



Agenda Report 2014-12-03

Date: December 1, 2014

To: John Kovash, Mayor
Members, West Linn City Council

From: Megan Thornton, Assistant City Attorney

Through: Chris Kerr, Planning Director
Chris Jordan, City Manager *CJ*

Subject: AP-14-01 - West Linn/Wilsonville School District's Appeal of Planning Commission Decision for MISC-14-04

Purpose

Currently, DR-09-05 condition of approval 3b ("Condition 3b") requires the athletic field lights to be turned off by 9:00 p.m. The Council will hold an on the record appeal hearing to determine whether to affirm, reverse, or modify the Planning Commission's denial of the West Linn/Wilsonville School District's application to modify Condition 3b to allow the athletic field lights at Rosemont Ridge Middle School to be left on until 10:00 p.m.

Question(s) for Council:

Is there substantial evidence in the record to support the Planning Commission that allowing the athletic field lights to stay on an additional hour, until 10:00 p.m., does not meet the criteria?

Public Hearing Required:

Yes

Background & Discussion:

Procedural History

The West Linn/Wilsonville School District ("District" or "Appellant") received a conditional use approval for Rosemont Middle School in 1999. In 2009, as part of a design review application for some improvements at the school, the District requested the addition of lights to the Rosemont Ridge Middle School athletic fields.

In 2009, based on a photometric study that illumination would not extend off the athletic fields, the Planning Commission approved the athletic field lights subject to Condition 3b: "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."

In June 2014, the District applied for a modification to Condition 3b to allow the athletic field lights to stay on one additional hour, until 10:00 p.m. Staff provided a staff report and gave a presentation recommending approval at the Planning Commission's August 20, 2014, hearing. Two individuals spoke

in opposition to the application and a continuance was requested. On September 17, 2014, the Planning Commission denied the application and declined to modify the condition. This appeal followed.

The Appellant appealed on the grounds that the Planning Commission misapplied the applicable approval criteria, which are Community Development Code (CDC) 55.100(C) and 55.100(D). The Appellant does not agree that the Planning Commission's six adopted findings demonstrate the Design Review approval criteria Sections 55.100(C) and (D) are not met by the application, or that the application cannot be conditioned to meet the criteria.

Rosemont Ridge Middle School is an approved conditional use, and in 2009 the Planning Commission approved the athletic field lights and determined the lights meet the criteria after adding condition of approval 3b. The lighting study submitted with the 2009 application was also submitted with the application being appealed. There was no evidence submitted showing that the light poles, lighting fixtures, and light shields have been modified from the approved lighting plan.

Council Options

The Council can: 1) affirm the Planning Commission's decision to deny the application, 2) reverse the Planning Commission's decision to deny the application, or 3) modify the Planning Commission's decision to deny the application.

1) Affirm the Planning Commission Decision

If the Council chooses to affirm the Planning Commission's Decision, the Council would be agreeing with the Planning Commission's decision and adopting the Planning Commission's findings as its own. The application modifying Condition 3b would be denied; the athletic field lights must be turned off at 9:00 p.m.

2) Reverse the Planning Commission Decision

If the Council chooses to reverse the Planning Commission's Decision, the Council can adopt the findings in the Staff Report for the August 20, 2014, hearing, together with any additional findings it deems relevant to the criteria. The application modifying Condition 3b to allow the athletic field lights to stay on until 10:00 p.m. would be approved.

3) Modify Planning Commission Decision

If the Council chooses to uphold the Planning Commission's Decision, the Council can modify the Planning Commission's decision by adopting findings specifically addressing the evidence in the record that demonstrates how CDC 55.100(C), 55.100(D), or both criteria, are not met. The Council's adopted findings would result in upholding the Planning Commission's decision with modifications. The application modifying Condition 3b would be denied; the athletic field lights must be turned off at 9:00 p.m.

Budget Impact:

None.

Council Options:

1. Affirm the Planning Commission's decision.
2. Reverse the Planning Commission's decision.
3. Modify the Planning Commission's decision.

Potential Motion:

1. Affirm the Planning Commission's Decision:
Move to deny appeal AP-14-01, affirm the Planning Commission's decision on application MISC-14-04 to deny modification of the condition, and adopt the Planning Commission's findings.

2. Reverse the Planning Commission's Decision:
Move to reverse the Planning Commission's decision on application MISC-14-04; approve the application based on findings in the staff report for the August 20, 2014, hearing and the record; and allow the modification of DR-09-05 condition of approval 3b to read: "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 10 p.m. including game days."

3. Modify the Planning Commission's Decision:
Move to deny appeal AP-14-01, affirm the Planning Commission's decision on application MISC-14-04 denying modification of the condition, and direct staff to draft findings that CDC 55.100(C) and/or 55.100(D) are not met based on the Council's discussion.

Attachments:

1. List of Persons with Standing
2. Appellant's Application
3. Notice of City Council Hearing
4. Affidavit of Notice of City Council Hearing
5. 120-Day Waiver
6. Planning Commission Final Decision Notice
7. The record of MISC-14-04 including but not limited to:
 - a. Written submittals to the Planning Commission including applicant's rebuttal arguments
 - b. Staff Report to the Planning Commission for August 20, 2014, Hearing
 - c. Video Record of Planning Commission Public Hearings:
 - i. [August 20, 2014](#)
 - ii. [September 17, 2014](#)

Persons with Standing

Tim Woodley

Remo Douglas

Keith Liden

Kent Seida

Dave Seida

Kelly Seida

Alice Richmond

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: <i>TIM WOODLEY WLWSP</i> <small>(please print)</small>	Phone: <i>503.673.7976</i>
Address: <i>2755 SW BORLAND RD</i>	Email: <i>WOODLEYT@WLWR.K12.OR.US</i>
City State Zip: <i>TUALATIN, OR 97062</i>	

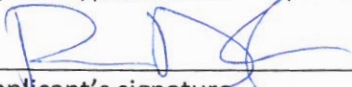
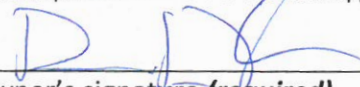
Owner Name (required): <i>SAME</i> <small>(please print)</small>	Phone:
Address:	Email:
City State Zip:	

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

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
2. The owner/applicant or their representative should be present at all public hearings.
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
4. **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



West Linn – Wilsonville Schools

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.*



West Linn – Wilsonville Schools

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

**CITY OF WEST LINN CITY COUNCIL
PUBLIC HEARING NOTICE
FILE NO. AP-14-01**

The West Linn City Council is scheduled to hold a public hearing on Monday, December 1, 2014, **starting at 6:30 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider an appeal by the West Linn-Wilsonville School District of the Planning Commission's denial of an amendment to Condition 3b of a Class II Design Review (DR-09-05), which allows the installation and use of field lights at Rosemont Middle School until 9p.m. The proposed amendment by the District (MISC-14-04) that was denied would allow the lights to be left on until 10 p.m.

The District asserts that the applicable approval criteria (Community Development Code (CDC) 55.100(C) and 55.100(D)) were misapplied, and the District does not agree that the six findings adopted by the Planning Commission demonstrate that Design Review approval criteria Sections 55.100(C) and (D) are not met by the application, or that the application cannot be conditioned to meet the criteria.

The notice of appeal and the complete application for this land use action are available for inspection at no cost at City Hall or via the web site at <http://westlinnoregon.gov/planning>, or copies can be obtained for a minimal charge per page. At least ten days prior to the hearing, a copy of the staff report will be available for inspection at no cost, or copies can be obtained for a minimal charge per page. For further information, please contact Peter Spir, Associate Planner, at City Hall, 22500 Salamo Road, West Linn, OR 97068, pspir@westlinnoregon.gov, or 503-723-2539.

The appeal hearing is on the record, and it will be conducted in accordance with Community Development Code 99.280 and any applicable procedures and Council Rules for on the record hearings. **No new facts or evidence may be submitted in an on the record appeal hearing.** Anyone wishing to present written argument on this proposed action may do so in writing by pointing out evidence in the record that is relied upon for the argument. Submitted arguments that include new facts or evidence will be redacted or will not be submitted into the record. The deadline for submitting written argument is Monday, November 24 at 3:00 pm. **Written argument will not be accepted after this deadline; there will be no written argument accepted at the hearing on December 1.** If you wish to read material at the meeting, you may do so, but the Council will not be accepting those as written materials. At the appeal hearing the Applicant, who is also the Appellant, will be allowed to present the basis for its appeal, opponents will have a total of twenty (20) minutes to divide amongst all those present opposing the application, and the Applicant will then have rebuttal. The Applicant and members of the public opposing the application may speak, but no new evidence or facts are allowed and those speaking should refer to the record for all facts relied upon.

The Council may continue the appeal hearing to another meeting if it chooses to open the record on a limited basis pursuant to CDC 99.080(C) to obtain additional evidence or testimony, or close the appeal hearing and take action on the appeal as provided by CDC 99.290.

Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.

AFFIDAVIT OF NOTICE

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

GENERAL

File No. AP-14-01 Applicant's Name Tim Woodley - WLWV School Dist
Development Name Rosemont Ridge Middle School
Scheduled Meeting/Decision Date 12-1-14

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE A

- A. The applicant (date) 11-7-14 (signed) S. Shroyer
- B. Affected property owners (date) 11-7-14 (signed) S. Shroyer
- C. School District/Board (date) 11-7-14 (signed) S. Shroyer
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) 11-7-14 (AU) (signed) S. Shroyer
- F. All parties to an appeal or review (date) 11-7-14 (signed) S. Shroyer

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) 11-20-14 (signed) S. Shroyer
City's website (posted date) 11-7-14 (signed) S. Shroyer

SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) _____ (signed) _____

NOTICE: Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE B _____

- A. The applicant (date) _____ (signed) _____
- B. Affected property owners (date) _____ (signed) _____
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) _____ (signed) _____

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.
Date: _____ (signed) _____

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) _____ (signed) _____

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) _____ (signed) _____



CITY OF

West Linn

CITY COUNCIL MEETING 2014-12-01

AP-14-01 NOTICE DATE 11/7/14

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets, land use application notice, and to address the worries of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.



West Linn – Wilsonville Schools

October 10, 2014

Peter Spir
Associate Planner
City of West Linn
22500 Salamo Road
West Linn, OR 97068

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

Dear Peter:

The West Linn-Wilsonville School District appealed a decision made by the West Linn Planning Commission to deny the above application. The District understands the 120-day rule requires that a final decision be rendered on the application by October 17, 2014 unless waived by the applicant.

As the applicant, the West Linn-Wilsonville School District hereby approves extending the 120-day rule limitation until January 31, 2015 to allow time for the West Linn City Council to consider the appeal and make a final decision.

Sincerely,

Tim K. Woodley
Director of Operations
West Linn-Wilsonville School District

WEST LINN PLANNING COMMISSION

FINAL DECISION NOTICE

MISC-14-04

IN THE MATTER OF A PROPOSAL BY THE WEST LINN/WILSONVILLE SCHOOL DISTRICT TO MODIFY THE CONDITIONS OF APPROVAL FOR DR-09-05 TO ALLOW THE ROSEMONT MIDDLE SCHOOL ATHLETIC FIELD LIGHTS TO BE LEFT ON UNTIL 10 p.m.

At their meeting of August 20, 2014, the West Linn Planning Commission held a public hearing to consider the request by Tim Woodley of the West Linn/Wilsonville School District to approve a change of condition of approval for DR-09-05 to allow the athletic field lights at Rosemont Middle school to be left on until 10 p.m. instead of 9p.m. Per 99.120(C), the approval criteria was determined by the Planning Director to be 55.100(C) "*Compatibility between adjoining uses, buffering, and screening*" and (D) "*Privacy and Noise*". The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing commenced with a staff report presented by Peter Spir, Associate Planner. Mr. Tim Woodley presented for the school district. Alice Richmond and Kent Seida spoke in opposition. The record was left open at the request of Mrs. Richmond and Mr. Seida for the submittal of comments and the applicant's written rebuttal. The record was left open through August 27, 2014, to accept written submittals from the public: Mr. Seida and Stacey Robertson submitted information during this period. The record was then left open through September 3, 2014, and Mr. Tim Woodley provided a written rebuttal for the school district to the public submittals. When the record was closed (end of September 3, 2014) three submittals were provided to the Planning Commission:

The Planning Commission reconvened for deliberation on September 17, 2014. A motion was made, seconded, and approved to deny the application based upon findings contained in the applicant's submittal and the staff report. The denial was based upon the following:

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.
2. The screening of the site has changed and is inadequate.
3. The lights and the lighted fields are visible off site and were determined to be an impact to adjacent neighborhoods.
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.
5. The additional hour of light was not deemed necessary when considering the additional impact to the adjacent neighborhood.
6. The additional hour of light and resulting activity negatively affects the cattle farming operation of the neighboring property.

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 the testimony form at either of the hearings) 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.

Christine M Steel
CHRISTINE STEEL, CHAIR
WEST LINN PLANNING COMMISSION

9-25-14
DATE

Mailed this 25th day of September, 2014.

Therefore, this decision becomes effective at 5 p.m., October 9, 2014.

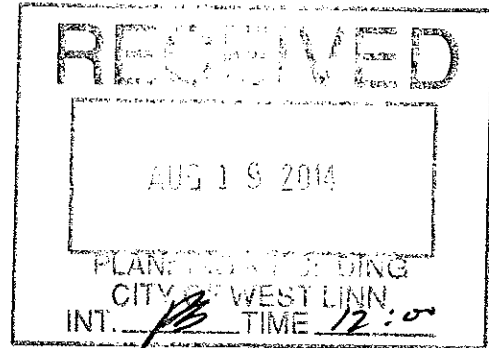
SENT FAX 503 656-4106

ATT: PETER 8-19-14

To the City of West Linn Planning Commission,

File no. Misc-14-04

Dave and Kelly Seida
21895 S Day Rd,
West Linn, Or. 97068



I live and run the family farm directly south of the school. My house sits less than 30 yards from the softball field along Salamo Rd. As you can tell by our above address name, it proceeds Salamo road and still holds the original Day Rd Name. I am the fourth generation to run this farm. Our farm sandwiches two sides of the school property. So in short, we will be most affected by your decision.

We would like to go on record against this decision and put the planning commission and school on notice of our reasons why.

1. The lights are already intrusive to our residence and farm and have been left on many evenings late. The lights infringe on the quality of our life and we have a problem with that. Also our cattle operation which is still based in rural Clackamas County and has been in existence for almost ninety years will be effected by this increase of light. By allowing people access at a later time affects cattle passage along the strip between the track and our historic barns where the cattle are fed. People stand at the fence and haze the cattle to the point they won't come up and feed. The cattle wait for the lights to go off and the people to leave to come up. As a good neighbor we have tried to live with this, but our cattle have suffered the brunt with the hazing from people along the track. Our family farm of Ninety years is suffering and at what point should damages be considered? We feel this decision could take us over the top!
2. We were promised screening from the school and the trees planted by my grandmother were left to do just that. Recently, and shockingly, these trees were limbed up from the bottom so high that the existing noise barrier was completely removed and our privacy screening as well. Those trees were left there after they condemned are property from us, to screen the remainder of our property. That promise has either been forgotten or purposely neglected. I can look directly from my elevated deck to the people sitting in the dugout. At ten at night we get to hear every cheer and ball hit on that field as well as the blaring music at 7am as the practice on the weekends. All while we are lying in our bed. This has completely disrupted the quality of our life. Again, we feel by allowing them to keep the lights on even later will infringe even more on the quality of life and that of our surrounding neighbors. Not to mention if they can't even keep simple screening promises how we can expect them not to abuse the lighting and noise.

2. We have buckets of baseballs sitting in our barn and finally when the balls started to hit our vehicles we had to take legal action. Even after that, no screening to protect our property has been erected. My house sits less than thirty yards from the home run fence. This is an example of our neighborly rights being neglected. How far will the lights on issue be pushed if you find in their favor?
3. We also endure numerous trespassing issues, harassing our cattle, theft, and property damage. We feel that more light means more access, which will equate to more property damage. On a daily basis, people trespass down our driveway to jump the fence to access the school's facilities. Illumination of our driveway and later access to the playing fields due to later lighting will cause even more access to our property at an even later time. This is a problem and once again we have to endure the brunt of the damage. Ten O'clock is too late for this school to be lighted.
5. We have been great neighbors to the school and have endured many hardships due to its presence. How many more do we need to endure? Twice our property has been brought in to the urban growth boundary and twice the city has made it their cause to have us thrown out. Forcing us to stay rural. While forcing unbearable hardships our way to our farming operation. At what point is enough, enough!
6. I am starting to wonder what is going on. This was supposed to be a simple middle school on the edge of rural Clackamas County. Not a commercial sports complex for rent. We don't believe that was the school's purpose. These lights will just promote this even further. We feel this is becoming a revenue sligh not a place to educate and instruct students. This is not what we feel the intent should be and it is getting out of hand. There is so much activity going on there all the time that it is very difficult to run our family farm with any kind of security and or efficiency.
7. With some of the revenue they are getting from what is turning into a 24 hour sports complex. They could put up screening and sound barriers like they promised us and you, when they got their original permits.
8. Most importantly, the additional lighting time clearly violates the conditional use for the school and turns it into a commercial operation which is not allowed in this zoning.

Let us come into the urban growth boundary or quit hurting our family farm and quality of life. We are just trying to coexist as a family farm in Rural Clackamas County. Stop pounding on us, we ask you to vote no on this issue.

Thank You!
Dave Seider
Kelly Seider

SENT : FAX 503 656-4106 8-19-14
 FROM: KENT SEIDA FAX # 541-994-7988
 TO : West Linn Planning ^{Phone " " "}
 AT : PETER
 Subject: MISC-14-04 4 PAGES TOTAL

DEAR WEST LINN PLANNING COM.,

My Family and I VIGOROUSLY
OPPOSE the Request to Modify the
 ORIGINAL CONDITION OF APPROVAL
 FOR ROSEMONT Ridge Middle School, to
 ALLOW SPORT Field lighting UNTIL 10:00PM.

This School is the RESULT OF A
 CONDEMNATION OF A PORTION OF
 OUR HISTORIC FARM. (the LAST one in
 the Area) My GRANDSON is the FIFTH
 GENERATION and I HAVE NO PLANS
 TO SELL the REMAINDER OF OUR FARM.
 OUR FARM and the surrounding
 Area HAS been BROUGHT INTO the
 URBAN Growth Boundary TWICE and
 WEST LINN city HAS Fought to
 the DEATH TO get it TAKEN OUT
 and REMAIN RURAL, Now the school
 WANTS TO TURN the LAND, TAKEN by FORCE,
 INTO ~~BE~~ A School ~~with~~ A COMMERCIAL
 OPERATION TO BE RENTED OUT, FOR PROFIT.

2.

IT IS LIKELY THAT NONE OF YOU ON THE PLANNING COMMITTEE WERE PRESENT WHEN THE SCHOOL TOOK OUR LAND BY FORCE, AND THE PROMISES THAT WERE MADE AT THAT TIME. THE IDEA WAS TO EDUCATE CHILDREN. THAT WAS THE POINT PUSHED BY THE SCHOOL DISTRICT NOT TO HAVE A SPORTS COMPLEX FROM 7:00 A.M TO 10:00 P.M.

THE LOUD SPEAKERS START IN THE MORNING AT 7:00 AND ARE TO BE ALLOWED TIL 10:00 P.M.

WHERE ELSE IS THIS ALLOWED SEVEN DAYS A WEEK IN THE CITY IN A RESIDENTIAL NEIGHBORHOOD.

THIS WOULD BE A CODE VIOLATION AND A TICKET ISSUED WITH A FINE.

THIS IS NOT ABOUT EDUCATION OR STUDENT ATHLETES BUT ABOUT MONEY. IS THIS GROUNDS TO MODIFY THE CONDITION OF APPROVAL??

30

OUR COWS WILL NOT COME UP TO THE BARN TO EAT UNTIL AFTER THE PEOPLE AND NOISE LEAVE. THAT MAKES IT HARD TO KEEP THEM IN GOOD SHAPES WHEN THEY ARE UNSET.

THE SCHOOL CUT THE LOWER LIMBS FROM THE FIR TREES MY MOTHER PLANTED THAT WERE A NOISE AND VISUAL BARRIER, AND HAVE NOT REPLACED THEM WITH ANY SCREENING TO REDUCE THE CURRENT IMPACT AND NOW THEY WANT TO EXPAND IT.

NOT ONE OF YOU WOULD BE PLEASED TO HAVE BASEBALLS DENTING YOUR CARS, PEOPLE CLIMBING THE FENCE, NOISE AND LIGHT SO YOU CAN'T SLEEP. PLEASE DO NOT FORCE THIS ON US

4

and the neighborhood just
so the school can expand
its commercial sports complex
operation to make more
money, in an area that
is not zoned for ~~any~~
type of commercial use,

We would invite this
planning comm. to spend a
day at our farm house and
endure the impact that
the school has made on our
lives and the neighborhood
since they went from education
to sports complex. It was
fine when they started but
not now, and certainly not
with this requested expansion.
Please vote No.

Thank you

Kent Seid



**STAFF REPORT
FOR THE PLANNING COMMISSION**

FILE NUMBER: MISC-14-04

HEARING DATE: August 20, 2014

REQUEST: Modify conditions of approval for DR-09-05 to allow athletic field lights to be left on an extra hour until 10pm.

APPROVAL CRITERIA: Community Development Code (CDC) Chapter 55

STAFF REPORT PREPARED BY: Peter Spir, Associate Planner

Planning Manager's Initials AB

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GENERAL INFORMATION

**OWNER/
APPLICANT:** Tim Woodley, West Linn-Wilsonville School District, 2755
Borland Road, Tualatin, OR 97062

CONSULTANT: Keith Liden, 319 SW Washington St. Suite 914, Portland OR 97204

SITE LOCATION: 20001 Salamo Road

**LEGAL
DESCRIPTION:** Clackamas County Assessor's Map 2-1E-26A, Tax Lot 701

SITE SIZE: 21.38 acres

ZONING: R-10, Single-Family Residential Detached

**COMP PLAN
DESIGNATION:** Low-Density Residential

120-DAY PERIOD: This application became complete on June 19, 2014. The 120-day maximum application-processing period ends on October 17, 2014.

PUBLIC NOTICE: Public notice was mailed to the affected property owners on July 30, 2014. The property was posted with a sign on August 10, 2014. In addition, the application has been posted on the City's website and was published in the West Linn Tidings on August 7, 2014. The notice requirements have been met.

EXECUTIVE SUMMARY

In 2010, the Planning Commission imposed condition of approval 3b to limit the hours of operation to 9pm that the school district can use the Rosemont Middle School athletic field lights. The district wants to amend the condition to allow the lights to be on until 10PM to accommodate demand for field time or games that run long. Planning staff and the Police Department have heard no complaints from neighbors about the lights or associated noise. The applicant's photometric study shows no off site illumination.

The district described their proposal in an e-mail as follows: *"The school district and city worked through a Class II design review process (DR-09-05) that culminated in a planning commission approval in February 2010 with a short list of conditions. One of those conditions (3b) affected the sports field lighting for the all-weather softball field and football field at Rosemont Ridge Middle School. The condition 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."** Several years*



have passed, and the District is not aware of any complaints regarding the use of the athletic field lighting.

The District's athletics programs continue to grow and seek space for practices and games, particularly in inclement weather that renders grass fields unplayable. Each spring and fall has multiple outdoor sports, with multiple teams for each sport. At other District facilities there are a number of days where field lighting is used through 10:00 or 10:30 p.m. This minor extension allows sufficient time for an additional game or practice to occur on each field, and is not required every day. The 9:00 p.m. constraint at Rosemont Ridge leaves some teams with partial practices and delayed game schedules. The District would like to request a minor adjustment to the above-mentioned condition so that athletic field lighting at Rosemont Ridge Middle School could be used until 10:00 p.m. to accommodate the athletics programs' needs. The District is already committed to concentrating the use of sports fields into the earlier hours of the day, and would continue to do so if such an adjustment was made."

This proposal requires modification of the condition of approval 3b. The original hearing body for the design review is required to make the decision on the modification. Thus, a Planning Commission public hearing is required. Per CDC Chapter 99, the Planning Director must establish the criterion that is needed to render a decision. Since the request deals with extended hours of operation that may trigger privacy, glare and noise issues, the respective sections of CDC Chapter 55 will apply.

Public comments:

No public comments have been received to date.

RECOMMENDATION

Staff recommends approval of the modified condition of approval 3b:

"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 10 p.m. including game days."



ADDENDUM
PLANNING COMMISSION STAFF REPORT
July 9, 2014

**STAFF EVALUATION OF THE PROPOSAL'S COMPLIANCE
WITH APPLICABLE CODE CRITERIA**

Per 99.120(C) *“Rather than provide full submittal, the Planning Director shall identify the parameters of the submittal appropriate to the amendment and applicable approval criteria. For example, if the applicant only requests to redesign the architecture of a building, but not increase square footage or building mass, then the submittal of a site plan, architectural elevations, material/color board, and narrative specific to the architecture and relevant design review approval criteria would be appropriate. Conversely, no new landscaping, grading plans, etc., would be necessary since no changes are proposed for those items. The submittal should be comprehensive and sufficient to provide the decision-making authority with all necessary information while not being redundant and requiring information which is already part of the record of the original application.”*

Per 99.120 (D) *“If the proposed revisions will change the project by a factor greater than 25 percent in a quantifiable manner, or if the land area upon which the project is proposed changes, then a new application shall be required.*

The Planning Director finds that request does not expand the original use and simply modifies one condition of approval; a new application is not required. Further, the Planning Director finds that the relevant Design Review approval criteria are sections 55.100(C) “Compatibility between adjoining uses, buffering, and screening” and (D) “Privacy and Noise” below:

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.



2. On-site screening from view from adjoining properties of such things as service areas, storage areas, and parking lots shall be provided and the following factors will be considered in determining the adequacy of the type and extent of the screening:

- a. What needs to be screened?
- b. The direction from which it is needed.
- c. How dense the screen needs to be.
- d. Whether the viewer is stationary or mobile.
- e. Whether the screening needs to be year-round.

3. Rooftop air cooling and heating systems and other mechanical equipment shall be screened from view from adjoining properties.

FINDING NO. 1:

Buffering at this site is to provide a barrier against illumination and glare from the lights as well as noise associated with the games. In the 2009 application, the Planning Commission and staff relied upon the applicant's photometric study which showed that illumination would stop at, or before, the school boundary was reached. Also, the lights have shields or hoods on them to direct the lighting and to reduce off-site glare.

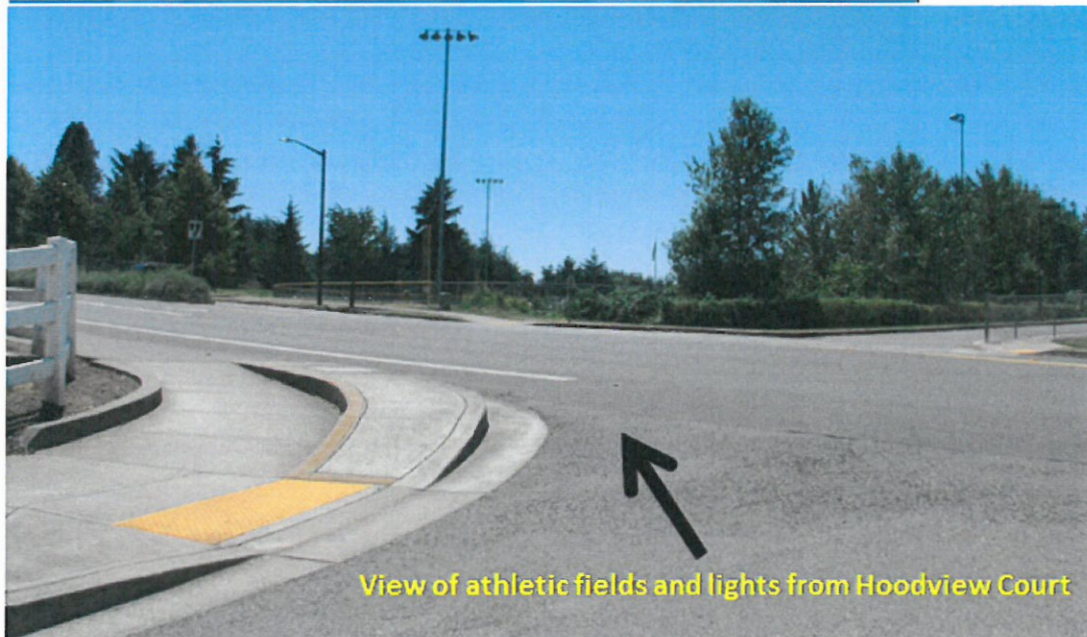


The fact that the lights have been in use for four years with no apparent problems being reported by nearby residents indicates to staff that allowing an additional hour of light (until 10PM) will not be a problem. Staff contacted the police department to find out if any complaints about lights, glare and noise had been received for this location. None were reported.

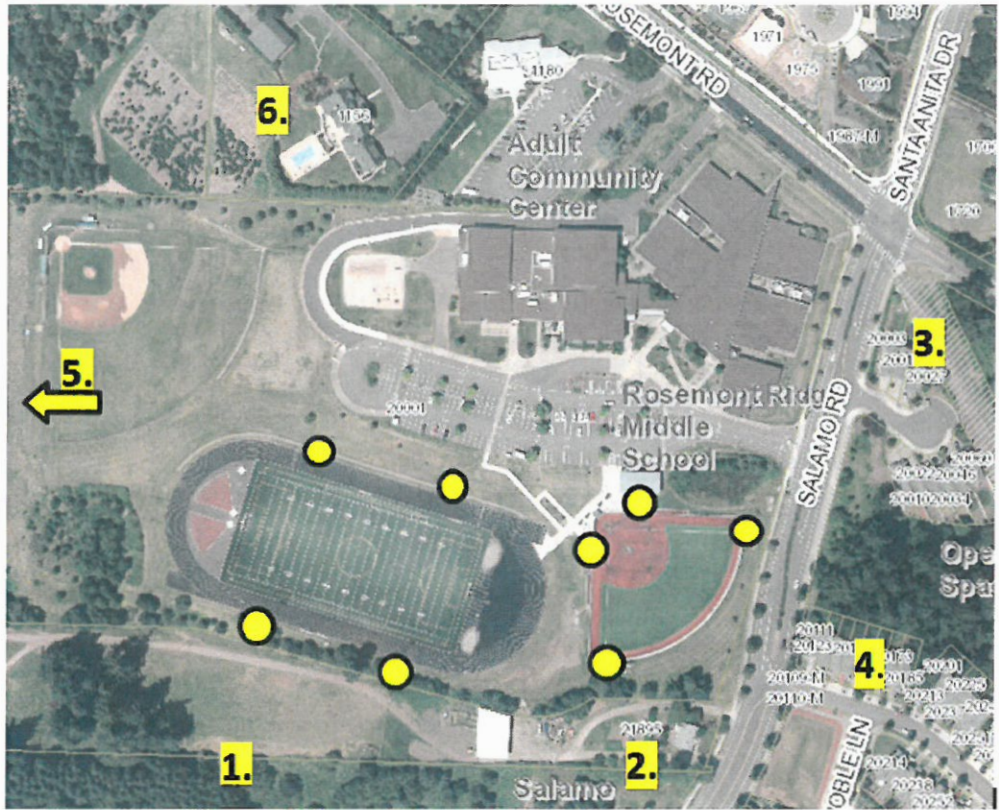
The nearest house to the south of the softball field's lights has an address of 21895 Salamo Road. This property has been able to screen illumination and glare by the presence of mature conifers on the north side of their house. The house is also uphill from the softball field. The photographs below show the efficacy of the screening trees.



Townhomes on Hoodview Court and Hoodview Avenue are separated from the lights and activity by 300 feet, street trees (applies to Hoodview Avenue) and the intervening Salamo Road. Also noted is the fact that street lights on Salamo Road are closer than the field lights.



These and other adjacent land uses are identified on the map below which correlates with Table 1.



 Location of field lights

Numbers identify adjacent land uses in Table 1

Table 1: Distance and screening of nearby land uses			
	Land Use	Distance from lights or nearest lit athletic field	Existing screening
1. Southwest	Forest/Tree farm	200 feet from football field	Not needed
2. South	Single family home (21895 Salamo Road)	110 feet from softball field	Yes, conifer trees plus uphill
3. North East	Townhomes on Hoodview Court	300 feet from softball field	Limited to street trees
4. South East	Townhomes on Hoodview Avenue	300 feet from softball field	Limited to street trees
5. West	Pasture	425 feet from football field	Not needed
6. North West	Single family home (1156 Rosemont Road)	500 feet from football field	Yes, conifer trees plus uphill

D. Privacy and noise.

1. Structures which include residential dwelling units shall provide private outdoor areas for each ground floor unit which is screened from view from adjoining units.

2. Residential dwelling units shall be placed on the site in areas having minimal noise exposure to the extent possible. Natural-appearing sound barriers shall be used to lessen noise impacts where noise levels exceed the noise standards contained in West Linn Municipal Code Section 5.487.

3. Structures or on-site activity areas which generate noise, lights, or glare shall be buffered from adjoining residential uses in accordance with the standards in subsection C of this section where applicable.

4. Businesses or activities that can reasonably be expected to generate noise in excess of the noise standards contained in West Linn Municipal Code Section 5.487 shall undertake and submit appropriate noise studies and mitigate as necessary to comply with the code. (See CDC 55.110(B) (11) and 55.120(M).)

If the decision-making authority reasonably believes a proposed use may generate noise exceeding the standards specified in the municipal code, then the authority may require the applicant to supply professional noise studies from time to time during the user's first year of operation to monitor compliance with City standards and permit requirements.

FINDING NO.2:

Regarding 55.100(D), staff finds that (D) (1-2) are not applicable since they relate to the development of housing projects. (D)(3) is applicable but has already been addressed by findings for 55.100(C).

CDC 55.100(D) (4) is applicable. It references the noise standards of the West Linn Municipal Code Section 5.487. Staff finds that under subsection 5.487 (5), a reasonable activity: the use of PA speakers in association with an athletic event- is exempt:

"Exemptions. Sounds caused by the following are exempt from this section:

...(g) Outdoor School and Playground Activities. Reasonable activities conducted on public playgrounds and public or private school grounds, which are conducted in accordance with the manner in which such spaces are generally used, including, but not limited to, school athletic and school entertainment events."

Staff finds that a "reasonable activity: the use of a PA speaker in association with an athletic event- is exempt.

Therefore, staff finds the criterion is met.





EXHIBITS PC-1 AND PC-2

COMPLETENESS LETTER

AND NOTICE





CITY OF
West Linn

June 19, 2014

Tim Woodley
West Linn-Wilsonville School District
2755 SW Borland Road
Tualatin, OR 97062

SUBJECT: Application to amend conditions of approval 3(B) of DR-09-05 at Rosemont Middle School. (File MI-14-04)

Dear Mr. Woodley:

You submitted your application on June 9, 2014. The Planning Department finds that this application is **complete**. The City now has 120 days (until October 17, 2014) to exhaust all local review per state statute. The application will be scheduled for a Planning Commission hearing, tentatively on August 6, 2014. You will receive notice of the actual date at least 20 days prior to the hearing.

Please contact me at 503-742-2539, or by email at pspir@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Peter Spir

Peter Spir
Associate Planner

AFFIDAVIT OF NOTICE

We, the undersigned do hereby certify that, in the interest of the party (parties) initiating a proposed land use, the following took place on the dates indicated below:

GENERAL

File No. MISC-1404 Applicant's Name WLNV SCHOOL DIST
Development Name ROSEMONT RIDGE MIDDLE SCHOOL
Scheduled Meeting/Decision Date 8/20/14

NOTICE: Notices were sent at least 20 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE A

- A. The applicant (date) 7-30-14 (signed) S. Shroyer
- B. Affected property owners (date) 7-30-14 (signed) S. Shroyer
- C. School District/Board (date) 7-30-14 (signed) S. Shroyer
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) 7-30-14 (ALL) (signed) S. Shroyer
- F. All parties to an appeal or review (date) 7-30-14 (signed) S. Shroyer

At least 10 days prior to the scheduled hearing or meeting, notice was published/posted:

Tidings (published date) 8-7-14 (signed) S. Shroyer
City's website (posted date) 7-30-14 (signed) S. Shroyer

SIGN

At least 10 days prior to the scheduled hearing, meeting or decision date, a sign was posted on the property per Section 99.080 of the Community Development Code.

(date) _____ (signed) _____

NOTICE: Notices were sent at least 14 days prior to the scheduled hearing, meeting, or decision date per Section 99.080 of the Community Development Code. (check below)

TYPE B _____

- A. The applicant (date) _____ (signed) _____
- B. Affected property owners (date) _____ (signed) _____
- C. School District/Board (date) _____ (signed) _____
- D. Other affected gov't. agencies (date) _____ (signed) _____
- E. Affected neighborhood assns. (date) _____ (signed) _____

Notice was posted on the City's website at least 10 days prior to the scheduled hearing or meeting.

Date: _____ (signed) _____

STAFF REPORT mailed to applicant, City Council/Planning Commission and any other applicable parties 10 days prior to the scheduled hearing.

(date) 8-8-14 (signed) S. Shroyer

FINAL DECISION notice mailed to applicant, all other parties with standing, and, if zone change, the County surveyor's office.

(date) _____ (signed) _____

PUBLIC NOTICE CHECKLIST

FILE NO.: M/S-14-06 SITE ADDRESS: 20001
~~23000~~ SALAMANO ROAD

PROJECT MANAGER: SP/R DATE: 7-16-14

MAILING DEADLINE DATE - 14-day or 20-day (circle one): 7/30

PUBLISH IN LOCAL PAPER (10 days prior): Yes (8/1) No

MEETING DATE: AUG 20th (PL)

SEND TO (check where applicable):

Applicant: Name: TIM WOODLEY Applicant Address: WL-WV SCHOOL DIST
2755 BORLAND RD

If Applicant Representative or Owner to receive please list in others below: TUALATIN
97062

School District/Board _____ Division of State Lands _____

Metro _____ US Army Corps of Engineers _____

Tri-Met _____ Stafford-Tualatin CPO _____

Clackamas County _____ City of Lake Oswego _____

ODOT (if on State Hwy. _____ Dept. of Fish & Wildlife _____
or over 40 dwelling units) _____ Other(s): _____

Neighborhood Assn(s). _____

(please specify) ALL _____

Other(s): KEITH LIDEN Other(s): _____

319 SW WASHINGTON ST _____

SUITE 914 _____

PORTLAND 97204 _____

Other(s): _____ Other(s): _____

Other(s): _____ Other(s): _____

**CITY OF WEST LINN
PLANNING COMMISSION
PUBLIC HEARING NOTICE
FILE NO. MISC-14-04**

The West Linn Planning Commission is scheduled to hold a public hearing, on Wednesday, August 20, 2014, **starting at 6:30 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a request for modification of condition of approval 3B for Rosemont Middle School design review (DR-09-05) to allow sport field lighting to be left on until 10pm. The site is located at 20001 Salamo Road.

Criteria for amendments of design review are in Chapter 99 and 55 of the CDC. Approval or disapproval of the request by the Planning Commission will be based upon these criteria and these criteria only. At the hearing, it is important that comments relate specifically to the applicable criteria listed.

You have been notified of this proposal because County records indicate that you own property within 500 feet of the affected site on Tax Lot 701 of Clackamas County Assessor's Map 2-1E-26A and/or as required by Chapter 99 of the CDC.

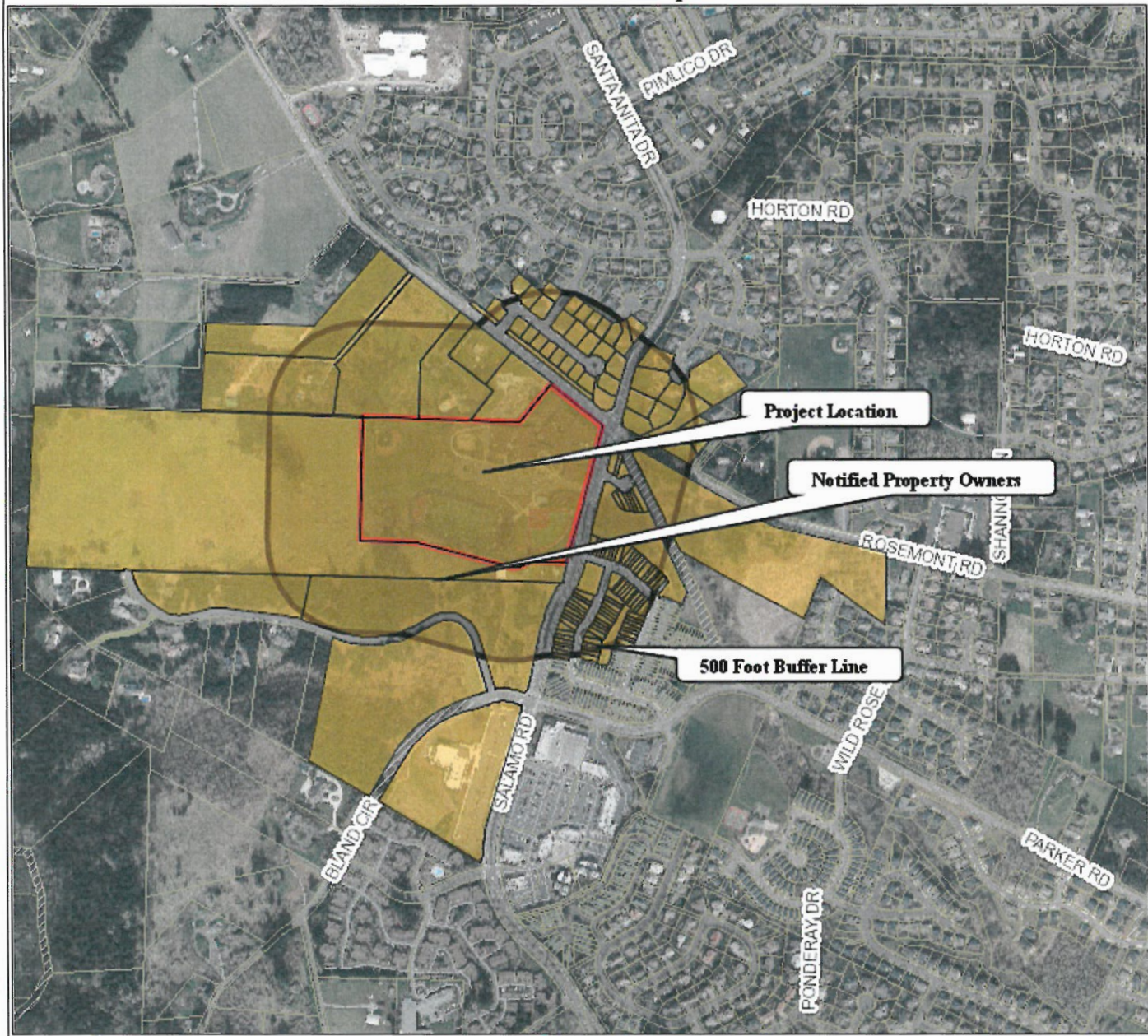
The complete application in the above noted file is available for inspection at no cost at City Hall or via the web site at <http://westlinnoregon.gov/planning/20001-salamo-road-modification-plan> or copies can be obtained for a minimal charge per page. At least ten days prior to the hearing, a copy of the staff report will be available for inspection. For further information, please contact Associate Planner Peter Spir at pspir@westlinnoregon.gov or 503-723-2539. Alternately, visit City Hall, 22500 Salamo Road, West Linn, OR 97068.

The hearing will be conducted in accordance with the rules of Section 99.170 of the CDC. Anyone wishing to present written testimony on this proposed action may do so in writing prior to, or at the public hearing. Oral testimony may be presented at the public hearing. At the public hearing, the Planning Commission will receive a staff presentation, and invite both oral and written testimony. The Planning Commission may continue the public hearing to another meeting to obtain additional information, leave the record open for additional evidence, arguments, or testimony, or close the public hearing and take action on the application as provided by state law. Failure to raise an issue in person or by letter at some point prior to the close of the hearing, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes an appeal to the Land Use Board of Appeals (LUBA) based on that issue.

SHAUNA SHROYER
Planning Administrative Assistant

MI-14-04-notice500

2001 Salamo Road 500 Foot Notification Map



Scale 1:9,600 - 1 in = 800 ft
Scale is based on 8-1/2 x 11 paper size



Map created by: SSHROYER
Date Created: 18-Jul-14 08:54 AM

WEST LINN GIS

DISCLAIMER: This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Source: West Linn GIS (Geographic Information System) MapOptix.



CITY OF
West Linn

**PLANNING COMMISSION MEETING
2014-08-20**

MISC-14-04 NOTICE DATE 2014-07-30

CITIZEN CONTACT INFORMATION

To lessen the bulk of agenda packets, land use application notice, and to address the worries of some City residents about testimony contact information and online application packets containing their names and addresses as a reflection of the mailing notice area, this sheet substitutes for the photocopy of the testimony forms and/or mailing labels. A copy is available upon request.

**CITY OF WEST LINN
PLANNING COMMISSION
PUBLIC HEARING NOTICE
FILE NO. MISC-14-04**

The West Linn Planning Commission is scheduled to hold a public hearing, on Wednesday, August 20, 2014, **starting at 6:30 p.m.** in the Council Chambers of City Hall, 22500 Salamo Road, West Linn, to consider a request for modification of condition of approval 3B for Rosemont Middle School design review (DR-09-05) to allow sport field lighting to be left on until 10pm. The site is located at 20001 Salamo Road also known as Tax Lot 701 of Clackamas County Assessor's Map 2-1E-26A.

Criteria for amendments of design review are in Chapter 99 and 55 of the CDC. Approval or disapproval of the request by the Planning Commission will be based upon these criteria and these criteria only. At the hearing, it is important that comments relate specifically to the applicable criteria listed.

The complete application in the above noted file is available for inspection at no cost at City Hall or via the web site at <http://westlinnoregon.gov/planning/20001-salamo-road-modification-plan> or copies can be obtained for a minimal charge per page. At least ten days prior to the hearing, a copy of the staff report will be available for inspection. For further information, please contact Associate Planner Peter Spir at pspir@westlinnoregon.gov or 503-723-2539. Alternately, visit City Hall, 22500 Salamo Road, West Linn, OR 97068.

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SHAUNA SHROYER
Planning Administrative Assistant

Publish: West Linn Tidings, August 7, 2014

EXHIBIT PC-3

APPLICANT'S SUBMITTAL

FILE NUMBER: MISC-14-04

REQUEST: Modify conditions of approval for DR-09-05 to allow athletic field lights to be left on until 10pm.





DEVELOPMENT REVIEW APPLICATION

For Office Use Only		
STAFF CONTACT <i>PETER SPUR</i>	PROJECT NO(S). <i>M1-14-04</i>	
NON-REFUNDABLE FEE(S)	REFUNDABLE DEPOSIT(S) <i>9500-</i>	TOTAL <i>9500-</i>

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> Historic Review | <input type="checkbox"/> Subdivision (SUB) |
| <input 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 checked="" 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 | <input checked="" type="checkbox"/> <i>MODIFICATION TO PLAN</i> | |

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:
20001 SALAMO RD

Assessor's Map No.: **2S1 26A**

Tax Lot(s): **701**

Total Land Area: **21.38 ac**

Brief Description of Proposal: TO AMEND CONDITION 3B OF DR-09-5 TO EXTEND THE USE OF EXISTING FIELD LIGHTS FROM 9 PM TO 10 PM.

Applicant Name: **TIM WOODLEY**
(please print)

Phone: **503.673.7976**

Address: **West Linn-Wilsonville Sch. Dist., 2755 SW Borland Rd.**

Email: woodleyt@wlwv.k12.or.us

City State Zip: **TUALATIN, OR 97062**

Owner Name (required): **SAME**
(please print)

Phone:

Address:

Email:

City State Zip:

Consultant Name: **KEITH LIDEN**
(please print)

Phone: **503.757.5501**

Address: **319 SW Washington St., Suite 914**

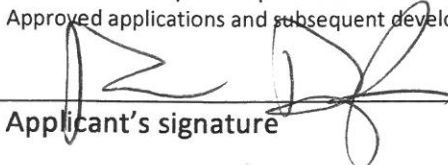
Email: keith.liden@gmail.com

City State Zip: **PORTLAND, OR 97204**

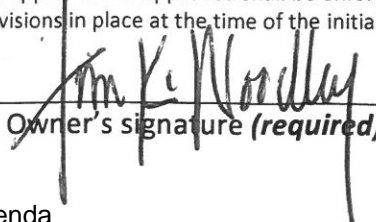
- All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**
- The owner/applicant or their representative should be present at all public hearings.
- A denial or approval may be reversed on appeal. No permit will be in effect until the 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.


Applicant's signature

6-6-14
Date


Owner's signature (required)

6.6.14
Date

ROSEMONT RIDGE MIDDLE SCHOOL
Class II Design Review

June 9, 2014

APPLICATION SUMMARY

For Class II Design Review to amend condition of approval 3b of a previous Class II Design Review approval (DR-09-05) to allow existing sports field lights to remain illuminated one additional hour until 10:00 p.m. at Rosemont Ridge Middle School.

GENERAL INFORMATION

Location

20001 Salamo Road (Assessor's Maps and Tax Lot - 2S 1E Section 26A, TL 701). Its location is shown in Figure 1.

Comprehensive Plan and Zoning Designations

Comprehensive Plan - Residential.

Zoning – R10 Single Family Residential, Detached.

Applicant and Owner

Tim Woodley, Director of Operations
West Linn-Wilsonville School District
2755 SW Borland Road
Tualatin, OR 97062
Phone: 503.673.7976
E-mail: woodleyt@wlwv.k12.or.us

Applicant's Representative

Keith Liden, AICP
319 SW Washington Street, Suite 914
Portland, OR 97204
Phone: 503.757.5501
E-mail: keith.liden@gmail.com

Plan Sheets and Exhibits

- Exhibit A Exterior Lighting Plans – Athletic Fields and Driveway
- Exhibit B Memo – Response to City of West Linn lighting questions and Illumination Summary drawing
- Exhibit C Letter to Neighborhood Associations

Figure 1 – Vicinity Photo



Source: City of West Linn

BACKGROUND INFORMATION

Site Description

The existing athletic field improvements on the 21.38-acre Rosemont Ridge Middle School site are the result of the original conditional use approval granted by the city in 1997 and a Class II Design Review approval to install field lights in 2009 (DR-09-05). The southern portion of the site includes the running track, football/soccer field, and softball field, which are illuminated according to the plan submitted with the 2009 Design Review application (Exhibit A).

Surrounding Area Description

The zoning designations and current land use of the surrounding area are summarized in Table 1.

**Table 1
Land Use Summary**

<i>Properties in the Vicinity</i>	<i>Zone Designation</i>	<i>Land Use</i>
<u>Subject Property</u>	R-10	Middle School
<u>Surrounding Properties</u>		
North	FU10/R7/R10	Senior Center /Single family residences
West	RRFF5	Agricultural
East	R3/R10	Single family residences/open space
South	RRFF5	Agricultural/ Single family residences

APPLICATION SUMMARY

Background

The West Linn-Wilsonville School District received a Class II design review approval (DR-09-05) from the Planning Commission in February 2010 with a short list of conditions. One of those conditions (3b) affected the sports field lighting for the all-weather softball field and football field at Rosemont Ridge Middle School. The condition 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."** Several years have passed, and the District and city staff are not aware of any complaints regarding the use of the athletic field lighting.

Athletics Programming Need

The District's athletics programs continue to grow and seek space for practices and games, particularly in inclement weather that renders grass fields unplayable. Each spring and fall has multiple outdoor sports, with multiple teams for each sport. At other District facilities, there are a number of days where field lighting is used through 10:00 p.m. This minor extension allows sufficient time for an additional game or practice to occur on each field, and is not required every day. The 9:00 p.m. constraint at Rosemont Ridge leaves some teams with partial practices and delayed game schedules. The District would like to request a minor adjustment to the above-mentioned condition so that athletic field lighting at Rosemont Ridge Middle School could be used until 10:00 p.m. to accommodate the athletics programs' needs. The District is already committed to concentrating the use of sports fields into the earlier hours of the day, and would continue to do so if such an adjustment was made."

Field Lighting

The existing lighting fixtures were specially designed to prevent illumination beyond the fields. The lighting analysis submitted with the 2009 application (Exhibit A) and a supplemental response to planning staff questions (Exhibit B) indicated that lighting would not extend past the property line. The lighting plan sheet photos showed how the light levels for the fields would drop off almost completely once beyond the edge of the playing field. The field lights have performed consistent with the lighting plans. No changes are proposed for the existing field lighting.

Compatibility with Neighboring Properties

Parking to support these activities is centrally located on the school site, a significant distance from any residences. Activity and minor amounts of related noise have not been a problem for the neighbors, and the proposed extension to 10 p.m. is not anticipated to create compatibility issues.

Residences in the vicinity are over 100 feet to the south or east from the edge of the illuminated athletic fields. The fields are at a lower elevation than nearby homes. The one residence to the south is also partially buffered by existing fir trees. The homes to the east are separated by Salamo Road, which has street lights, along with street trees and other mature vegetation. As noted above, no complaints related to the field lights or the associated athletic events occurring in the evening have been received.

While the District is not required to seek public comment as part of this process a letter (Exhibit C) will be sent to the three neighborhood associations that border the school. This letter will be sent when the District is notified that this application has achieved completeness and will encourage residents to provide comment on the application.

CITY OF WEST LINN APPROVAL CRITERIA

Amending the condition of approval limiting the field lights from 9 to 10:00 p.m. requires a Planning Commission hearing per 99.330(B) and 99.120.

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), which are addressed below.

Section 55.100 C. Compatibility between Adjoining Uses, Buffering, and Screening

This section requires adequate buffering between different types of land uses. The buffers should consider a variety of factors including its purpose (noise, vision, etc.), size of the buffer, buffering locations, density of the buffer, and viewers who are stationary or mobile.

As demonstrated by the school's operation, the use of the fields and their illumination has occurred in a way that has not been detrimental to surrounding homes. The school site is landscaped, and appropriate landscape buffering was installed as part of the original school approval and the 2009 Design Review application. Regarding the lights, the key to compatibility is having well-shielded lights that need little to no buffering in the first place.

Section 55.100 D. Privacy and Noise

This section requires that activities, which potentially will generate noise, feature exterior lighting, or glare, shall be buffered from adjoining residential uses according to 55.100 C. above. This section also has noise standards that may not be exceeded within 25 feet of residential dwellings.

This section has been, and will continue to be satisfied because surrounding homes are well-buffered, and the lights for the fields are designed to virtually eliminate any glare extending past the school property. The surrounding homes also have substantial setbacks and buffering to further minimize any potential adverse impacts due to noise associated with field use.

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.

EXHIBIT A
Exterior Lighting Plans

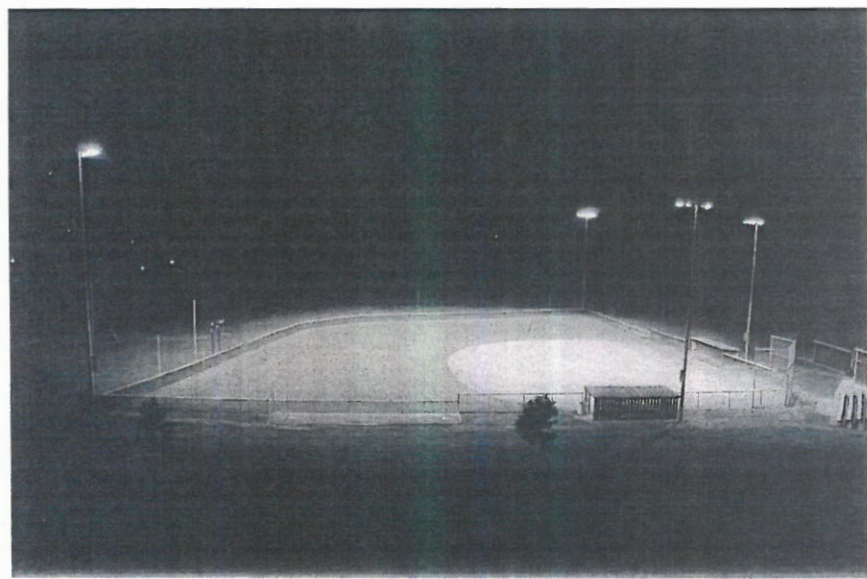
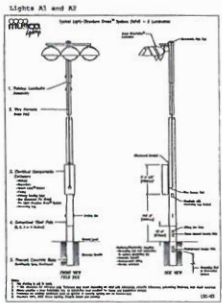
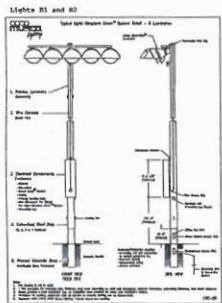
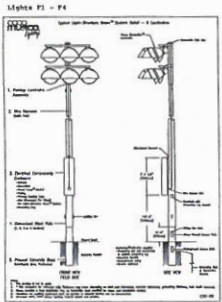
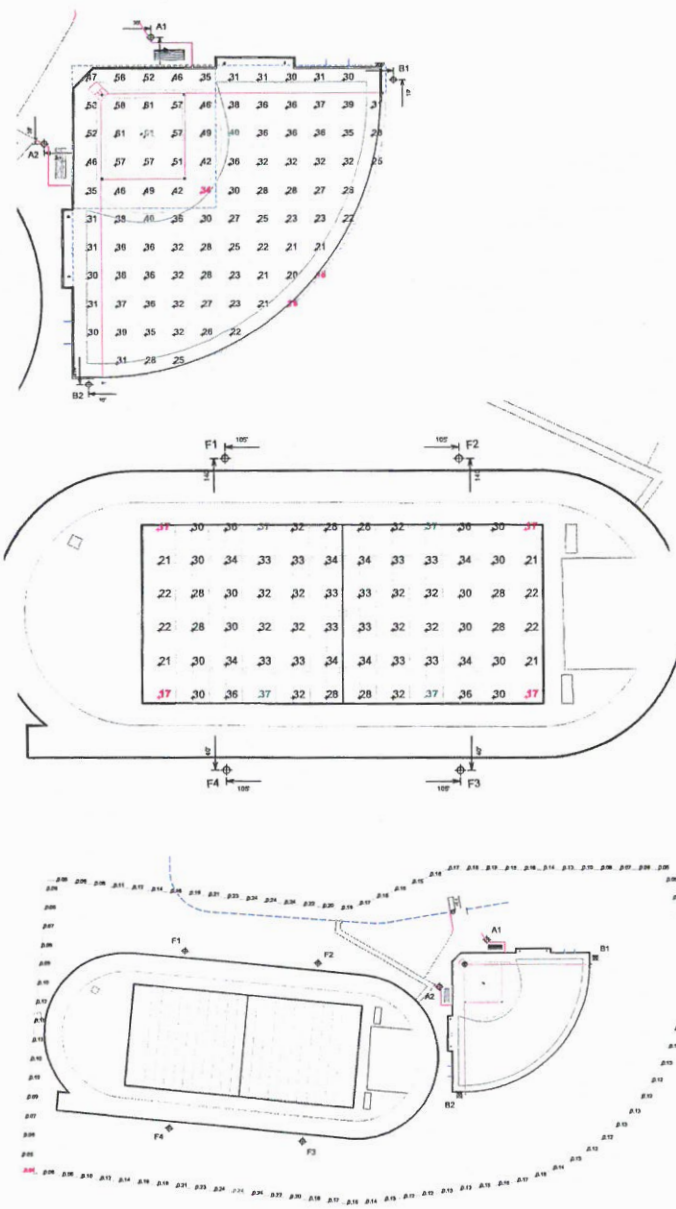


EXHIBIT B
Response to Lighting Questions



M E M O

Date: November 3, 2009

Project Name: WLWSD Rosemount Ridge Softball and Football field lighting calculations

Project No.: 09-1012.33

To: Dull Olsen Weekes Architects, Steve Winkle

From: Jeff Mutschler

Subject: Response to City of West Linn lighting questions

Distribution:

The remaining City of West Linn questions are as follows:

1. What do these luminaire numbers (e.g. .05) mean in lay terms?
2. What will the luminaire numbers be at the edge or perimeter of the site? (There are numbers shown ranging from 0 feet to about 100 feet from athletic fields which is not the perimeter.)
3. Will the pylon lighting point towards the homes at 1156 Rosemont and 21895 Salamo Road?

PAE Response:

1. All of the lighting calculations numbers are in footcandles unit of measure. As light travels outward from a source, it ultimately impinges on a surface providing illumination of the surface. Footcandles is a unique measurement used to define an amount of lighting illumination at a given point or surface. The calculations assume a imaginary surface located three foot above the grade, and each calculation point would be the illumination amount at that point. Use of a light meter to read out lighting levels at various surfaces is the best way to get a feel of the footcandles measurement unit.
2. Refer to attached lighting calculations for lighting levels at the site property line, in most cases the lighting levels are fractional amounts of a footcandle.
3. One of the four softball field light poles has fixtures facing the direction of Salamo road. The lights on top of the pole however are pointed down at the playing field and have cutoff shields to prevent excess lighting beyond the field. Calculations at the 150 foot mark from the field show only fractional amounts of a footcandle at that point, which will probably not be noticeable since there is street lighting along the roadway.

The football field has two of the four light poles facing the direction of Rosemont road. The calculation show that very little light is extending past 150 foot from the lights. These also are pointed down at the playing field and have cutoff shields to prevent excess lighting beyond the field.

Residents in the area with a direct view of the lighting fixtures will be able to see the illuminated lighting source, but light trespass has been eliminated as much possible through the use of the shields on the fixtures.

808 SW Third Ave., Suite 300
Portland, Oregon 97204-2426
P: 503-226-2921 F: 503-226-2930
www.pae-engineers.com

inspire interpret integrate



ILLUMINATION SUMMARY

Spill @ PL
 Rosemont Ridge Middle School SB & FB
 West Linn, OR

Spill @ PL
 - Grid Spacing = 30.0'
 - Values given at 3.0' above grade

- Luminaire Type: Green Generation
 - Rated Lamp Life: 5,000 hours
 - Avg Lumens/Lamp: 134,000

**CONSTANT ILLUMINATION
 HORIZONTAL FOOTCANDLES**

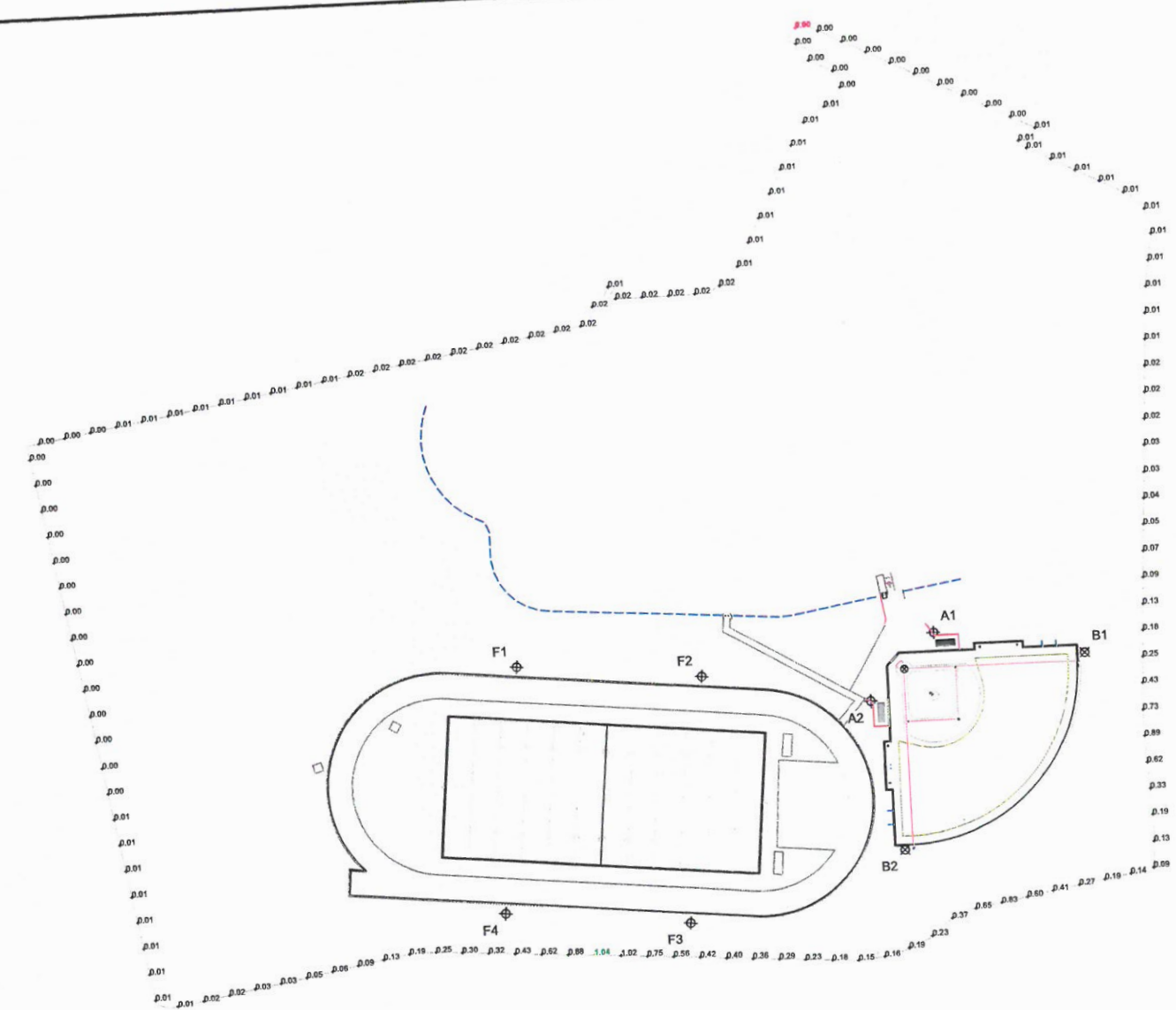
Entire Grid	
No. of Target Points:	144
Average:	0.124
Maximum:	1.04
Minimum:	0.00
Average Lamp Tilt Factor:	1.000
Number of Luminaires:	40
Avg KW over 5,000 hours:	62.56
Max KW:	68.0

Guaranteed Performance: The CONSTANT ILLUMINATION described above is guaranteed for the rated life of the lamp.

Field Measurements: Averages shall be +/- 10% in accordance with IESNA RP-6-01 and CIBSE LG4. Individual measurements may vary from computer predictions.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume +/- 3% nominal voltage at line side of the ballast and structures located within 3 feet (1m) of design locations.



By: Eric Svenby Date: 04-Nov-09
 File #: 142031r1
 Not to be reproduced in whole or part without the written consent of Musco Lighting. ©1981, 2009 Musco Lighting

Pole location(s) with dimensions are relative to 0.0 reference point(s)

Print Date (04/Nov/2009) & Time (14:14)

EXHIBIT C
Letter to Neighborhood Associations



West Linn – Wilsonville Schools

June __, 2014

To: *[NHA PRESIDENT]*

Re: *Rosemont Ridge Middle School Field Lighting*

Dear *[NHA PRESIDENT]*,

In 2009 the West Linn - Wilsonville School District began a Class II design review process with the City of West Linn (DR-09-05) that culminated in a planning commission approval in February 2010 with a short list of conditions. One of those conditions (3b) affected the sports field lighting for the all-weather softball field and football field at Rosemont Ridge Middle School. The condition 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."

Professional engineers provided photometric data to the planning commission showing that the lighting would not create offsite glare. Those original photometric drawings are attached to this letter. Several years have passed with the 9 p.m. restriction, and the District is not aware of any complaints regarding the use of the athletic field lighting.

The District's athletics programs continue to grow and seek space for practices and games, particularly in inclement weather that renders grass fields unplayable. Each spring and fall has multiple outdoor sports, with multiple teams for each sport. At other District facilities there are a number of days where field lighting is used through 10:00 p.m. This minor extension allows sufficient time for an additional game or practice to occur on each field, and is not required every day. The 9:00 p.m. constraint at Rosemont Ridge leaves some teams with partial practices and delayed game schedules, and forces others to travel to a different site. The District intends to request a minor adjustment to the above-mentioned condition so that athletic field lighting at Rosemont Ridge Middle School could be used until 10:00 p.m. to accommodate the athletics programs' needs. The District is already committed to concentrating the use of sports fields into the earlier hours of the day, and would continue to do so if such an adjustment was made.

The City planning department's amendment process does not require applicants to seek public input in this instance, but the District is committed to communicating with our neighbors. Patrons that would like to discuss or provide comment on the proposed change can contact me at douglasr@wlwv.k12.or.us or 503-673-7988.

Signed,

Remo Douglas, Project Manager West Linn - Wilsonville School District



Memorandum

To: West Linn Planning Commission

From: Peter Spir, Associate Planner

Date: September 4, 2014

Re: Consideration of written submittals and final deliberation in the case of
MISC-14-04

On August 20, 2014, the Planning Commission held a public hearing to consider the school district's request to modify a condition of approval to allow the athletic field lights at Rosemont Middle School to be left on an additional hour until 10pm. At the conclusion of the hearing, the record was left open for seven days, through August 27, 2014, to accept written submittals from the public. Staff received two submittals. Mr. Seida's submittal is attached as "Exhibit A" while a submittal from Stacey Robertson is attached as "Exhibit B".

The record was then left open for an additional week, through September 3, 2014, to allow the school district to provide a written rebuttal to the public submittals. Tim Woodley's rebuttal for the school district is attached as "Exhibit C".

For the September 17, 2014 Planning Commission meeting date, the public hearing has been closed and the Planning Commission is expected to proceed with deliberations.

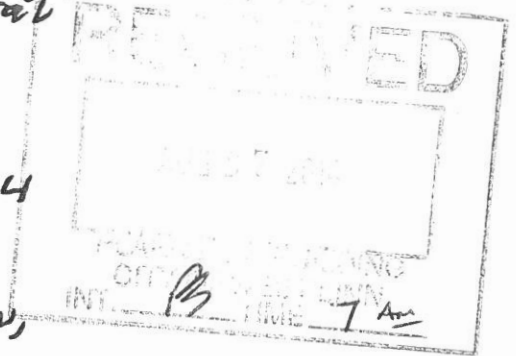
SENT FAX 503-656-4106

3 PAGES total 8-26-14

TO: West Linn PLANNING

FROM: KENT SEIDA

SUBJECT: FILE # MISC 14-04

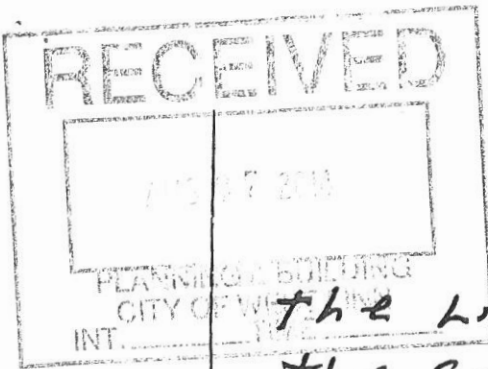


DEAR PLANNING COMMISSION,
PLEASE DO NOT APPROVE THE
REQUEST TO EXTEND THE LIGHTING
POLLUTION AND ALL THE NEGATIVE
PROBLEMS THAT COME WITH IT.

1. The school is in violation of the
ORIGINAL CONDITIONAL USE by ^{THE} ~~THE~~
REMOVING THE CONIFER SCREENINGS
THEREFORE ADDITIONAL MODIFICATIONS
ARE NOT ALLOWED UNTIL THE
VIOLATION IS CORRECTED.

2. THE CURRENT LIGHT AND NOISE
POLLUTION IS NO LONGER
CONTAINED ON SITE. THE
PHOTOMETRIC STUDY IS NOW
FLAWED AND SHOULD NOT
BE ALLOWED.

3. THE PLANNING RECOMMENDATION
SHOULD BE WITHDRAWN AS



2

the lights and noise leave
the school property. page 3

4. the CURRENT buffering and
screening is NOT ~~compatible~~
compatible, please refer
to page 4 of the staff report

5. the neighbors standard of
living has been greatly
diminished ~~of~~ ^{over} the last four
years. we just didn't complain

6. the staff report photos page 6.
no longer are the truth of
the site conditions ~~and~~ and
are now false. the screening
is mostly gone and must
be replaced before any
additional modifications
can be considered.

7. page 9 "D" no longer is
honest and the findings
must be disallowed.
the criterion is not met

3

The Request to keep the
lights ON til 10:00 P.M
(15) FIFTEEN hours AND seven
DAYS A WEEK IS OVER THE
TOP. THIS WILL INCREASE THE
LIGHT POLLUTION ON THE STAIRS
FOR ALL THE NEIGHBORHOOD,
THE NOISE, DEBRIS, CROWDS
VANDALISM WILL ALSO BE
INCREASED WHEN MANY
PEOPLE AND STUDENTS
SHOULD BE IN BED. LIVABILITY
WILL BE GREATLY DECREASED
BY THE EXTRA VERY
IMPORTANT HOUR.
10:00 P.M IS SIMPLY TOO
LATE FOR THIS SITE.
PLEASE VOTE NO.



Thank you
Kent Seida

From: Wyatt, Kirsten
Sent: Thursday, August 21, 2014 2:54 PM
To: Boyd, John; Kerr, Chris
Cc: Jordan, Chris
Subject: Facebook comment



City of West Linn - Government shared a link
Posted by City of West Linn - Gov on Wednesday

The West Linn Planning Commission will meet tonight at 6:30 p.m. at city hall, 22500 Salamo Road.

One item on the agenda is a request to allow the athletic field lights at Rosemont Ridge Middle School to be left on an extra hour until 10 p.m. See the full agenda online.

westlinnoregon.gov
westlinnoregon.gov

Like Comment Share

Cathy Baca likes this.



Write a comment .



Stacey Robertson That would be helpful for practice and provide more opportunities for teams. West Linn needs another facility but very grateful for Rosemont for without it WLHS soccer would have nowhere to practice.

Like Reply Yesterday at 2:41pm Edited

663 people reached

Boost Post

Kirsten Wyatt, Assistant City Manager
Administration, #1428



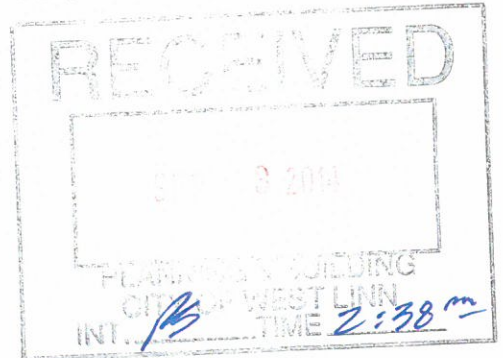
Please consider the impact on the environment before printing a paper copy of this email.
This e-mail is subject to the State Retention Schedule and may be made available to the public.



West Linn – Wilsonville Schools

MEMORANDUM

TO: West Linn Planning Commission
 FROM: Tim Woodley, Director of Operations
 RE: Rosemont Ridge MISC-14-04
 Closing Comments and Rebuttal
 DATE: September 3, 2014



INTRODUCTION

This memorandum represents the West Linn-Wilsonville School District's closing comments and rebuttal of testimony received during the West Linn Planning Commission hearing on August 20, 2014 to consider the above application. The comments below are in response to the following testimony:

- Letter from Dave and Kelly Seida, received by the city on August 19, 2014
- Memorandum from Kent Seida, received by the city on August 19, 2014
- Oral testimony by Kent Seida during the August 20, 2014 hearing
- Memorandum from Kent Seida, received by the city on August 27, 2014
- Oral testimony by Alice Richmond during August 20, 2014 hearing

BACKGROUND

The West Linn-Wilsonville School District requested a Class II Design Review to amend condition of approval 3b of a previous Class II Design Review approval (DR-09-05) to allow existing sports field lights to remain illuminated one additional hour until 10:00 p.m. at Rosemont Ridge Middle School.

The existing athletic field improvements on the 21.38-acre Rosemont Ridge Middle School site are the result of the original conditional use approval granted by the city in 1997. The southern portion of the site includes the running track, football/soccer field, and softball field, which have remained in the same configuration and use since the school opened in 1999. In order to extend the use of the fields, especially during the school year, a Class II Design Review approval was granted by the city in 2009 (DR-09-05) to allow the installation of field lights. 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 lighting plan sheet photos submitted with the 2009 and this application show how the light levels for the fields would drop off almost completely once beyond the edge of the playing field. The field lights have performed in a manner consistent with the lighting plans. No changes are proposed for the existing field lighting.

Several years have passed, and the District and city staff had not received any complaints regarding the use of the athletic field lighting until the receipt of the testimony from Kent, Dave, and Kelly Seida, who own the property immediately south and west of the school site.

Department of Operations

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 Location: 2755 SW Borland Road, Tualatin, Oregon 97062



West Linn – Wilsonville Schools

FINAL COMMENTS AND REBUTTAL

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.

Testimony Summary

The testimony presented by Kent, Dave, and Kelly Seida can be summarized to include several basic objections and grievances. As noted in the application narrative and the staff report, there are two West Linn Community Development Code (CDC) sections that apply:

- Section 55.100 C. Compatibility between Adjoining Uses, Buffering, and Screening
- Section 55.100 D. Privacy and Noise

The majority of the objections and grievances may be considered relevant to one or both of these CDC sections. In addition, several of the complaints are simply not relevant to this application. The issues raised are categorized according to the CDC criteria below:

Section 55.100 C. Compatibility between Adjoining Uses, Buffering, and Screening

- The lights are intrusive and have been left on late many evenings.
- The outdoor lighting and people discourage the cattle from coming from the pasture to the barn.
- Visual and noise screening has recently been compromised because the District limbed up the trees adjacent to the Seida property.
- Baseballs have been hit onto the Seida property.

Section 55.100 D. Privacy and Noise

- Visual and noise screening has recently been compromised because the district limbed up the trees adjacent to the Seida property.
- Cheering is heard at "ten at night."
- Loudspeakers and "blaring music" begins at 7 am. This would be a code violation in a residential neighborhood.

Irrelevant to the Application

- There have been "numerous trespassing issues."
- The District is disposing of debris over the fence onto the Seida property.
- The athletic fields have turned into a "24-hours sports complex" that is a "commercial operation which is not allowed in this zoning."
- The city of West Linn has opposed bringing the Seida property into the UGB.

Department of Operations

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West Linn – Wilsonville Schools

- **Applicant Comments and Rebuttal**

55.100 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.*
2. *On-site screening from view from adjoining properties of such things as service areas, storage areas, and parking lots shall be provided and the following factors will be considered in determining the adequacy of the type and extent of the screening:*
 - a. *What needs to be screened?*
 - b. *The direction from which it is needed.*
 - c. *How dense the screen needs to be.*
 - d. *Whether the viewer is stationary or mobile.*
 - e. *Whether the screening needs to be year-around.*

Response: The issues raised by the opponents, which are relevant to this CDC section, are addressed below:

- ***The lights are intrusive and have been left on late many evenings.*** A pre-programmed timer automatically shuts lights off at 9 pm with no on-site over-ride feature. This function would continue and is proposed to turn off no later than 10 pm. District staff is not aware of any infraction, nor has received any previous complaint from neighbors. This is also true for the city of West Linn as noted in Finding No. 1 in the staff report.
- ***The outdoor lighting and people discourage the cattle from coming from the pasture to the barn.*** Lighting on this site is both shielded by design of the light fixture and by surrounding buffers. District staff has not observed on-site activity to have a negative impact on the cattle-raising venture on adjacent county land.
- ***Visual and noise screening has recently been compromised because the District limbed up the trees adjacent to the Seida property.*** Applicant concedes that lower branches were recently limbed by well-meaning staff; however, between trees on district property, differential in elevation, and vegetation on Seida property, appropriate and adequate screening remains.
- ***Baseballs have been hit onto the Seida property.*** Scheduled sport activities for the lighted fields do not include baseball. The softball field is only used for sanctioned softball use, along with occasional baseball/T-ball for young elementary school age children. The softball field is fenced and not available for general public. If baseballs land on Seida

Department of Operations

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West Linn – Wilsonville Schools

property, it is from casual, non-sanctioned activity occurring outside of the softball field. Adding an hour to the use of the fields will not increase the likelihood of errant baseballs.

3. *Roof top air cooling and heating systems and other mechanical equipment shall be screened from view from adjoining properties.*

Response: This criterion is not relevant because heating, cooling, and other mechanical equipment is not the subject of this application.

55.100 D. Privacy and noise.

1. *Structures which include residential dwelling units shall provide private outdoor areas for each ground floor unit which is screened from view by adjoining units.*
2. *Residential dwelling units shall be placed on the site in areas having minimal noise exposure to the extent possible. Natural appearing sound barriers shall be used to lessen noise impacts where noise levels exceed the noise standards in West Linn Municipal Code Section 5.487.*

Response: These criteria are not relevant as noted in the staff report.

3. *Structures or on site activity areas which generate noise, lights, or glare shall be buffered from adjoining residential uses in accordance with the standards in subsection C of this section where applicable.*

Response: The issues raised by the opponents, which are relevant to this CDC section, are addressed below:

- ***Visual and noise screening has recently been compromised because the district limbed up the trees adjacent to the Seida property.*** As noted above, several trees were limbed up in an appropriate manner, and the screening and buffering along the southern property boundary has not been compromised.
 - ***Cheering is heard at "ten at night."*** Currently, activities on the fields ceases by 9 pm. As noted in the staff report, appropriate buffering has been maintained, and city regulations anticipate and allow such noise coming from a school. It should be noted that major reason for the field lighting is to enable practice sessions, which generally do not involve significant noise or cheering. Games also occur according to the schedules of different sports seasons.
 - ***Loudspeakers and "blaring music" begins at 7 am. This would be a code violation in a residential neighborhood.*** A public address (PA) system is used only for softball at the Rosemont site. This system is directed to the softball bleachers located 300-ft from the Seida property line and is used only during high school softball games which are scheduled between 6:00 and 8:00 pm, one day per week in the spring.
4. *Businesses or activities that can reasonably be expected to generate noise in excess of the noise standards contained in West Linn Municipal Code Section 5.487 shall undertake and submit*

Department of Operations

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Location: 2755 SW Borland Road, Tualatin, Oregon 97062



West Linn – Wilsonville Schools

appropriate noise studies and mitigate as necessary to comply with the code. (See CDC 55.110(B)(11) and 55.120(M)).

If the decision-making authority reasonably believes a proposed use may generate noise exceeding the standards specified in the municipal code, then the authority may require the applicant to supply professional noise studies from time to time during the user's first year of operation to monitor compliance with City standards and permit requirements.

Response: The applicant agrees with the analysis in Finding No. 2 in the staff report.

Irrelevant to the Application

Response: The opponents raise three issues, which are not relevant to the application or the CDC criteria:

- ***There have been “numerous trespassing issues.”*** The District has not been aware of any trespassing problems. If this is occurring, it is likely a problem unrelated to the school or the use of field lights.
- ***The District is disposing of debris over the fence onto the Seida property.*** This allegation is totally untrue, in addition to being irrelevant to the issue of field lights.
- ***The athletic fields have turned into a “24-hours sports complex” that is a “commercial operation which is not allowed in this zoning.”*** As noted in the applicant's oral testimony, the athletic fields are used for school and general public use. It is not a commercial sports complex or a for-profit enterprise.
- ***The city of West Linn has opposed bringing the Seida property into the UGB.*** The designation of the UGB is outside of the District's control or influence, and it has no relevance to this application.

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.

Department of Operations

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