

City of West Linn

PRE-APPLICATION CONFERENCE MEETING

January 5, 2012 (notes published January 24, 2012)

SUBJECT: Proposal to construct a water pipeline from Mary S. Young Park to the Lake Oswego Water Treatment Plant on Kenthorpe Way and on to Lake Oswego via Highway 43.

ATTENDEES: Brad Moore (Kennedy/Jenks), Pete Oveson (Brown and Caldwell), Eric Eiseman (City of Lake Oswego), Eric Day (City of Lake Oswego), Dennis Koellermeier (City of Tigard), Bob Stowell (Resident), Amanda Dotson (ODOT), Steven Schalk (ODOT), Bob Ebeling (ODOT), Kevin Bryck (Robinwood NA Great Neighbor Committee), Jane Heisler (City of Lake Oswego), Karen Mohling (Tualatin Valley Fire and Rescue), Joel Komarek (City of Lake Oswego)

STAFF: Chris Kerr, Senior Planner
Zach Pelz, Associate Planner
Mike Cardwell, Environmental Services Supervisor
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Jim Whynot, Water Supervisor
Mike Perkins, City Arborist
Jeff Randall, Streets Supervisor
Dennis Wright, City Engineer

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 at the end of these summary notes.

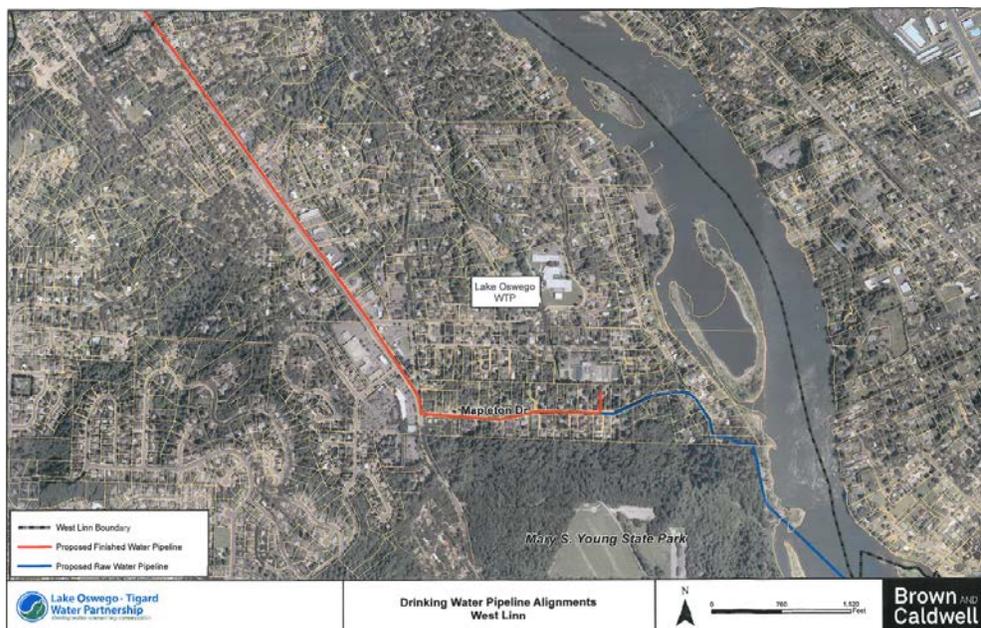
Background

In August 2008, the cities of Lake Oswego and Tigard formally endorsed a partnership agreement for sharing drinking water resources and costs. The Lake Oswego-Tigard Water Partnership (LOTWP) expands Lake Oswego's existing drinking water infrastructure so that it can serve both communities. For nearly 40 years, Lake Oswego has piped water from the Clackamas River in Gladstone to the Lake Oswego Water Treatment Plant (LOWTP) on Kenthorpe Way where it is treated to safe drinking water standards. Treated water is pumped through a 24-inch pipe to Lake Oswego and, ultimately, Tigard.

The LOTWP plans to increase the capacity of treated water from the current 16 million gallons per day (MGD) to 38 MGD. According to the LOTWP, this increase will require the installation of larger, 48-inch diameter, pipes from the water intake point on the Clackamas River to the Lake Oswego Water Treatment Plant (LOWTP); under a parallel proposal for expansion. A new 48-inch diameter finished water pipe (FWP) is proposed to be installed from the LOWTP to Lake Oswego. The Applicant has stated that the individual construction schedules' for both the pipeline and Water Treatment Plant expansions necessitate separate City of West Linn land use applications.

The applicant stated that after exploring a number of pipeline alignments since their initial pre-application conference with the City of West Linn (on this proposal), on March 31, 2011, the original alignment remains the preferred route.

Figure 1 Proposed pipeline alignment through West Linn



Source: Applicant's submittal, December 7, 2011

I. **Project Details**

The Applicant proposes to install a new raw water transmission line (RWP) under the Willamette River from the existing river intake pump station on the Clackamas River in Gladstone, OR, to a point near the mouth of Mary S. Young Creek in West Linn (see Figure 1). The pipe is proposed to be installed under the river using a technique known as horizontal directional drilling (HDD). A staging area for the HDD equipment and support facilities is expected to temporarily occupy the area in Mary S. Young Park where the pipe will emerge from the Willamette River. From this point (near Mary S. Young Creek), the Applicant proposes to install the pipe using an open trench method along a route heading north, generally through an open meadow along an existing trail. The pipe will then pass by the City of West Linn’s Mapleton Sanitary Sewer pump station and along Mapleton Drive to the site of the existing LOWTP. From the LOWTP, the FWP is proposed to continue along Mapleton Dr. and then Highway 43 into Lake Oswego.

II. **Process**

The Applicant’s proposal to install a water transmission line through parkland and within rights-of-way in residential and commercial areas of the City, as well as along the City’s principal transportation arterial meets the definition of a major utility as defined in Chapter 2 of the West Linn Community Development Code (CDC):

Utility, major. A utility facility or service that will have, or the installation of which will have, a significant impact on the surrounding uses or the community in terms of generating or disrupting traffic, interfering with access to adjacent properties, creating noise or causing adverse visual effects. “Major utility” includes, but is not limited to, a substation, pump station, water storage tank, sewer plant, transmission lines for water, drainage or sewerage collection systems, gas or electric, or other similar use. **(CDC 2.030)**

The Applicant is proposing to install a major utility along a route passing through, or along the boundary of, the R-10, R-4.5 and General Commercial zoning districts; all of which list major utilities as conditional uses. The purpose of the City’s conditional use requirements (CDC Ch. 60) are to provide standards under which conditional uses may be permitted, enlarged or altered if the site is appropriate and other conditions can be met.

In addition to the supplementary provisions in each of these Chapters, the Applicant must satisfy the applicable base zoning standards in CDC Chapters 11 (R-10 Zoning District), 14 (R-4.5 Zoning District) and 19 (General Commercial Zoning District). There are likely to exist, CDC standards which are not be applicable to the Applicant’s proposal. If, during the preparation of their narrative, the Applicant discovers CDC criteria which they believe do not apply to their proposal, the Applicant must clearly explain the rationale for why these criteria do not apply. The Planning Director and decision making body will ultimately decide which CDC criteria are applicable. Additional potentially applicable standards may be found in the following City of West Linn land use regulations:

CDC Ch. 60 Conditional Uses

Administration and Time Limit on Approval. The purpose of the City's conditional use requirements (CDC Ch. 60) are to provide standards under which conditional uses may be permitted, enlarged or altered if the site is appropriate and other conditions can be met. As established in CDC Section 99.060(B), the Planning Commission has the authority to approve, approve with conditions or deny requests for conditional use approval.

The approval standards and conditions for conditional uses are found in CDC Section 60.070; Subsection (C) authorizes the Planning Commission to impose conditions on its approval of a conditional use which it finds are necessary to assure the use is compatible with other uses in the vicinity.

Pursuant to CDC Section 60.070(B) and CDC 60.030(B), an approved conditional use or enlargement or alteration of an existing conditional use shall be subject to the development review provisions set forth in CDC Chapter 55.

Approval of a conditional use is void after three years (CDC Section 60.040) if substantial construction does not take place. Substantial construction is defined in CDC Section 2.030.

Application. An application for a conditional use permit:

- Must be initiated by the property owner or authorized agent;
- Is subject to a pre-application conference with the City of West Linn;
- Is subject to a meeting with the respective City-recognized neighborhood association;
- Must include narrative responses to the standards in CDC Section 60.070;
- Must include a site plan in accordance with CDC Section 60.080;
- Must include the names and addresses of all property owners within 300-feet of the project site

The Applicant must also provide responses to the applicable supplementary requirements in CDC Chapters 52-55. CDC Section 60.070(A)(7) also requires that conditional uses comply with the applicable policies of the West Linn Comprehensive Plan.

Potentially Applicable Policies from the City of West Linn Comprehensive Plan

The West Linn Comprehensive Plan is organized around the Statewide Planning Goals and contains specific information and findings to support the City's goals, policies and recommended action measures. The goals and policies of the Comprehensive Plan have the force of law and the City is obligated to enforce them.

The list of potentially applicable Comprehensive- and supporting Plan goals, policies and action measures below is provided by staff based on their understanding of the Applicant's proposal

to-date. The Applicant should be aware that the applicability of these and other Comprehensive Plan standards are subject to changes in the Applicant's proposal and changes in staff's understanding of the Applicant's proposal.

- Goal 1: Citizen Involvement
 - Policies
 - 4. Provide timely and adequate notice of proposed land use matters to the public to ensure that all citizens have an opportunity to be heard on issues and actions that affect them.
 - 5. Communicate with citizens through a variety of print and broadcast media early in and throughout the decision-making process.....
 - Recommended Action Measures
 - 4. Provide informational materials that clearly describe opportunities and processes for citizen involvement in land use application and appeals processes.
- Goal 2: Land Use Planning
 - Residential Development
 - Policies
 - 8. Protect residentially zoned areas from the negative impacts of commercial, civic, and mixed-use development, and other potentially incompatible land uses.
 - 9. Foster land use planning that emphasizes livability and carrying capacity.
 - Intergovernmental Coordination
 - Goals
 - 1. Provide a coordinated approach to problems that transcend local government boundaries.
 - 2. Encourage and support other agencies to help implement the City's Comprehensive Plan.
 - Policies
 - 1. Maintain effective coordination with other local governments, special districts, state and federal agencies, Metro, the West Linn-Wilsonville School District, and other governmental and quasi-public organizations.
 - 2. Coordinate the City's plans and programs with affected governmental units in developing solutions to environmental quality problems, hazardous physical conditions, natural resource management programs, public facilities and services programs, transportation planning, annexation proceedings, and other municipal concerns with intergovernmental implications.
 - Recommended action measures

- Adopt inter-agency agreements between City government, School District, Chamber of Commerce, neighborhood associations, and other community institutions.
 - Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources
 - Scenic and Historic Areas
 - Scenic Environment Goal: Preserve and enhance scenic views and sites
 - Policies
 - 1. Promote site design standards for development that enhances the urban landscape and prevents or minimizes obscuring views enjoyed by the community.
 - 2. Preserve prominent scenic views as seen from public streets, parks, and open spaces in a manner consistent with other goals and policies to protect natural resources.
 - Natural Resources
 - Goals
 - 1. Encourage and assist in the preservation of permanent natural areas for fish and wildlife habitat in suitable, scientific/ecological areas.
 - 2. Protect sensitive environmental features such as steep slopes, wetlands, and riparian lands, including their contributory watersheds.
 - 3. Preserve trees in park lands, natural areas, and open space wherever possible.
 - Policies
 - 2. Where appropriate, require the planting of trees as a condition of approval for any land development proposal, consistent with the City's street tree ordinance and recommendations of the City Arborist.
 - 3. Provide buffer areas around heritage trees, significant trees, and tree clusters to ensure their preservation.
 - 4. Require the areas containing tree clusters, significant trees, and native vegetation along natural drainage courses and waterways in areas of new development be maintained to the maximum extent possible to preserve habitats, prevent erosion, and maintain water quality.
 - 5. Preserve important wildlife habitat by requiring clustered development or less dense zoning in areas with wetlands and riparian areas, natural drainageways, and significant trees and tree clusters.

- 6. Restore, enhance, and expand the existing habitats found along rivers and streams, including planting native trees to reduce water temperatures.
- 7. Enhance and expand vegetation, particularly native species, on hillsides and in natural areas to prevent erosion and improve wildlife habitat.
- 8. Require and enforce erosion control standards for new development
- 9. Maintain and improve existing storm water detention and treatment standards to ensure that the impact of new development does not degrade water quality and wildlife habitat.
- 10. Manage open space, habitat, and ecological/scientific areas as identified in the West Linn Goal 5 inventory and protection plan in order to preserve their unique qualities.
- 11. Control activities and uses within the areas identified above to maintain ecological values, while providing for compatible recreational and educational activities.
- 12. Protect open space areas along hillsides and areas with potential erosion hazards through development controls and appropriate zoning.
- 14. Prohibit access by wheeled motorized vehicles onto the Willamette and Tualatin River beach areas except on public boat launch pads still in active use.
- 17. Work with other jurisdictions to coordinate efforts related to river planning.
- 20. Comply with the provisions of a State Goal 5 natural resources inventory.
- Recommended Action Measures
 - 2. Promote and encourage cooperation with national programs that exist in West Linn such as the Audubon Society and national Wildlife Federation Backyard Wildlife Program.
 - 3. Work with federal, state, and county agencies to establish nature trails and educational markers in significant natural areas.
 - 5. Implement vegetation maintenance guidelines for wetlands and riparian areas.
 - 6. Develop and implement a method for identifying areas with significant habitat value.

- 7. Develop and implement an educational program about the role of public and private riparian and other natural areas in providing fish and wildlife habitat.
 - 10. Develop and incorporate a set of guidelines and habitat-friendly development practices into the City's Community Development Code and encourage their use for all development located within the Wildlife Habitat Areas Inventory identified in Figure 5-4 or any other lands with significant environmental constraints, such as tree clusters.
 - Goal 6: Air, Water and Land Resources Quality
 - Water Quality
 - Goal: Maintain or improve the quality of West Linn's water resources
 - Policies
 - 1. Require that new development be designed and constructed to prevent degradation of surface and groundwater quality by runoff
 - 3. Recognize the City's responsibility for operating, planning, and regulating wastewater systems pursuant to the City's adopted Sanitary Sewer System Master Plan, which is a supporting document to the Comprehensive Plan, as well as agreements with the Clackamas County Water Environment Services Department.
 - 5. Where feasible, use open, naturally vegetated drainageways to reduce stormwater runoff and improve water quality.
 - 6. Meet the goals of Title 3 of the Metro Urban Growth Management Functional Plan
 - 7. Require up-to-date erosion control plans for all construction and actively enforce applicable City codes and regulations.
 - Recommended Action Measures
 - 3. Support efforts by the National Marine Fisheries Service and other agencies to protect and restore habitat for threatened and endangered fish species.
 - 4. Develop and implement new ordinances to control erosion and to protect natural drainageways and wetlands from degradation.
 - 5. Develop and implement improved stormwater management requirements to enhance water quality.
 - 11. Encourage replacement of covered drainageways with open channels surrounded by natural vegetation.
 - Noise Control

- Goal: Maintain and promote a quiet and healthful environment for the citizens of West Linn
 - Policies
 - 2. Require development proposals that are expected to generate noise to incorporate landscaping and other techniques to reduce noise impacts to levels compatible with surrounding land uses.
 - 3. Require new commercial, industrial and public facilities to be designed and landscaped to meet Department of Environmental Quality (DEQ) and City noise standards.
 - 4. As part of the land use application submittal for a noise generating use, require the applicant to include a statement from a licensed acoustical engineer, and, if necessary, from DEQ, declaring that all applicable standards can be met.
 - Recommended Action Measures
 - 2. Monitor and enforce conditions of approval for new development related to noise impacts.
- Goal 7: Areas Subject to Natural Disasters and Hazards
 - Goal: Protect life and property from flood, earthquake, other geological hazards, and terrorist threats or attacks.
 - Policies
 - 1. Require development and associated alterations to the surrounding land to be directed away from hazardous areas.
 - 2. Restrict development except where design and construction techniques can mitigate adverse effects.
 - 3. Require soils and geologic studies for development in hazardous areas.
 - 4. Promote slope and soil stability and the use of natural drainageways in areas with landslide potential by retaining existing vegetation in those areas to the greatest extent possible.
 - 5. Follow state and regional designations and construction standards regarding earthquake hazards.
 - 6. Retain storage capacity of flood waters by protecting flood plains.
 - 7. Prohibit any alteration to the landscape or development that would result in a rise in elevation of the 100-year flood plain.
 - 8. Minimize impacts to natural vegetation within the flood plain by restricting development and related human activity.
 - 11. Meet the goals of Title 3 of the Metro Urban Growth Management Functional Plan to protect floodplains and other hazard areas.

- Goal: Require that essential public facilities and services (transportation, storm drainage, sewer, and water service) be in place before new development occurs and encourage the provision of other public facilities and services.
- Policies
 - 1. Establish as the City's first priority, the maintenance of existing services and infrastructure in all areas within the existing City limits.
 - 5. Where appropriate, monitor, coordinate with, and regulate the activities of the following as they affect existing and future residents and businesses:
 - Water supply
 - Fire and rescue protection
 - 6. Encourage cooperation and coordination between all public service agencies to maximize the orderly and efficient development and provision of all services.
 - 9. Allow the extension of water and sewer services outside the UGB only where a demonstrated health hazard exists, or for public facilities that serve West Linn.
 - 11. Assure that costs for new infrastructure and the maintenance of existing infrastructure are borne by the respective users except when it is determined that improvements are of benefit to the whole community, or that a different financing mechanism is more appropriate
 - 12. Whenever feasible, utilize environmentally sensitive materials and construction techniques in public facilities and improvements.
- Sewer System
 - Policies
 - 1. Coordinate sanitary sewer service to existing and future residents to allow for the most efficient provision of service within the City and subsequent expansion of the service area.
- Water System
 - Goal: Provide municipal potable water service for public, commercial, and domestic uses within the city limits of West Linn.
 - Policies
 - 2. Coordinate water service to future users to allow for the most efficient provision of service within the City and projected subsequent expansion of the City limits within the Urban Growth Boundary as it existed in October 2002, calculated to serve a build out population not to exceed 31,000.
 - 3. Require funding for the installation of new water storage and distribution facilities to be the responsibility of the property owners/developers or those receiving direct benefit from those

facilities. Where appropriate, the City may participate in the development of those facilities to the extent that they benefit residents or businesses in addition to those directly involved, or if they improve the overall efficiency of the system.

- Recommended Action Measures
 - 1. ...collaborate in future efforts to provide an adequate water supply and efficient and cost effective delivery system to the City's residents.
- Storm Drainage
 - Policies
 - 2. Require adequate maintenance of culverts and drainageways in coordination with property owners to ensure that the natural drainage system operates at maximum efficiency.
 - 3. Protect downstream areas from increased storm water runoff by managing runoff from upstream development and impacts on adjacent natural drainageways and their associated vegetation.
 - 4. Require that construction practices for all land development projects, private and public, be conducted in such a way as to avoid exposing cuts, grading areas, and trenches to stormwater so that soil erosion is minimized, and soil will not be washed into natural drainage areas.
 - 7. Require that riparian vegetation along the streams and drainageways be maintained and preserved or re-established where necessary. In order to maintain or operate public facilities, selective cutting, trimming, and thinning will be allowed along waterways.
 - Recommended Action Measures
 - 4. Monitor all new developments and significant redevelopment activities to require that best management practices be employed and enforced to reduce discharges of storm water pollutants consistent with Section 303 of the Clean Water Act.
- Private Utilities and Telecommunications
 - Goals
 - 1. Coordinate land use planning for the City with private utility companies to assure the availability of services when needed.
 - 2. Coordinate construction and maintenance of private utilities and public infrastructure to minimize disruption and improve efficiency and cost-effectiveness.
 - 3. Ensure that utility companies:
 - Provide services as needed to all classes of customers

- Provide preventative maintenance practices
 - Compensate the City for use of the public right-of-way
 - Policies
 - 1. Work closely with the appropriate utility and telecommunications companies to keep them informed of new developments and redevelopment. The City will likewise expect the private utility companies to report any changes in their plans or policies that could have an impact on the City or its Comprehensive Plan
 - 3. Encourage undergrounding of existing facilities.
 - 4. Require utilities to remove abandoned facilities.
 - 6. As part of franchise agreements, the City shall seek full and free access to the services being offered in the community.
- Goal 12: Transportation
 - General Policies
 - 1. Protect the entire rights-of-way of existing City streets for present and future public use
 - Evaluate land development projects to determine possible adverse traffic impacts and to ensure that all new development contributes a fair share toward on-site and off-site transportation system improvement remedies.
 - Require infrastructure improvements to mitigate traffic impacts of the proposed development.
 - 2. Design and construct transportation facilities to meet the requirements of the Americans with Disabilities Act.
 - Streets
 - Policies
 - 4. Ensure that adequate access for emergency services vehicles is provided throughout the City.
 - 8. Ensure that development brings adjacent road frontages to illumination levels that are identified with the CDC and City Engineering standards and specifications for street lighting.
 - Action measures
 - Coordinate with the Oregon Department of Transportation in implementing the Oregon Highway 43 Conceptual Design Plan.
 - Bicycles
 - Policies
 - 3. Provide striped and signed bicycle lanes on all arterial and collector roadways consistent with the policies of the Transportation System Plan.

- 5. Design new streets and retrofit older streets to enhance safety for bicyclists using the roadways.
 - Action Measures
 - 4. Coordinate with Clackamas County, ODOT, TriMet, metro and other jurisdictions and agencies to ensure that appropriate local and regional bikeway connections, for both on and off-road bikeways, are planned, constructed and maintained.
- Pedestrians
 - Policies
 - 1. Promote a comprehensive cohesive network of pedestrian paths, lanes and routes that accomplish the following objectives:
 - Connects the four commercial centers in Willamette, Bolton, Robinwood and Tanner Basin.
 - Provides connections to schools, recreation facilities, community centers, and transit facilities.
 - Use off-street pedestrian short-cut pathways to provide routes where physical constraints or existing development preclude the construction of streets with sidewalks.
 - Provide safe, secure and desirable walkway routes, with a preferred spacing of no more than 330 feet, between elements of the pedestrian network.
 - Eliminate gaps in the existing walkways network and provide pedestrian linkages between neighborhoods.
 - 2. Employ a variety of methods to promote safe and convenient pedestrian access in addition to, or instead of, sidewalks in older developed areas of West Linn without sidewalks.
 - 3. Pursue all available funding sources for pedestrian projects. Coordinate with Clackamas County, ODOT, the School District, Metro and other agencies to obtain funding to complete walkway network improvements.
 - 7. The City will enforce regulations requiring developers to include pedestrian facilities and walkway connections within proposed developments and to adjacent land uses and rights-of-way in accordance with adopted policies and standards. Developer agreements for the provision of walkways will be implemented and enforced as needed.
- Freight and Goods Movement
 - Policies

- Where feasible, provide access to and along the river by appropriate legal means.
 - 6. Require adequate public access to the river as part of the development of public land.
 - 7. Preserve identified scenic qualities and views.
 - 8. Protect the natural vegetative fringe along the river.
 - 10. Require non-water related or dependent structures to be set back from the river in accordance with an established setback line in order to protect, maintain, and preserve the Willamette River Greenway.
 - Recommended Action Measures
 - 1. Undertake efforts to make existing points of public access more accessible and usable through signing and maintenance.

Robinwood Neighborhood Plan

- Goal 1: Willamette Drive shall provide superior transportation facilities for all modes of transportation
 - Policies
 - 1.1. Provide continuous and wide transportation facilities on both sides of Willamette Drive.
 - 1.3. Beautify the length of Willamette Drive with a comprehensive and consistent streetscape.
 - 1.4. Provide a continuous bike lane along Willamette Drive.
- Goal 3: Preserve the character of existing single-family residential neighborhoods in Robinwood:
 - Policies
 - 3.3. Provide appropriate pedestrian facilities along residential streets.
 - 3.4. Implement green street concepts for residential streets.
 - 3.7. Use pedestrian shortcuts to connect existing streets.
 - 3.9. Ensure that the Lake Oswego Water treatment Facility on Kenthorpe Drive remains compatible with the surrounding residential areas and provides benefits to Robinwood’s residents as well as those of Lake Oswego.
- Goal 4: Preserve and maintain natural areas within Robinwood and allow public access to them where appropriate.
 - Policies
 - 4.1. Preserve natural riparian corridors through Robinwood and enhance their value as wildlife habitat.
 - 4.3. Properly maintain publicly-owned natural areas.
- Goal 5: Use Robinwood’s parks for the benefit and enjoyment of the neighborhood’s residents.
 - Policies

- 5.2. Provide better access from Robinwood to Mary S. Young Park and its amenities
- Goal 6: Encourage cooperation between Robinwood and other City neighborhoods, organizations, public agencies, and commercial property owners and businesses.

Transportation System Plan

- Motor Vehicle Master Plan and Action Plan Projects
 - 24. Highway 43/Cedar Oak Drive: realign shopping center driveway located to the southeast with intersection
 - 30. Marylhurst to Hidden Springs: Highway 43 Concept Plan Improvements
 - 29. North City Limit to Marylhurst: Highway 43 Concept Plan Improvements
 - 23. Highway 43/Arbor Drive: Add left turn lanes on Highway 43
- Pedestrian Plan
 - Sidewalks on both sides of Willamette Drive from Cedar Oak to north City limits
 - Sidewalks on both sides of Mapleton Drive along the entire length
 - Proposed crossing with pedestrian refuge at Willamette Drive and Fairview Way
- Bicycle Plan
 - 24. On-street bike lanes on Willamette Drive
- Transit Plan
 - 3. Improve pedestrian connections to transit facilities
- Pipeline
 - West Linn should remain open to increased transmission through pipelines and utility ducts, particularly to carry communication cables needed to meet the increasing demand of technology. Any improvements that can enable residents to work and carry out business from their homes will help alleviate the demand on the city's road system.

See also, Engineering comments section.

Water Master Plan

See Engineering comments.

CDC Ch. 27 Flood Management Areas

Flood management area permits are required for all development in a flood management area (CDC Section 27.020) except any work necessary to maintain public utility facilities (CDC 27.030). The Applicant's proposal requests permission to install a new public utility and is therefore not exempt from the standards in this Chapter.

Chapter 27 Submittal criteria are located in CDC Section 27.050 and the approval criteria follow in Section 27.060.

CDC Ch. 28 Willamette and Tualatin River Protection (Habitat Conservation Areas)

West Linn’s Willamette and Tualatin River Protection Area regulations add protections for natural and other significant resources within the Willamette River Greenway and within those areas designated as Metro habitat conservation areas (HCAs). In the project vicinity, the Willamette River Greenway boundary includes Mary S. Young Park and the properties east of the Mapleton Drive right of way. The submittal requirements for this Chapter can be found in CDC Section 28.090 and the approval criteria for this Chapter can be found in CDC Section 28.110.

CDC 28.110(L) provides accommodations for utilities in High HCAs and wetland areas where practical alternatives do not exist:

L. Roads, driveways, utilities, or passive use recreation facilities. Roads, driveways, utilities, public paths, or passive use recreation facilities may be built in those portions of HCAs that include wetlands, riparian areas, and water resource areas when no other practical alternative exists but shall use water-permeable materials unless City engineering standards do not allow that. Construction to the minimum dimensional standards for roads is required. Full mitigation and revegetation is required, with the Applicant to submit a mitigation plan pursuant to CDC [32.070](#) and a revegetation plan pursuant to CDC [32.080](#). The maximum disturbance width for utility corridors is as follows:

- 1. For utility facility connections to utility facilities, no greater than 10 feet wide.*
- 2. For upgrade of existing utility facilities, no greater than 15 feet wide.*
- 3. For new underground utility facilities, no greater than 25 feet wide, and disturbance of no more than 200 linear feet of water quality resource area, or 20 percent of the total linear feet of water quality resource area, whichever is greater.*

Although new utility facilities may be permitted in HCAs and wetlands where practical alternatives do not exist, the maximum disturbance corridor may not exceed an area of 25-feet by 200-feet, or 20 percent of the total linear footage of the water resource area, whichever is greater (CDC 28.110(L)(3)). Documents submitted with the Applicant’s pre-application materials indicate that the length of the disturbance corridor, through the wetland at the eastern edge of Mary S. Young Park, will be at least 900-feet in length.

The Applicant has indicated that a construction corridor to exceed 25-feet in width will be required to perform all work necessary for the installation of the 48-inch water line. A Class II Variance (CDC Chapter 75) will be required to deviate from the maximum allowed disturbance area.

Figure 2 City of West Linn Goal 5 Natural Resources and Proposed Pipeline Route



Source: West Linn GIS, 2011

If the Applicant’s proposal includes a route which passes through High-HCAs or wetlands, they must demonstrate that this route is the only practical alternative. In addition to the requirements for the alternatives analysis in CDC Chapter 32, the Applicant should also be prepared to discuss:

- The potential for increased storm runoff and associated pollution
- Disruption/blockage of fish passage to Mary S. Young and Turkey Creeks
- Temporary impact to wildlife habitat corridor between riparian and upland wildlife habitat areas

CDC Ch. 31 Erosion Control

CDC Chapter 31 applies to development that may cause visible or measurable erosion on any property within the City of West Linn. The approval criteria for an erosion control permit may be found in CDC Section 31.060.

CDC Ch. 32 Water Resource Area Protection

The purpose of the regulations in CDC Chapter 32 are to promote improved water quality, to control and prevent flooding and erosion for public health and safety, to promote improved aquatic and terrestrial wildlife habitat, to provide standards for the mitigation of development that impacts nearby water resources and to control and prevent water pollution. The standards in CDC Chapter 32 are applicable to development which takes place upon a property containing a natural drainageway, wetland, riparian corridor, and/or its associated transition and setback area.

The submittal requirements for CDC Chapter 32 are found in CDC Section 32.040 and the approval criteria are in CDC Section 32.050.

CDC Section 32.050(F) makes exceptions for the development of utilities in and across water resources areas when no practical alternatives exist however, the 25-feet by 200-feet or 20 percent of the total linear footage of the water resource area, maximum disturbance zone, as included in CDC Chapter 28, remains.

Following a remand from the State of Oregon Land Use Board of Appeals (LUBA), the City has interpreted the maximum disturbance area language in CDC Chapter 32 as placing a cap on all disturbances, temporary and permanent, at 5,000 square-feet. Additionally, this interpretation requires applicants proposing work in a Water Resource Area to submit a Disturbance Area Plan with their application. Details regarding this interpretation, including the necessary components of the Disturbance Area Plan are outlined in the attached Planning Director's interpretation, dated February 24, 2010.

CDC Chapter 32 requires the submittal of a Mitigation Plan (CDC Section 32.070) and a Revegetation Plan (CDC Section 32.080). The Applicant's mitigation plan must include an alternatives analysis which demonstrates that:

- There are no practicable alternatives to the requested development that will not disturb the water resource area;
- Development in the water resource area has been limited to the area necessary to allow for the proposed use;
- As well as, an explanation of the rationale behind choosing the alternative selected, including how adverse impacts to the water resource area will be avoided and/or minimized.

The WRA permit application must address construction in all impacted riparian corridors.

CDC Ch. 54 Landscaping

West Linn’s landscaping standards are intended to provide an attractive natural balance to built areas, to reduce runoff, to provide shade, to screen or buffer uses, and to frame or complement views. Every development proposal requires inventorying existing site conditions which include trees and landscaping (CDC Section 54.202(A)). The Applicant shall survey all trees that have a canopy within 10-feet of the proposed work zone. Changes in public street right-of-way width or any proposed street improvement shall, where feasible, include allowances for planting strips (CDC Section 54.030). This chapter further requires any public facility which causes [a] change in public right-of-way or street improvement[s] to comply with the street planting plan and standards.

CDC Ch. 55 Class II Design Review

The intent of the standards in CDC Chapter 55 are to ensure general compatibility between adjoining uses. Conditional uses are subject to design review under the provisions of CDC Chapter 55 (CDC 60.030(B)). The Class II Design Review standards and conditions of CDC Chapter 55 are applicable to the Applicant’s proposal as it is not listed under the applicable Class I project types in CDC 55.020 and is not exempt per CDC 55.025.

The applicable design review submittal requirements are found in CDC Section 55.070. Class II Design Review approval standards are found in CDC Section 55.100

Per Section 55.125, a transportation impact analysis (TIA) will be required if:

- The Applicant proposes a development or land use action that ODOT states may have operational or safety concerns along a State highway (CDC Section 85.170 (B)(2)(c)(1)(B)); or
- The proposal will increase the use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day (CDC Section 85.170 (B)(2)(c)(1)(C)(2)); or
- The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard (CDC Section 85.170 (B)(2)(c)(1)(C)(3)); or
- The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located (CDC Section 85.170 (B)(2)(c)(1)(C)(4)); or
- A change in internal traffic patterns that may cause safety problems, such as backup onto the highway or traffic crashes in the approach area (CDC Section 85.170 (B)(2)(c)(1)(C)(5)).

Additional standards regarding the applicability, preparation and approval of TIAs are found in CDC Section 85.170(B)(2).

CDC Ch. 56 Class II Parks Design Review

The intent of CDC Chapter 56 is to provide standards that ensure development in parks and natural areas is consistent with the intent of the Parks Master Plan and the planned needs of the various classes of parks and natural areas in West Linn. The standards in CDC Chapter 56 are applicable to, "...changes including the introduction of new facilities and major repairs at existing parks and natural resources areas. No work, except as exempted in CDC 56.025, may take place in these parks and natural resource areas without first obtaining a permit through this chapter..."

Class II Parks Design Review applies to any change or proposed development which, by its scale or scope of work, requires that a full and comprehensive review be undertaken in the public forum. CDC Section 56.025 offers no exemptions for major utilities.

Class II Parks Design Review submittal requirements are contained in CDC Section 56.070 and 56.080. The approval standards for this Chapter are in Section 56.100.

CDC Ch. 75 Variance

CDC Chapter 75 provides standards for variances from applicable zoning requirements where it can be shown that owing to exceptional and extraordinary circumstances related to a specific piece of property, the literal interpretation of the provisions of the applicable zone would create a burden upon a property owner with no corresponding public benefit (CDC Section 75.010).

Class II Variances are those which involve a significant change from the zoning requirements and which may create adverse impacts on adjacent property or occupants. The approval standards for a variance are in CDC Section 75.060. Please note that Section 75.060 requires the approval authority to deny a variance request if the Applicant cannot demonstrate that all approval criteria are met.

CDC Section 99.120 Amendments

The CDC includes provisions for modifying plans approved through the quasi-judicial decision making process. The amendment process is discussed in CDC Section 99.120.

III. Deposit

The deposit will be as follows:

- **Conditional Use** = \$4,500 + \$200 Inspection fee
- **Class II Design Review** (If CV is greater than \$500,000) = \$4,000 plus 4% of CV (\$20,000 maximum deposit) + \$300 Inspection fee
- **Water Resources Area Review** = \$1,850 (excess of \$5,000 value) + \$1,050 (Flood Plain) + \$1,700 (Willamette River Greenway)
- **Variance, Class II** = \$1,900

Staff bills time against the deposit. The Applicant must initiate a request for refund of any unused deposit once the final decision is rendered. If the staff hours go beyond the deposit fees, then the Applicant will be obliged to pay additional deposit amounts.

IV. Notes/suggestions regarding your formal submittal:

The Robinwood Neighborhood Plan is a supporting document to the City's Comprehensive Plan. In responding to the applicable policies of the Comprehensive Plan (60.070(A)(7)), the Applicant should include and address the applicable policies contained in the Robinwood Neighborhood Plan.

Noise, traffic – including pedestrian and bicycle safety and mobility, as well as visual and other construction-related impacts are of particular importance. The Applicant should provide documentation which addresses the mitigation of these impacts. A construction plan, identifying various construction phases, timing and activities including anticipated impacts to adjacent residences and established uses, should be included with the Applicant's submittal.

The Applicant is required to provide the neighborhood association with conceptual plans and other materials at least 10 days prior to the meeting. Follow the provisions of 99.038 precisely.

The criteria listed above shall be responded to individually in a narrative. N/A is not an acceptable response to the approval criteria. Prepare the application and submit to the Planning Department with a deposit, payment of fees and signed application form. Follow the criteria strictly and completely regarding submittal requirements (including plans, maps, etc.).

Once an application is submitted, the City has 30 days to determine whether or not the application is complete. If the application is incomplete, the Applicant has 180 days to make it complete. Once complete, staff will prepare the public notice and schedule the hearing date. The public notice period is 20 days and involves notifying all property owners within a 500-foot radius of the site. The Planning Commission's decision becomes final after 14 days of mailing the notice if no appeals are filed. If appealed, it will be brought before the City Council for a de

novo public hearing. The City has a total of 120 days to exhaust all local review and appeals. Subsequent appeals go to the State's Land Use Board of Appeals (LUBA).

Pre-application notes are void after 18 months. After 18 months if no application is received, a new pre-application conference is required.

Engineering Comments

I. TRANSPORTATION

A. MAPLETON DRIVE CURRENT CONDITIONS

	EXISTING CONDITIONS
Classification	Collector
Zone	R-10
Right of Way Width	50
Full Pavement Width	Varies between 16' and 24' Majority of pavement is at 20' wide with the exception of the dead end where pavement is 16' wide.
Number of Lane	2
On Street Parking	Yes but not defined.
Curb and Gutter	No curb on either side of the road.
Ditch/Culvert	Yes on the South side.
Planter Strip	No define planter strip.
Sidewalk	No sidewalk on either side of the road.
Street Light/Overhead Power	Yes on the North side.
Street Tree	Yes
Mail Box	Yes on the South side.
Bike Lane	No
Striping	Yes. Double Yellow Line
Posted Speed	25 MPH
Speed Bump	Yes
Street Sign	Yes
Retaining Wall	Yes at Street Address 4738.
Elevated Grade	Yes on Mapleton Drive at the curvy section near Nixon Avenue.

B. CITY TRANSPORTATION MASTER PLAN

PAVEMENT CONDITIONS

Currently, pavement condition on Mapleton Drive between Highway 43 and Street Address 4284 Mapleton Drive is listed under satisfaction condition at 71% PCI. Pavement condition on Mapleton Drive between Street Address 4284 Mapleton Drive to Dead End is listed under fair to poor condition at 41% PCI. (Page 13 City of West Linn Pavement Management Program Budget Options Report & page 3-20 TSP)

Nixon Avenue is not in very good condition. City Pavement Management Program Report listed the PCI of Nixon Avenue between Mapleton Drive and Island View Terrace is at 47 and the remaining life is at 4.58. Similarly, the section between Island View Terrace and Elmran Avenue is at 13 and the remaining life is at 0. Section between Elmran Avenue and Steamboat Way is at 16 and the remaining life is at 0.

OPERATION CONDITIONS

Mapleton Drive was not listed as one of the roadways being analyzed in Existing Conditions Section in the TSP.

PEDESTRIAN PLAN

Mapleton Drive between Highway 43 and Nixon Avenue is listed as one of the roadway with pedestrian deficiency. (Page 5-2 TSP)

CURRENT POLICY

Pedestrian policy 4a states: The City will ensure that walkways and related pedestrian improvements (e.g. crosswalks) are constructed on all identified walkway network roadways, either as separate projects or integrated with other roadway-related improvements. Walkway improvements will be implemented in accordance with current local, regional, State and Federal standards. (Page 5-4 TSP)

#	Priority	Sidewalk In Fill Extend	From	To	Cost
26	Medium	Mapleton Drive	Willamette Drive	Nixon Avenue	\$645,000

Page 5-7 TSP

BICYCLE PLAN

Mapleton Drive was not listed as one of the roadways being analyzed in Bicycle Plan Section in the TSP.

ROADWAY CORSS SECTION

Since no bicycle lane needed along Mapleton Drive is listed in the TSP, the least minimum right of way width will be required. The least cross section listed in the TSP for a Collector is 48' wide. The current Mapleton Drive right of way width is sufficient at 50'.

Vehicle Lane Width: 10' – 12'
 On Street Parking: 5' – 8'
 Sidewalk: 4'-8'

Planter Strip: 0' – 6'

C. RECOMMENDATION OF IMPROVEMENT

Core samples existing pavement.

Provide full half street improvement where the trench is located.

Street Section:

- 5" AC Pavement – 2" Class "C" over 3" Class "B"
- 12" of 1-1/2"-0 and 2" of 3/4"-0 leveling course

Overlay the other half street with 2" Class "C" Asphalt Concrete.

If the trench located where it would impact beyond the center line of the roadway pavement, full street improvement shall be required.

If Nixon Avenue being used as a main route for the construction, improvement of this roadway is strongly recommended since the roadway is no longer adequate structurally to handle heavy equipments and construction trucks.

II. STORM DRAINAGE

A. EXISTING CONDITIONS

There are culvert crossings at few different locations on Mapleton Drive.

B. RECOMMENDATION OF IMPROVEMENT

If culverts were being impacted by the construction, existing culverts must be replaced with new ones.

III. SANITARY SEWER

A. EXISTING CONDITIONS

8" existing sanitary sewer system along Mapleton was installed at a depth varied between 5 foot and 14 foot. The average depth is approximately 8 foot deep.

Pipe material is concrete.

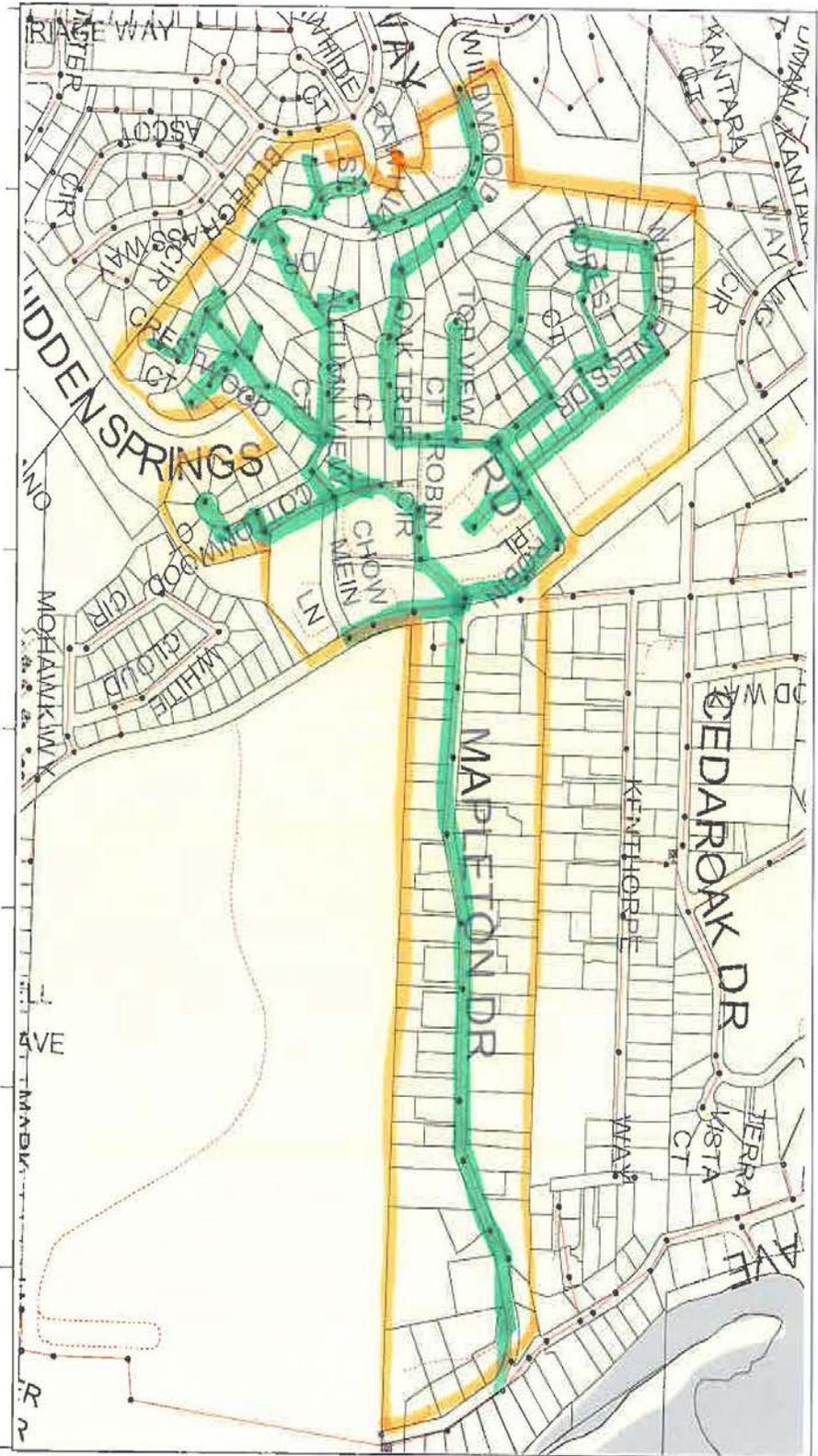
Existing sanitary sewer system is approximately set 19' away from the existing water line.

B. RECOMMENDATION OF IMPROVEMENT

If services along Mapleton Drive are being removed and replaced due to utility conflict, existing sanitary sewer system along Mapleton Drive shall be replaced with new system.

C. EFFECTIVE AREA MAP

See attached map on the next page.



City of West Linn GIS (Geographic Information System), Snapshot Date: 12/28/2011

MAP DISCLAIMER:
 This map is for informational purposes only and may not be used for any other purpose. The City of West Linn does not warrant the accuracy, completeness, or reliability of the information shown on this map. Users of this information should exercise caution and verify the information with the appropriate authorities.

Scale: 688 Feet

IV. WATER

A. EXISTING CONDITIONS

6" and 4" Asbestos Cement Water Line is in place and assumed to be installed at 3 foot deep. The water system provides service for approximately 68 properties on Mapleton Drive.

The system loops around through Nixon Avenue, Elmran Drive and River Road. This loop system is being fed from a 10" main located on Highway 43 at two different points.

The whole system is located inside the Robinwood Pressure Zone and fed from View Drive Reservoir.

B. WATER MASTER PLAN

Pressure Zone Performance Requirement Summary

Year	MDD (mg)	Fire Flow (mg)	Total Supply Need (mg)	Normal Supply Capacity (mg)	Emergency Supply Capacity (mg)	Normal Supply Deficit (mg)	Emergency Supply Deficit (mg)
Current	1.6 (0.6)	0.5	2.1 (1.1)	3.1	0.5	(1.0)	0.6
2015	1.7 (0.7)	0.5	2.2 (1.2)	3.1	0.5	0.9	0.7
2030	1.9 (0.8)	0.5	2.4 (1.3)	3.1	0.5	(0.7)	0.8
Saturation Development	2.0 (0.8)	0.5	2.5 (1.3)	3.1	0.5	(0.6)	0.8

Page 6-12

Pressure Zone Supply and Storage Deficit Summary

Year	Normal Conditions			Emergency Conditions		
	Supply Deficit (mg)	Storage Volume (mg)	Overall Deficit (mgd)	Supply Deficit (mgd)	Storage Volume (mg)	Overall Deficit (mgd)
Current	0	0.4	0	0.6	0.4	0.2
2015	0	0.4	0	0.7	0.4	0.3
2030	0	0.4	0	0.8	0.4	0.4
Saturation Development	0	0.4	0	0.8	0.4	0.4

Page 6-13

Pressure Zone Service Pressure Analysis Summary

Pressure Zone	Highest Ground Elevation (ft)	Reservoir Overflow Elevation (ft)	Static Service Pressure (psi)
Robinwood	207	327	52

Page 7-3

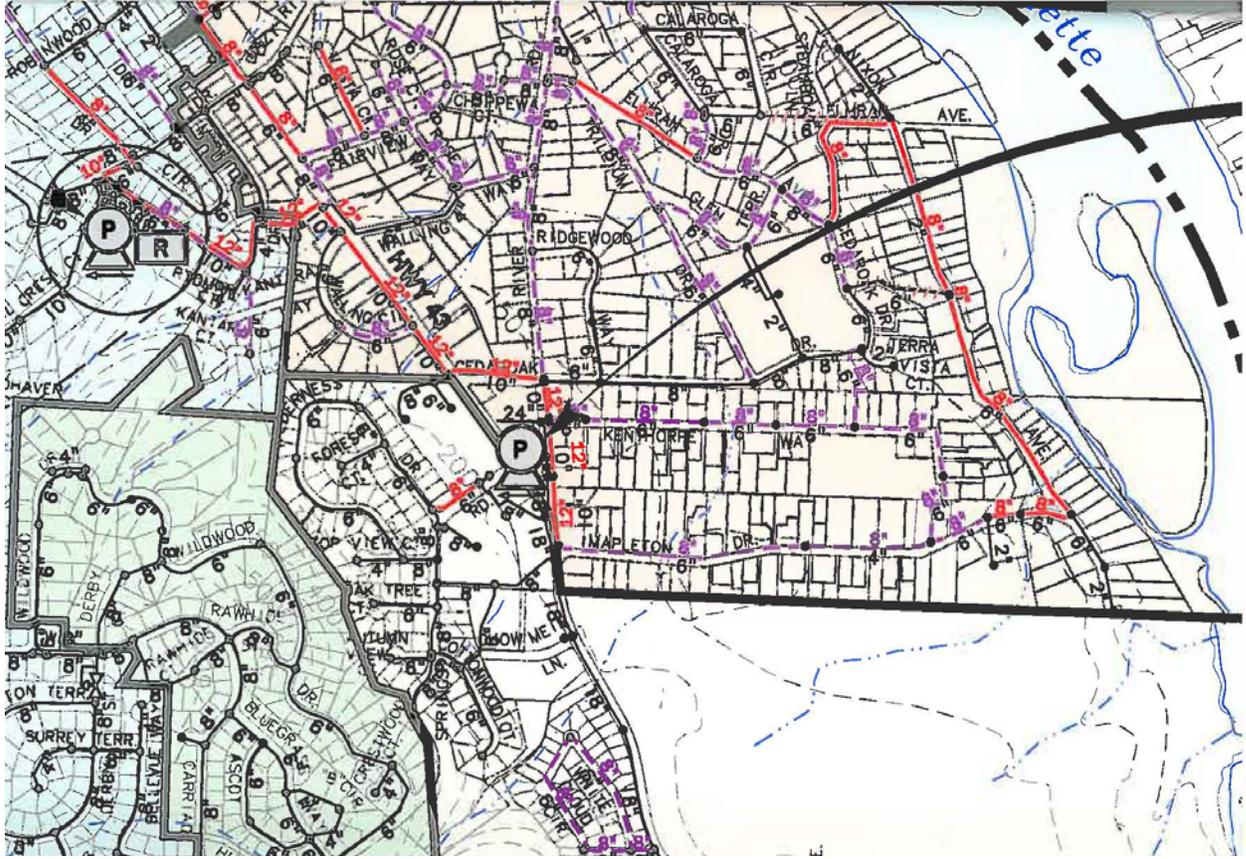
Recommended CMP Project Cost and Budget Summary

CMP Project	Estimated Project Cost
Asbesto Cement Pipe Replacement	\$6,900,000

Table 8-5

Project Number	Location	Pressure Zone	Existing Diameter (inch)	Priority	Length (feet)	SDC Allocation	Unit Cost (\$/lf)	Estimated Project Cost
35	Transmission Line to View Dr. Reservoir	Robinwood	10	12	4,211	31%	185	\$779,035

Replacement Water Master Plan in Robinwood Pressure Zone



C. RECOMMENDATION OF IMPROVEMENT

Due to the construction impact from this transmission line project, existing 6" Asbestos Cement Water Line is recommended to be replaced with 8" DI pipe.

V. CONCERNS

The affects of the transmission water line on the placement and installation of City West Linn utilities for future maintenance, repair, replacement, and improvement.

It is to the benefit of both West Linn and Lake Oswego, that the design of the transmission line includes conceptual design for future West Linn utilities on Mapleton Drive in order to make sure minimize future impact to both City utilities.

Traffic Control Plan and Construction Schedule are strongly recommended to be submitted early in the process so the information can be reviewed by affected neighborhoods.

Detail of flow and discharge from new plant into the City sanitary sewer system must be submitted for review and approval. If City Cedar Oak current pump system is being affected by the additional flow and discharge from the new plant, improvement/replacement of pump will be required.

VI. MARY S. YOUNG PARK

Existing sanitary sewer system at the Mapleton Pump Station is approximately 20' deep. Pipe material is concrete.

Existing sanitary sewer system after the Mapleton Pump Station going through Mary S. Young Park is a 12" force main. Pipe material is Cast Iron.

No construction equipment to be parked, driven, or storage on top of force main at all time.

No crossing shall be allowed.

Force main shall be replaced with new system if construction impact is unavoidable.

VII. PUBLIC WORKS STANDARDS

Division 1 – General shall be followed closely for projects occurred in West Linn right of way. Followings are sections that will be applicable to this project.

105.05 UTILITIES AND EXISTING IMPROVEMENTS

Be responsible for all costs for the repair of any and all damage to any utility, whether previously known or disclosed during the work, as may be caused by the work. Maintain in place utilities not shown on the drawings to be relocated or altered by others. If Contractor requires temporary relocation, for his convenience or because of his method of construction or as a result of site conditions, Contractor shall bear all costs for said temporary relocation. Maintain utilities which have been relocated by others in their relocated positions in order to avoid interference with structures which cross the project work.

105.08 PROTECTION OF PROPERTY

- A. Protect all public and private property, insofar as it may be endangered by operations and take every reasonable precaution to avoid damage to such property.
- B. Restore and bear the cost of any public or private improvement, facility, structure, or land and landscaping within the right-of-way or easement which is damaged or injured directly or indirectly by or on account of an act, omission, or neglect in the execution of the work. Restore to a condition substantially equivalent to that existing before such damage or injury occurred, by repairing, rebuilding, or otherwise effecting restoration thereof, or if this is not feasible, make a suitable settlement with the Owner of the damaged property.

107.05 LIABILITY AND INDEMNIFICATION

- C. The Contractor shall assume all responsibility for the work and shall bear all losses and damages directly or indirectly resulting to the Contractor, to the Owner, to the City Engineer, and to their officers, agents, and employees on account of the character or performance of the work, unforeseen difficulties, accidents, or any other cause whatsoever.

VIII. NOISE VARIANCE REFERENCE

See attached Sample for Approved Noise Variance Request.

Miscellaneous

Oregon Department of Transportation (ODOT) District 2B

ODOT requests that all work in the Highway 43 right-of-way be conducted during evening hours (8:00 pm – 5:00 am) to minimize disruption to traffic and maximize mobility on the State Highway during construction. ODOT also stated that it has been their experience that nighttime work typically results in less roadway congestion and expedited construction timelines and therefore reduced impact to the City and adjacent properties.

The West Linn Municipal Code (5.487) prohibits the use of any mechanical device between 7:00 pm and 7:00 am Monday through Friday and between 5:00 pm and 8:00 am on Saturday and Sunday except by special permit granted by the City Manager.

ODOT stated that they will also require the preservation of a 20-foot wide travel lane at all times on Highway 43.

ODOT informed the applicant that previous borings in the Highway 43 area suggest the presence of a concrete roadway below the existing Highway 43 surface.

Tualatin Valley Fire and Rescue (TVF&R)

Comments from Residents

Kevin Bryck informed meeting attendees that he and members of the Robinwood Neighborhood had spent considerable time preparing the final list of requested mitigation activities presented to Partnership members at the pre-application meeting.

A list of questions from additional neighborhood residents is attached.

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. Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. Thus, there is no “shelf life” for pre-apps.