

**WEST LINN PLANNING COMMISSION**

**FINAL DECISION NOTICE**

**CUP-12-03/DR-12-07**

**IN THE MATTER OF THE PROPOSAL OF A CONDITIONAL USE PERMIT AND CLASS I DESIGN REVIEW FOR A LEARNING GARDEN, REPLACEMENT OF WINDOWS, WALLS FOR SCREENING, FENCING, IMPROVED ADA ACCESS, AND A NEW DOOR CANOPY AT WILLAMETTE PRIMARY SCHOOL AT 1403 12<sup>TH</sup> STREET**

At their meeting of April 4, 2012, the West Linn Planning Commission held a public hearing to consider the request by the West Linn-Wilsonville School District to approve a learning garden, replacement windows, new fencing, new screening walls, improved ADA access, and a replacement door canopy at Willamette Primary School at 1403 12<sup>th</sup> Street. This required a Conditional Use Permit and Class I Design Review permit. The approval criteria for Conditional Use Permit are found in Chapter 60 of the CDC. The approval criteria for Design Review are found in Chapter 55 of the CDC. The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing commenced with a staff report presented by Tom Soppe, Associate Planner. Tim Woodley of the West Linn-Wilsonville School District and Travis Butler of Dull Olson Weekes Architects gave the applicant's presentation. Alice Richmond spoke in favor of the application. Gary Hitesman spoke in opposition to the application.

A motion was made, seconded, and passed to approve the application with two new findings, with the three conditions of approval in the staff report including modifications to Condition of Approval 3, and with a new Condition of Approval 4. The additional findings are as follows:

Additional Finding 1: Staff proposed arbor vitae to screen the proposed fencing, but arbor vitae can grow unnecessarily tall to screen the proposed 6-foot fencing, and other shrubs would provide a more aesthetically pleasing screen as well as greater educational opportunities for students using the adjacent learning garden. A fruit-bearing or flower-bearing shrub, or a mixture of such shrubs, would be better.

Additional Finding 2: The State Historic Preservation Office (SHPO) requires that proposed modifications to public buildings over 50 years of age be reviewed by SHPO to ensure historic compatibility. The City should ensure the applicant completes this process before making modifications to the building and before building the proposed walls in front of the building. The City should ensure that if SHPO requires modifications to the proposal that the modifications come before Planning Commission as an amendment application pursuant to CDC Section 99.120. Planning Commission is the initial decision-making body for the application, and per CDC Section 99.120(B) is required to review an amendment application related to the original application.

The approved conditions of approval are as follows:

1. Site Plan and Elevation Drawing. With the exception of modifications required by these conditions, the project shall conform to the Site Plan and Detailed Site Plan, dated February 14, 2012 (on pages 64 and 65, respectively, of Exhibit PC-4 ) and the exterior elevations sheet on Page 66 of Exhibit PC-4.
2. Learning Garden Use Hours for Activities Involving Amplified Sound. The learning garden shall not be used for activities involving amplified sound, except for instruction during regular school hours.
3. Vegetative Screening of New Fencing. The new fencing proposed on the south side of the site shall be screened with a fruit-bearing or flower-bearing shrub or shrub mixture that matures at approximately the height of the proposed fence, starting west of the tree labeled 22-inch maple tree shown on Sheet L101, Detailed Site Plan (on page 65 of Exhibit PC-4).
4. State Historic Review. The applicant shall complete the State Historic Preservation Office's building permit review for public buildings over 50 years in age. If the State Historic Preservation Office requires modifications to the proposal, the applicant shall submit an Amendment application in order to return to the Planning Commission for approval of the modifications. No work shall be done to modify the building or to install the proposed masonry walls and gate until the SHPO process is completed and any SHPO-required modifications incorporated into the applicant's plans. The applicant shall demonstrate to the Planning Department that the SHPO process is complete prior to receiving building permits.

This decision will become effective 14 days from the date of mailing of this final decision as identified below. Those parties with standing (i.e., those individuals who submitted letters into the record, or provided oral or written testimony during the course of the hearings, or signed in on an attendance sheet or testimony form at either of the hearings, or who have contacted City Planning staff and made their identities known to staff) may appeal this decision to the West Linn City Council within 14 days of the mailing of this decision pursuant to the provisions of Chapter 99 of the Community Development Code. Such appeals would require a fee of \$400 and a completed appeal application form together with the specific grounds for appeal to the Planning Director prior to the appeal-filing deadline.

  
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MICHAEL BABBITT CHAIR  
WEST LINN PLANNING COMMISSION

4-18-12  
\_\_\_\_\_  
DATE

Mailed this 19<sup>th</sup> day of April, 2012.

Therefore, this decision becomes effective at 5 p.m., May 3, 2012.

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