

DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT: <i>Peter Spir</i>	PROJECT NO(S): <i>AP-14-01</i>	
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S)	TOTAL

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> Historic Review | <input type="checkbox"/> Subdivision (SUB) |
| <input checked="" type="checkbox"/> Appeal and Review (AP) * | <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Temporary Uses * |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Lot Line Adjustment (LLA) */** | <input type="checkbox"/> Time Extension * |
| <input type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Pre-Application Conference (PA) */** | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Flood Management Area | <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Hillside Protection & Erosion Control | | |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

Site Location/Address: <i>20001 Salamo Rd</i>	Assessor's Map No.: <i>25126A</i>
	Tax Lot(s): <i>701</i>
	Total Land Area: <i>21.38 AC.</i>

Brief Description of Proposal:
APPEAL PC DECISION

Applicant Name: *TIM WOODLEY WLWSP* Phone: *503.673.7976*
(please print)
Address: *2755 SW BORLAND RD* Email: *WOODLEYT@WLWR.K12.OR.US*
City State Zip: *TUALATIN, OR 97062*

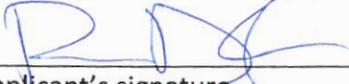
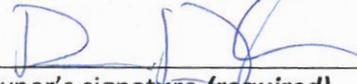
Owner Name (required): *SAME* Phone:
(please print)
Address: Email:
City State Zip:

Consultant Name: *KEITH LIDEN* Phone: *503.757.5501*
(please print)
Address: *319 SW WASHINGTON ST SUITE 914* Email: *KEITH.LIDEN@GMAIL.COM*
City State Zip: *PORTLAND, OR 97204*

- All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
- The owner/applicant or their representative should be present at all public hearings.
- A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
- Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.**
One (1) complete set of digital application materials must also be submitted on CD in PDF format.
If large sets of plans are required in application please submit only two sets.

* No CD required / ** Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

	<i>10.9.14</i>		<i>10.9.14</i>
Applicant's signature	Date	Owner's signature (required)	Date



West Linn – Wilsonville Schools

October 9, 2014

West Linn City Council
West Linn City Hall
22500 Salamo Road
West Linn, OR 97068



RE: Rosemont Ridge MISC-14-04
Appeal of Planning Commission Decision

Dear West Linn City Councilors:

Per West Linn Community Development Code Section 99.250, the West Linn-Wilsonville School District wishes to appeal a denial of the above application by the West Linn Planning Commission. Explicit in this appeal is a request to extend the 120-day time limit for this proceeding.

NOTICE OF APPEAL

The West Linn-Wilsonville School District wishes to appeal the Planning Commission decision to deny the District's request to amend Condition 3b of a Class II Design Review approval, which was granted by the City in 2009 (DR-09-05) to allow the installation of field lights at Rosemont Ridge Middle School. Condition 3b stated that "**All lighting shall be oriented to create no off site illumination and the light fixtures shall be screened to allow no off-site glare. The pole lighting must be turned off at 9 p.m. including game days.**" The District's request in this application (MISC-14-04) is to allow use of the field lights for one additional hour until 10 p.m.

APPLICATION REFERENCE

Rosemont Ridge MISC-14-04

STANDING TO FILE AN APPEAL

The West Linn-Wilsonville School District qualifies as a party of standing because it is the applicant.

GROUNDINGS FOR THE APPEAL

The District believes that applicable approval criteria may have been misapplied. The District does not have any procedural objections or wish to introduce additional testimony. However, during and after initial applicant presentation, testimony was introduced by opponents and the applicant was only able to rebut in writing and did not have an opportunity to address questions from the Planning Commission nor discuss potential mitigation measures. This departure from "normal" procedure didn't allow an



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opportunity to discuss or agree to a condition of approval that might impose limitations on time of use or creation of other mitigation measures.

The comments for and against the application must be evaluated according to the relevant West Linn Community Development Code (CDC) criteria. For an amendment to a previous Design Review approval, Section 99.120(C) allows the Planning Director to identify the parameters of the submittal appropriate to the amendment and applicable approval criteria. The Planning Director determined that the District's submittal should address the Design Review approval criteria sections 55.100(C) and (D). These criteria are addressed in the District's application narrative and information as well as the planning staff report to the Planning Commission. The planning staff recommended approval of the application based upon the above criteria.

The Planning Commission Final Decision Notice MISC-14-04 states that the denial was based upon six findings. The District does not agree with the findings as noted below:

1. *Changing the duration the lights are on increase hours of operation by an hour without any limitation on the days those increased hours were permitted.*

Response: The District does not routinely use the subject lights on a daily basis until 9:00 pm now, nor would this be a practice into the future if the time limit were extended to 10:00 pm. Limitations on use could be a condition, yet the applicant was never given an opportunity to discuss this option or the merits.

2. *The screening of the site has changed and is inadequate.*

Response: The tree pruning that occurred this fall was routine and minimal, no trees or screening was removed or significantly modified as related to stadium light infiltration and the screening remains as designed and installed according to the City's original Conditional Use approval for Rosemont Ridge Middle School. These subject trees are fully on school district property and had in-filled at ground-level such that adequate line of sight for security observation was compromised. Further, additional screening vegetation may be appropriate at the property line to help mitigate perceived impact, however, the applicant was never given an opportunity to discuss this condition or any option to offer mitigation.

3. *The lights and the lighted fields are visible off site and were determined to be an impact to adjacent neighborhoods.*

Response: The lights and fields are an existing, permitted condition. To date, neither the City nor the District have received any complaints as a result of field or light use.

4. *The additional hour of light generates an additional hour of noise and disturbance from activities and was determined to have an adverse impact to the neighboring property.*



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Response: As stated, no opportunity was provided to discuss limitations on use nor have there been any complaints filed to date.

5. *The additional hour of light was not deemed necessary when considering the additional impact to the adjacent neighborhood.*

Response: While an additional hour may seem unnecessary from the Planning Commission point of view, the added time would have significant beneficial impact on the number of children served. Unfortunately the applicant was unable to adequately convey the complexity of scheduling youth athletics and the Planning Commission didn't fully examine this issue during the hearing. It was presented only as a reason why the application was denied.

6. *The additional hour of light and resulting activity negatively affects the cattle farming operation of the neighboring property.*

Response: Hours of lightness and darkness vary throughout the calendar year. Artificially adding an occasional hour of light on the adjacent play fields is questionable as related to the success of "cattle farming". Perhaps there is research on the affect of light for such an enterprise but none was offered and no discussion was allowed.

REQUIRED FEE

The required appeal fee of \$400 is submitted with this appeal.

CONCLUSION

The proposed time extension to use field lighting until 10:00 p.m. satisfies the relevant CDC requirements, and the proposal should be approved.

Sincerely,

Tim Woodley
Director of Operations
West Linn-Wilsonville School District