



CITY OF
West Linn

PLANNING COMMISSION / COMMISSION FOR CITIZEN INVOLVEMENT

Minutes of November 3, 2010

Members present: Chair Robert Martin and Commissioners Michael Babbitt, Laura Horsey, Christine Steel and Dean Wood

Members absent: None

Staff present: John Sonnen, Planning Director; Peter Spir, Associate Planner; Khoi Le, Engineering Department; and Timothy Ramis, City Attorney

CALL TO ORDER

Chair Martin called the Planning Commission meeting to order in the Council Chambers of City Hall at 7:30 p.m. Vice Chair Michael Jones had been elected to serve on the City Council. Chair Martin thanked him for his service on the Planning Commission.

APPROVAL OF MINUTES

Commissioner Steel **moved** to approve the Minutes of September 15, 2010. Commissioner Babbitt **seconded** the motion and it **passed** 4:0:1. Chair Martin abstained.

PUBLIC COMMENTS

Alice Richmond, 3939 Parker Rd., congratulated Michael Jones on being elected to City Council.

ELECTION OF VICE CHAIR

Commissioner Steel **nominated** Michael Babbitt to serve as Vice Chair. Commissioner Horsey **seconded** the nomination and **Vice Chair Babbitt was elected** in a unanimous vote.

PUBLIC HEARING

(Note: The staff reports and all related documents for the hearings are available through the Planning Department.)

CUP-10-03/DR-10-06/VAR-10-06/VAR-10-08/VAR-10-09/WAP-10-01, Conditional Use, Design Review, four Class II Variances and Water Resources Area Protection for construction of a new primary school at 1025 Rosemont Road

Chair Martin opened the public hearing and outlined the applicable criteria and procedure. He asked the Commissioners to declare any conflict of interest, bias, or *ex parte* contact. Each of the Commissioners present reported he/she had visited the site. Commissioners Wood and Steel and Chair Martin each declared an *ex parte* contact.

Gary Hitesman, 2188 Clubhouse Dr., challenged the Commission's authority to hear the application. He held it was not complete because jurisdiction over Rosemont Road had not yet been determined and he contended there had not been sufficient time for public input since the October 29, 2010 staff memorandum was issued. City Attorney Ramis clarified that the code did not call for an application to be "complete" as a precondition for a hearing, but as a precondition to a decision. The decision regarding whether the application was initially complete was controlled by statute and it had already been found to be complete. If the Commissioners found during the hearing that it was not complete they could deny it for that reason. Any party could request that the first evidentiary hearing be continued.

Staff Report

Peter Spir, Associate Planner, presented the staff report (See Planning & Building Department Staff Report dated November 3 and the November 3 and 12, 2010 and October 22 and 29, 2010 Staff Memorandums). He reported the applicant proposed to build the new school in two phases. The second, smaller phase would be completed by 2019. The site contained natural resources that would be protected, including Trillium Creek, wetlands and significant trees. The applicant was asking for four variances that would expand driveway width, reduce the transition area, allow parking spaces farther away from the building, and allow larger signs.

The staff agreed with the wetland delineation the applicant proposed. Spir described the large and small wetlands and the routes of flows. The smaller wetland was nearer the building. It was a harder-to-identify, seasonal, wetland that started at a northern outfall. The applicant would open the channel and enhance it with trees and vegetation to make it a more viable wetland. The City's and the applicant's arborists had identified significant trees and determined the best way to protect most of the older trees in a filled area was to cut out tree wells. The conditions of approval offered some latitude about exactly where they were located because the exact location of roots could not be determined until the preconstruction phase. The building design featured areas of primary colors and lots of windows and articulations to make it interesting. It would have a low profile so nearby residences would still have their views. The staff found the plan was a good transition to surrounding single-family homes. Fencing and landscaping would buffer residences.

Vehicle access via multiple driveways would reduce potential conflicts between cars and busses. There were to be two Rosemont Road accesses. The staff accepted the proposed 95' driveway width for the south driveway because it factored in a bus-turning radius. But they were not convinced the north driveway that cars would use needed to be that wide. The City owned the Parcel J corridor. Trees along that trail would need to be pruned there to address a line of sight problem along about 250' of it. There was potential conflict between vehicles and bikes when cars took Rosemont curves fast. The Safe Routes to School program prescribed a speed table a few inches high to reduce speed down to 22 – 25 mph. TVF&R's fire marshal supported a speed table of about 3 inches. Condition 7 called for one. The staff recommended approval of the application. They had found that the applicant had designed the school with

good access, minimized the loss/disturbance of resources, mitigated neighborhood impacts and the result was an attractive, functional, school.

During the questioning period, Spir explained that the exact boundaries of the resource protection easement areas called for in Condition 14 had not yet been determined. Horsey asked that Condition 14 refer to a specific plan. Spir said TVF&R was going to drive a truck over Beaverton speed tables to test the 3-inch table called for in Condition 7. He clarified that the staff did not call for lighting along the path on Parcel J or along the trail from Suncrest Drive because those pathways would not be used at night. He clarified the red delineation of the site on the map on page 102 of the staff report was wrong and should have included one more lot to the east. Spir clarified the playing field was intended to be used as a general play area. It was a small field that did not have features installed for softball, or any specific sport. He did not yet know what the dimensions of the south driveway access easement would be.

Applicant

Tim Woodley, 2755 SW Borland Rd., Operations Director, West Linn-Wilsonville School District, observed that the District's intention to build a school on the site had been known since it purchased the site in 1989 and since voters approved the bond measure for it in 2008. The applicant had held a number of public meetings and met with the Hidden Springs Neighborhood Association and the immediate neighbors during the design process. Ben Vaughn, Walker-Macy Landscape Architects, explained the proposed site plan was intended to reduce the development's impact on natural resources and make them an asset to learning. He explained that the multipurpose field was just a grass field. The building had been positioned on the site to reduce its impact on resources and neighbors. The applicant used an existing wetland crossing to reduce impacts. He pointed out how the open lawn area transitioned from the building into a forest of trees, rougher meadow and native plantings in the riparian area. He pointed out the pedestrian connections to the surrounding neighborhoods. Nancy Olmstead, Winzler and Kelly, a wetland biologist, outlined the process used to delineate wetland boundaries. The applicant had considered a number of alternatives in deciding how to minimize impacts to the wetlands. They had received permits from the Army Corps of Engineers and the Division of State Lands (DSL). The resources were to be enhanced and protected. Karina Ruiz, Dull Olson Weekes Architects, described the design and use of components of the site and the building. If the District found it could afford it, it would construct the entire school at once, instead of phasing it. The design featured some areas of primary colors because kids had asked for that. The applicant intended to construct a LEED certified building. It would collect and reuse rainwater to flush toilets. She clarified that the staff report and findings and recommended conditions of approval took all of the county's recommendations into consideration.

During the questioning period, Babbitt recalled Hitesman's concerns and asked how the City's and the county's roadway standards differed and which set of standards was more stringent. Mark Wharry, Winzler & Kelly Engineers, 2300 SW Holman, Portland, Oregon 97201, explained the applicant had designed to meet City standards, but the fundamental layout would meet

county standards after some technical adjustments were made to aspects such as the thickness of paving or base rock. Babbitt asked the applicant to respond to Hitesman's emailed questions related to zoning, connections and safe passage. Keith Liden, land use consultant, responded that the City controlled the zoning, so he saw no zoning conflict or issue. Ruiz explained that the steep grade down to Santa Anita and kids' passage through the forested area had been considered and addressed. There was to be an 8' wide, all-weather pathway that would ease users down to Santa Anita. It would feature obstacles to prevent a bicycle from shooting out onto Santa Anita. The design committee and the arborist had decided on a configuration that would make the walk through the trees more visible from the school. Trees were to be limbed up to facilitate that. There was to be an emergency vehicle access gate next to Bay Meadows.

Horseley observed the site was pretty spread out. She asked if the applicant had asked for input from teachers regarding how practical it would be to get from the school to a student with a bloody nose in the forested area. Would the district end up having to use golf carts to get there in a reasonable period of time? Ruiz confirmed that some teachers served on the design committee. They wanted to be able to supervise the rest of the site from one specific point and to have a physical "out-of-bounds" limit. The structured play area had been positioned next to the building. The manicured north lawn had a natural edge demarcated by a path and a change to rougher vegetation that could serve as the out-of-bounds line. But pathways would lead to where students could observe and learn about natural resources.

Wood anticipated that kids would walk the path home from the school at dusk. But the first 250 feet of it would be very dark and hard to supervise due to tree canopy and fences. Ruiz explained that area was not on District property, but the District was willing to do whatever the conditions of approval called for in that area. It wanted to balance safety and neighbors' concerns about light intrusion. Steel asked how the applicant planned to mitigate the view and noise for south and east side residents; where the ADA parking spaces were; and what the covered play area would look like. Vaughn said the applicant would plant a 25' to 30' buffer. They had been working out with the adjacent neighbors what was to be planted there and where trees would be positioned. There would be no exterior bells or exterior speakers aimed at houses - only an electronic chime sound to signal the start of school. There were five ADA parking spaces: 2 in the staff lot; 2 in the visitor lot and one at the multipurpose field. They clarified the two staff ADA spaces would be about 50 feet from the door. The covered play area varied from 14 feet to 23 feet high. Its materials and colors would be similar to what was used on the rest of the building.

Chair Martin observed that the applicant had not discussed one of the suggestions that had been submitted. It would have bus and staff access the site from Bay Meadows. Parents would use the south driveway off Rosemont. The north driveway would be replaced with a pathway. That would reduce the disturbance to the wetlands. Ruiz explained the applicant wanted the north driveway connection because it was a safety issue to have kids walking through the heavily forested area; the City did not support putting bus traffic on Bay Meadows; and TVF&R wanted two distinct entry and exit points. Spir confirmed that the City did not want a concentration of buses to come and go at the same time on Bay Meadows, a residential street.

In addition, the line of sight was inadequate at the Bay Meadows/Rosemont Road intersection, where buses would turn onto Rosemont. Vaughn explained the proposed north drive crossed the wetland where there was already a crossing and that limited the impact on natural resources. The applicant's representatives clarified that they were asking for a reduced buffer only where the road crossed over the smaller, transitional, wetland that did not have all the functions and values of a significant wetland. The proposal would actually improve the condition of the smaller wetland. The DSL had approved the crossing mitigation.

Horsey asked the applicant to specify which plans Conditions 12 (Northwest Playing Field) and 19 (Landscaping) should refer to. They mitigated impacts to neighbors. She did not want to leave them too vague. Ruiz specified that Condition 12 should refer to LU2.04 and Condition 19 should refer to LU2.05.

The applicant's representatives clarified that the District would ask its bus operating contractor to use propane buses. They explained that they originally proposed a 95' curb cut for both the north and south driveways. That would accommodate vehicle lanes and a computed bus turning radius. But staff did not want the north driveway radius to be that large because of their concern about pedestrian safety. They wanted raised platforms for pedestrians there. The representatives clarified the playing field was primarily intended for school use and it would not have an installed softball field, but it potentially could be used for soccer play. The field was about 25' or 26' from the fence along residential properties. The City noise ordinance allowed an exception for field noise. Evenings and weekends the public would have access to all three site parking lots if they wanted to use the site. The roadway was 28' wide, except for the portion that crossed the bridge, which was 24' wide (not counting the sidewalk). The 28' wide portion could accommodate parking or queuing on one side and emergency access (See LU1.01). The representatives clarified that they intended to wait until they had firm conditions of approval before they coordinated right-of-way work and tree-limbing with a neighbor in order to meet Condition 9 (Maintaining Sight Distances). They clarified the wetland edge and buffer and the area where they would daylight and restore the creek channel had been mapped for the DSL and Army Corps of Engineers permits and provided to the staff (see LU2.04 and LU2.05). Those boundaries could be used to define the easement that would satisfy Condition 14 (Resource Easements). They would follow the requirements and mitigation plan in the DSL permit. When Chair Martin questioned how the applicant would balance school use with resource protection the representatives pointed out that the three mitigation areas were farther away from the school and high use play area. When he questioned whether goats would only eat invasive species, they explained the goats would only be used for initial clearing; they would be used in specific, well-controlled, areas that were almost entirely blackberries and English ivy. After that was cleared native plant material that was currently safe in an underground seed bed would grow to the surface. A wetland biologist would supervise all the mitigation.

Public Testimony

Amy Schauer, 19650 Sun Cir., and Jane Lewis, 1830 Bay Meadows Dr., had each submitted a testimony form that indicated she did not wish to testify, just establish standing. Lewis wrote on her form that the neighborhood was concerned about overflow parking.

Neither for Nor Against

Tracy Pyett, 2163 Clubhouse Dr., resided next to Parcel J. He was concerned the applicant might have missed a waterway that flowed through Cheyenne Terrace. He suggested it might be safer and easier to supervise a pathway to Hidden Springs instead of to Santa Anita.

Proponents

Alice Richmond, 3939 Parker Rd., stressed the community had approved a bond measure for a school and the education and safety of children was the important consideration. She advocated using fencing to reduce the number of outsiders entering the site.

Gary Hitesman, 2188 Clubhouse Dr., clarified that he thought the proposal was good, but he was concerned about the recommended conditions of approval. The process needed to be more transparent. The site configuration needed adjustments to make it comply with the code. He wanted stronger conditions related to children's safety on Santa Anita and Rosemont Road. He wanted clarification about Rosemont Road improvements. He said the City should take care of sidewalk repair, not the applicant. The field should be relocated. He had other concerns. He asked that the hearing be continued. He agreed to submit all of his comments in writing for the staff to distribute before the continued hearing date.

Vice Chair Babbitt **moved** to continue CUP-10-03/DR-10-06/VAR-10-06/VAR-10-08/VAR-10-09/WAP-10-01 to November 17, 2010 and keep the record open for testimony. Commissioner Wood **seconded** the motion and it **passed** 5:0.

ITEMS OF INTEREST FROM STAFF (None)

ITEMS OF INTEREST FROM THE PLANNING COMMISSION (None)

ADJOURNMENT

There being no other business, Chair Martin adjourned the Planning Commission meeting at approximately 11:00 p.m.

APPROVED:



Robert Martin, Chair

1/19/2011

Date