review and approval by the City Engineer and Planning Director or designees.
4. **Mitigation Planting.** Prior to issuance of a certificate of occupancy, the applicant shall submit a signed letter from a natural resource specialist to the Planning Director verifying the installation mitigation plantings as shown in sheets L01 and L02 of the September 19, 2023 report by David Evans and Associates.
5. **Maintenance of Plantings.** The Applicant shall ensure a minimum survival rate of 80% of trees and shrubs planted by the third year after the date at which all mitigation plantings were completed and submit a report at that time from the parties responsible for plantings that demonstrates the survival of plantings. The Applicant shall be responsible for monitoring and maintaining all plantings with the following practices:
 - a. Plants that die must be replaced in kind.
 - b. New plantings shall be mulched to a minimum of three inches in depth and 18 inches in diameter.
 - c. Plantings shall be watered one inch per week between June 15th to October 15th for the three years following planting.
 - d. Non-native and/or noxious vegetation shall be controlled or removed
 - e. Bare root trees shall be planted between December 1st and February 28th, and potted plants shall be planted between October 15th and April 30th.

- f. Plant sleeves or fencing shall be used to protect trees and shrubs against wildlife browsing and damaging plants.

IV. Order

The Commission concludes that CUP-23-01 et. al. is approved based on the Record, Findings of Fact and Findings above.



JOHN CARR, CHAIR
WEST LINN PLANNING COMMISSION

2/8/24
DATE

This decision may be appealed to the City Council pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable rules and statutes. This decision will become effective 14 days from the date of mailing of this final decision as identified below.

Mailed this 12th day of February, 2024.

Therefore, this decision becomes effective at 5 p.m., ~~January~~ February 26, 2024.

