



Memorandum

Date: March 30, 2012

To: West Linn Planning Commission

From: Tom Soppe, Associate Planner

Subject: Neighborhood association submittal and staff-commissioner email discussion regarding CUP-12-03/DR-12-07

Attached see a submittal from the Willamette Neighborhood Association supporting the project CUP-12-03/DR-12-07, the modifications to Willamette Primary School. Also attached is a staff discussion with Commissioner Holmes about this project, regarding noise issues and historic issues.

Soppe, Tom

From: Soppe, Tom
Sent: Thursday, March 29, 2012 9:08 AM
To: Holmes, Gail
Cc: Sonnen, John
Subject: FW: April 4
Attachments: 1403_12th_St.pdf

Gail,

See Sarah's answer below regarding historic issues; the school is also not quite in the historic district but rather across the street from it, as you may know.

The applicant's finding is that the compactor will meet City noise standards. Equipment has to meet the Muni Code standards in 5.487 (as well as 55.100[D] which refers to this section). If the compactor is approved and is ever suspected of not meeting the noise standards, the City reserves the right to require a report documenting whether the compactor noise meets DEQ standards, as required by Section 55.110(B)(11), if complaints arise from nearby residences.

The relevant parts of 5.487 are here:

5.487 Sound Levels and Noise.

- (1) Purpose. The City Council of the City of West Linn finds that low and moderate ambient noise levels are a significant City amenity. They find further that the level of noise that exists in a community directly affects the livability of the community and the health, comfort and welfare of its residents. It is, therefore, the express intent and purpose of this section to establish noise level standards that protect and improve the quality of life of West Linn's residents at work, rest and play and that can be objectively measured and enforced.
- (2) Prohibited Noise Making Acts. It shall be unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any loud, disturbing or unnecessary noise in the City at any time of day. It shall also be unlawful for any person to commit, create, assist in creating, permit, continue, or permit the continuance of any of the following:
- (m) Sounds produced by the loading, unloading, opening or otherwise handling of boxes, crates, containers, garbage cans or other similar objects so as to be audible at the property edge that is not the source of the sound at any time other than during the following hours, except by special permit granted by the City Manager:
 - (i) Between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday;
 - (ii) Between the hours of 8:00 a.m. and 5:00 p.m. on Saturday and Sunday and the following holidays:
 - New Year's Day (January 1st);
 - Labor Day (the first Monday in September);
 - Thanksgiving Day (the fourth Thursday in November);

Christmas Day (December 25th);

Monday, when New Year's Day or Christmas Day falls on the preceding Sunday; and

Friday, when New Year's Day or Christmas Day falls on the succeeding Saturday.

(4) Penalties. A violation of this section is a Class A Infraction and a public nuisance.

(6) Special Permits.

(a) The City Manager may grant a special permit to any person or organization if findings are made that immediate compliance with any requirement of this section cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors, encroachment upon an existing noise source or because of the unavailability of feasible technology or control methods.

(b) Any such special permit shall be granted only for the minimum time period found to be necessary under the facts and circumstances. Special permits may normally be issued for a period not to exceed six months and may be renewed once. Except as discussed in subsection (6)(c) of this section, permanent special permits may only be granted for uses that existed prior to the adoption of the ordinance codified in this section and then only if compliance would prove so costly as to seriously threaten the economic viability of the person requesting the special permit.

(c) Special permits for the loading, unloading, opening or otherwise handling of boxes, crates, containers, garbage cans or other similar objects by a commercial business or civic use may be granted on a permanent basis, subject to ongoing conditions of approval to mitigate noise impacts to surrounding properties.

(d) The City Manager shall adopt administrative procedures for the consideration of special permits. At least 10 days prior to issuing a decision, the City Manager shall provide notice to all property owners within 100 feet of the property where the special permit is being requested. For special permit applications within public right-of-way, all property owners within 100 feet of the special use permit area shall be provided notice.

(e) The City Manager may attach conditions of approval to a special permit to mitigate noise impacts to surrounding properties.

(f) The decision of the City Manager may be appealed to the City Council within 14 days of the issuance of the decision. The City Council shall conduct a public hearing on the special permit within 60 days of the filing of the appeal. The City Manager shall provide notice of the public hearing to all property owners noticed prior to the original decision, and all other parties who commented on the application. The City Council may uphold, modify, or reverse the City Manager's decision. The City Council's decision shall be final.

(7) Enforcement. The City Council of the City of West Linn shall have the prerogative to appoint or authorize any City personnel deemed appropriate to enforce the provisions of this section including, but not limited to, the City police and the Planning Code enforcement officer. Other governmental entities, such as the Clackamas County Sheriff's Department, may be requested to enforce this section when appropriate.

When responding to noise complaints at businesses, residences, or at locations where groups or organizations have gathered, the owner, manager, or adult person in charge shall be held responsible for maintaining an acceptable noise level. This shall not apply to organized athletic events. When complaints are received at the above location, those responding to enforce this section shall seek out the responsible person to contact.

(8) Additional to Other Law. The provisions of this section shall be cumulative and nonexclusive and shall not affect any other claim, cause of action or remedy; nor, unless specifically provided, shall it be deemed to repeal, amend or modify any law, ordinance or regulation relating to noise or sound, but shall be deemed additional to existing legislation and common law on such subject.

As for odor standards in the CDC, it seems that this is de facto arguably addressed under the umbrella of things that can be buffered or screened under 55.100(C)(1).

C. Compatibility between adjoining uses, buffering, and screening.

1. In addition to the compatibility requirements contained in Chapter [24](#) CDC, buffering shall be provided between different types of land uses; for example, buffering between single-family homes and apartment blocks. However, no buffering is required between single-family homes and duplexes or single-family attached units. The following factors shall be considered in determining the adequacy of the type and extent of the buffer:

- a. The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier.
- b. The size of the buffer required to achieve the purpose in terms of width and height.
- c. The direction(s) from which buffering is needed.
- d. The required density of the buffering.
- e. Whether the viewer is stationary or mobile.

In the Muni Code, it is addressed as a violation to be abated, but without any way to measure it other than being able to tell that it is a bother to neighbors:

5.425 Nuisances Affecting Public Health.

No owner or person in charge of property may permit or cause a nuisance affecting public health. The following are nuisances affecting public health, and may be abated as provided in sections [5.400](#) to [5.530](#):

(6) Odor. Premises which are in such a state or condition as to cause an offensive odor or which are in an unsanitary condition;

Therefore as far as the Muni Code goes, I think if PC found it could be approved and it turned out unexpectedly to be an odor problem later, the City could address it by inspecting after a complaint, like the noise issue above.

See you next week,

Tom

From: Javoronok, Sara
Sent: Thursday, March 29, 2012 8:40 AM
To: Sonnen, John; Soppe, Tom
Subject: RE: April 4

John,

In terms of the historic questions, Willamette Primary School is not "historic". Anything over 50 years of age has the potential to be "historic", but is not unless it's been designated as such. In the City, the Willamette Historic District and the landmarks are the only properties that are "historic" since they've been designated.

In addition, attached is the historic site form for the primary school. It was surveyed in 2008 and is NP/not-in-period since it was built out of the period of significance for the historic district. The National Register district's period of significance is 1895-1929. Chapter 25 in the CDC references buildings constructed from 1890-1925. It would be helpful to include these forms for properties that have been surveyed. They should reference whether a specific property is "historic".

As an aside, there was an earlier school built on the site in 1896, if this was still standing, it would have the potential to have been "historic", but this also would have depended on its historic integrity and any alterations made over time. There was another school built in 1936 that burned in 1949. Potentially, if this school was still standing and retained its historic integrity, the period of significance for the historic district (local or NR), may have been increased to include this structure as well.

Sara

Sara Javoronok, Associate Planner
Planning and Building, #1512

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Public Records Law Disclosure This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Sonnen, John
Sent: Wednesday, March 28, 2012 5:06 PM
To: Javoronok, Sara; Soppe, Tom
Subject: FW: April 4



John Sonnen, Planning Director
Planning and Building, #1524

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Public Records Law Disclosure This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: GHolmes927@aol.com [<mailto:GHolmes927@aol.com>]
Sent: Wednesday, March 28, 2012 12:56 PM
To: Sonnen, John
Subject: April 4

I was going through the up coming hearings packet and had some questions about Willamette Primary:

* Since the building was built in 1949, this puts it in the "Historic Building" category, so did Sarah J. or HRB discuss the changing of windows with the National Historic Standards or State Requirements? Since this is a Historic Building I was also surprised that Sarah is not the Staff Planner on this project. Also, is there any noise or smell standards on the new trash compactor?

Thanks,

Gail Holmes

Oregon Historic Site Form

West Linn Grade School
1403 12th St
West Linn, Clackamas County

LOCATION AND PROPERTY NAME

address: 1403 12th St apprx. addr
West Linn vcnt Clackamas County
Optional Information
assoc addresses:
(former addresses, intersections, etc.)
location descr:
(remote sites)

historic name: West Linn Grade School
current/
other names:
block nbr: _____ lot nbr: _____ tax lot nbr: _____
township: 3 S range: 1E section: 1 1/4: _____
zip: _____

PROPERTY CHARACTERISTICS

resource type: Building height (# stories): 1 total # eligible resources: 0 total # ineligible resources: 1
elig. evaluation: not eligible/out of period NR status: _____
primary constr date: 1950 (c.) secondary date: _____ (c.) (optional--use for major addns) NR date listed: _____ (indiv listed only; see Grouping for hist dist)
primary orig use: School orig use comments: _____
secondary orig use: _____ prim style comments: _____
primary style: International sec style comments: _____
secondary style: _____ siding comments: _____
primary siding: Standard Brick architect: _____
secondary siding: _____ builder: _____
plan type: School (General)
comments/notes: _____

GROUPINGS / ASSOCIATIONS

survey project name or other grouping name: West Linn, Willamette Falls Neighborhood, RLS 2008, 2008 Survey & Inventory Project

farmstead/cluster name: _____ external site #: _____ (ID# used in city/agency database)

SHPO INFO FOR THIS PROPERTY

NR date listed: _____
ILS survey date: _____
RLS survey date: 10/29/2008
Gen File date: _____
106 Project(s)



Soppe, Tom

From: Sonnen, John
Sent: Monday, March 26, 2012 9:08 AM
To: Soppe, Tom
Subject: FW: Willamette Primary
Attachments: WNA Minutes 1-11-2012.doc



Please see email and add to the record

John Sonnen, Planning Director
Planning and Building, #1524

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Public Records Law Disclosure This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: WNA [<mailto:willametteneighborhood@gmail.com>]
Sent: Sunday, March 25, 2012 8:36 AM
To: Sonnen, John
Subject: Willamette Primary

Dear John, I am attaching the minutes where we heard the proposed changes to Willamette Primary. We enthusiastically approved the changes they proposed. When the PC has their meeting maybe you could make sure they are aware that we cared enough to make a motion about it.

--

Sincerely,
Beth Smolens, President
Willamette Neighborhood Association

Willamette Neighborhood Association

Willamette Neighborhood Association

Pacific West Bank

Date: January 11, 2012

Call to order at 7:05PM

Attendance:

Beth Smolens (formerly Kieres), Jim Milne, Elizabeth Rocchia, Elizabeth Hall, Shannen Knight, Julia Simpson, Travis Butler, Remo Douglas, Kevin Bryck

Minutes from November 9, 2011 reviewed and accepted.

Treasurer's Report (Elizabeth Rocchia)

1. US Bank balance: \$2,901.28
 1. Checks Written
 - a. WLWSD for Yoga: \$163.87
 - b. Lindsey George, Yoga Instructor: \$200.00
2. b. Pacific West Bank balance: \$250.89

Speakers:

Willamette Primary School, West Linn - Wilsonville School District presented Class 1 Design review for new proposed learning garden.

Motion:

WNA approves the proposed capital improvements to the school and outdoor learning garden center. Motion Passed; unanimously.

Speakers:

Robinwood Neighborhood Association member Kevin Bryck presented current activity addressing the Lake Oswego Water Treatment Facility proposed in the neighborhood.

Motion:

WNA urges the West Linn City Council to support the efforts of the RNA- GNC- in addressing the mitigation proposals presented to the LOTWP- Lake Oswego Tigard Water Partnership. Motion Passed; unanimously.

Old Business:

Mailbox/Postbox Placement

Follow up on earlier discussions regarding mailbox/post box placement in Willamette on 12th and WFD. No options for the post box to be moved to accommodate drive-up mail deposits.

Willamette Neighborhood Association

New Business:

Letter of Support to Willamette Falls Heritage Coalition

Motion:

Elizabeth Smolens is to write a letter of support for Willamette Falls Heritage Coalition. Motion Passed; unanimously.

Elizabeth Rocchia presents photos of paper boxes/advertising bins in Willamette

Motion:

The WNA represented by Elizabeth Rocchia will address the proliferation of advertising, real estate, and newspaper containers. They are cluttering sidewalks and storefronts. There are clusters of them on every block between 12th and 15th. They are not aesthetically pleasing and detract from the historic appeal of the main street business district. Motion Passed; unanimously.

Meeting Adjourned 9:00 PM

Respectfully Submitted by,

Elizabeth Hall, Secretary