

Memorandum

Date: April 13, 2016

To: West Linn Planning Commission

From: Darren Wyss, Associate Planner

Subject: CUP-15-03 – Responses to “New Evidence”

On April 6, 2016, the Planning Commission closed the public hearing on the application for the Sunset Primary School Replacement. The Commission left the record open until noon on April 13, 2016, to submit additional written evidence or argument that responds to new evidence submitted since the first evidentiary hearing on March 16, 2016. Attached you will find all responses received.

The majority of the responses neither identify the new evidence that the response is intended to address, nor address applicable criteria the Planning Commission is required to base a decision upon. For example, the location, size, and perceived off-site impacts of the stormwater facilities are mentioned repeatedly as requiring denial, but there is no applicable approval criterion. The applicant has provided a Preliminary Stormwater Drainage Report and supporting data that was deemed by West Linn Engineering to meet submittal requirements.

The Community Development Code criteria identified in the responses, generally do not fall under the umbrella of new evidence:

CDC 55.130.B.

This is an application submittal requirement, and it is not reviewed by the Planning Commission. West Linn Engineering staff determined the applicant’s Preliminary Stormwater Drainage Report met the 10-year storm requirements and the application was deemed complete.

CDC 60.070.A(2)

This criteria requires findings that the characteristics of the site are suitable for the proposal. The applicant previously provided findings on page 36 of the Supplemental Staff Report dated March 30, 2016.

CDC 60.070.A(3)

This criteria requires findings that the proposal is consistent with the overall needs of the community. The applicant previously provided findings on page 36 of the Supplemental Staff Report dated March 30, 2016.

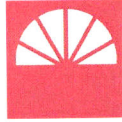
CDC 75.020.B(1)(a)

This criteria requires the minimum variance necessary to make reasonable use of the site. The applicant previously provided findings on page 37 of the Supplemental Staff Report dated March 30, 2016.

CDC 92.010.E.

This submittal requirement requires a plan and statement prepared by a registered civil engineer supported by factual data that demonstrates there will be no adverse off-site impacts from increased intensity of stormwater runoff from a 100-year storm. West Linn Engineering staff determined the applicant's Preliminary Stormwater Drainage Report met the 100-year storm requirements. In addition, the applicant previously provided Table 1: Sunset Primary School Peak Stormwater Discharge Rates on page 27 of the Supplemental Staff Report dated March 30, 2016. This table shows the applicant's proposed stormwater facilities reduce offsite stormwater discharge from current levels for the 2-year, 5-year, 10-year, 25-year, and 100-year storms.

Please feel free to contact me at dwyss@westlinnoregon.gov or 503-722-5512 with any questions regarding the materials or process.



West Linn – Wilsonville Schools

April 13, 2016

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

Electronic Delivery 4/13/16

ATTENTION: Darren Wyss, Associate Planner

RE: Sunset Primary School Replacement
CUP-15-03, DR-15-17, VAR-15-01, VAR-15-02, VAR-15-03

Darren:

The applicant has reviewed the written material submitted in opposition to the pending application for a Conditional Use Permit and related variances. The applicant believes that such written material amounts only to repetitious commentary and arguments regarding evidence already in the record before the Commission. Therefore, the applicant believes that no further written response is necessary prior to the meeting of the Commission this evening, April 13, 2016.

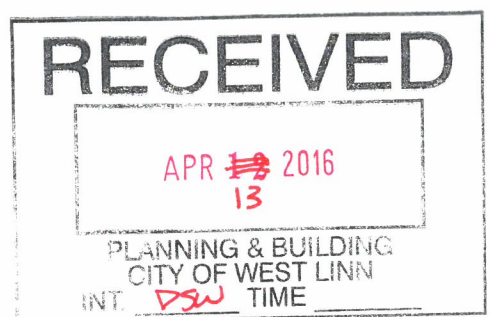
The School District would like to thank the Planning Commission and City staff for their thoughtful consideration. It is respectfully requested that the application and related variances be granted.

If you have questions, please contact me at 503-673-7976.

Sincerely,

DEPARTMENT OF OPERATIONS

Tim K. Woodley, Director



April 13, 2016

Re: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03

New information in the 900+ pages. A letter from Parks and Recreation Director doubting trees will be affected.

Planning Commissioners,

“Good thing the wind blows from the south-- the trees will fall into the park.” Stated by West Linn Parks and Recreation Director in January 2016 at the Sunset Neighborhood Association Meeting.

Addressing the safety of the school, park, and resident dwellings is of great concern to me. I am an eyewitness to the violent winds in Sunset Park. We simply cannot intentionally put these majestic Douglas fir trees at risk. Please deny current application.

The school application notes that 14 mature Douglas fir trees will be at risk. Our hydro-geologist begs to differ with the number being up to 29 mature Douglas fir trees (9 of these are from the encroachment of the building as noted by school arborist report, the remainder are due to drainage pond/planter).

The construction proposal has the ability to affect the land and trees in multiple ways. Phase one of logging will change the ground soil. Up to 65 trees are recommended to be removed. It will add to the vulnerability of the currently saturated ground. In addition, removing the significant perimeter mature Douglas fir trees will also add weakness to the inner layer of Douglas fir trees. Please refer to attached forestry testimony from Darek Czkaajlo, Ph.D.

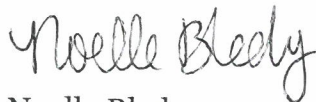
Constructing the drainage pond/planter will add to the vulnerability to the ground for the second time due to water being allowed to infiltrate the ground. Six inches of infiltration times the length and width of pond/planter is a great deal of infiltration. Please refer to attached Oregon Geology Fact Sheet Landslide Hazards in Oregon-- top right section Common Landslide Triggers in Oregon under the bullet point **human-concentrating water**. Now imagine intense rainfalls and/or earthquakes that the fact sheet also states. At the same time, the pond/planter infiltration adds an additional weakness to the inner layer of Douglas fir trees undoubtedly giving the trees a double whammy.

Phase two of logging of any of the dead and dying trees will add to the vulnerability of the groundwater for the third time.

Let's recall-- Ballot Measure 3-358 stated: "The Sunset Neighborhood Association Neighborhood Plan includes a primary goal of keeping Sunset Primary School as an element of Sunset neighborhood. If approved, the terms and conditions related to the sale would include Sunset neighbors in the school planning process, and would maximize recreational opportunities while preserving significant trees at the site."

Honoring Ballot Measure 3-358 is the ethical and legal decision. Honoring deep environmental caution is the humane decision.

Sincerely,



Noelle Bledy
4776 Bittner Street



RECEIVED

APR 13 2016

PLANNING & BUILDING
CITY OF WEST LINN
INT. DSW TIME _____

Subject: FW: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03

To Whom It May Concern,

Re: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03

Planning Commission for the Public Hearing regarding Sunset Primary School

My name is Darek Czokajlo. I have Master's Degree in forestry and Ph.D. in forest entomology and insect chemical ecology. For the past 14 years I have lived at 2070 Tumwater St, West Linn, OR (just south of Sunset Park).

The Douglas-Fir trees in Sunset Park have been growing for the past several decades as one, continuous stand. The trees that grow inside the stand will naturally prune the lower branches. The trees that grow on the perimeter of the stand (park) retain these lower branches. These trees serve as a natural wind break to prevent those inside the stand from being felled or broken by the wind. Removal of several trees from the perimeter on the northern part of Sunset Park can endanger trees inside the park and make them vulnerable to wind break. Such an incident is well observed along Hwy 26 and Hwy 6 toward the Oregon Coast where large number of trees have been felled by the high winds as a consequence of creating large clear cuts during the logging process.

The removal of these trees can endanger not only trees but all human dwellings surrounding the park. The high winds can fell the trees and in consequence they will fall on houses across the street.

On the personal note. Living South and below the park we always experience some water damage in the winter. Our street does not have sidewalks nor curbs and a large amount of water ends up in our backyard and basement. Removal of several trees from top of the hill will make our water problem even worse.

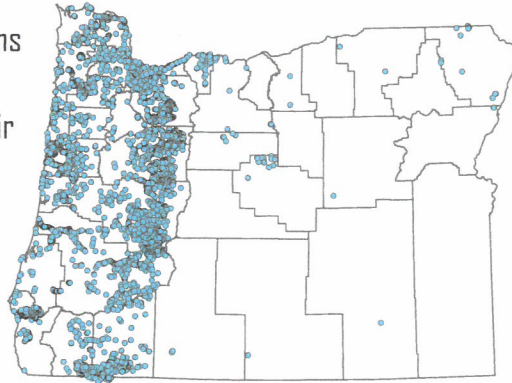
Sincerely,

Darek Czokajlo, Ph.D.
President

Alpha Scents, Inc.
[503-342-8611](tel:503-342-8611)

Landslides affect thousands of Oregonians every year. Protect yourself and your property by knowing landslide types, their triggers and warning signs, how you can help prevent landslides, and how to react when one happens.

9,500 landslides were reported in Oregon in winter 1996-97 ▶



RECEIVED

Common landslide triggers in Oregon

- intense rainfall
- rapid snow melt
- freeze/thaw cycles
- earthquakes
- volcanic eruptions
- human
 - changing the natural slope
 - concentrating water
- combinations of the above

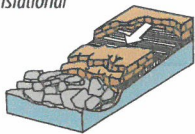
APR 13 2016

PLANNING & BUILDING
CITY OF WEST LINN
IN DISASTER PREPAREDNESS TIME

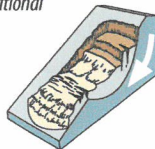
COMMON LANDSLIDE TYPES

SLIDES — downslope movement of soil or rock on a surface of rupture (failure plane or shear-zone). Commonly occurs along an existing plane of weakness or between upper, relatively weak and lower, stronger soil and/or rock. The main modes of slides are translational and rotational.

translational



rotational



TRIGGERS AND CONDITIONS

Slides are commonly triggered by heavy rain, rapid snow melt, earthquakes, grading/removing material from bottom of slope or adding loads to the top of the slope, or concentrating water onto a slope (for example, from agriculture/landscape irrigation, roof downspouts, or broken water/sewer lines).

Slides generally occur on moderate to steep slopes, especially in weak soil and rock.

EXAMPLES

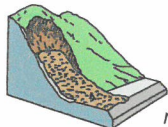


translational slide
(most slides are combinations of translational and rotational movement)



rotational slide

FLOWS — mixtures of water, soil, rock, and/or debris that have become a slurry and commonly move rapidly downslope. The main modes of flows are unchanneled and channelized. Avalanches and lahars are flows.



unchanneled flows—
left: earth flow;
right: debris avalanche



initiation
transportation
deposition

channelized flow

Flows are commonly triggered by intense rainfall, rapid snow melt, or concentrated water on steep slopes. Earth flows are the most common type of unchanneled flow. Avalanches are rapid flows of debris down very steep slopes.

A channelized flow commonly starts on a steep slope as a small landslide, which then enters a channel, picks up more debris and speed, and finally deposits in a fan at the outlet of the channel.

Debris flows, sometimes referred to as rapidly moving landslides, are the most common type of channelized flow. Lahars are channelized debris flows caused by volcanic eruptions.



debris avalanche (unchanneled flow)



earth flow (unchanneled flow)

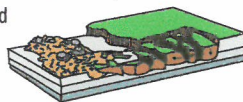


channelized debris flow



lahar aftermath (note the flow height indicated by stained trees)

SPREADS — extension and subsidence of commonly cohesive materials overlying liquefied layers.



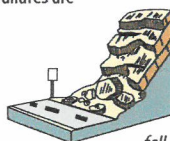
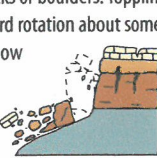
Spreads are commonly triggered by earthquakes, which can cause liquefaction of an underlying layer. Spreads usually occur on very gentle slopes near open bodies of water.



spread

TOPPLES / FALLS — rapid, nearly vertical, movements of masses of materials such as rocks or boulders. Toppling failures are distinguished by forward rotation about some pivotal point below or low in the mass.

topple



fall

Topples and falls are commonly triggered by freeze-thaw cycles, earthquakes, tree root growth, intense storms, or excavation of material along the toe of a slope or cliff. Topples and falls usually occur in areas with near vertical exposures of soil or rock.



topple



fall

Landslide diagrams modified from USGS Landslide Fact Sheet FS2004-3072. Photos — Translational slide: Johnson Creek, OR (Landslide Technology). Rotational slide: Oregon City, OR, January 2006. Debris avalanche flow: Cape Lookout, OR, June 2005 (Ancil Nance). Earth flow: Portland, OR, January 2006 (Gerrit Huizenga). Channelized debris flow: Dodson, OR, 1996 (Ken Cruikshank, Portland State University). Lahar: Mount St. Helens, WA, 1980 (Lyn Topinka, USGS/Cascades Volcano Observatory). Spread: induced by the Nisqually earthquake, Sunset Lake, Olympia, WA, 2001 (Steve Kramer, University of Washington). Fall: Portland, OR (DOGAMI). Topple: I-80 near Portland, OR, January 2006 (DOGAMI).



Signs of possible landslide problems:

- Structural deformation such as large foundation cracks, misaligned doors and windows, tilted floors, or sagging decks
- Large, open cracks in driveways, curbs, and roads
- Failing retaining walls
- Arc-shaped cracks in the ground

What can I do to reduce landslide risk around my home?

- If you are looking for or are building a home, avoid siting the structure in a hazardous location.
- **Consult a registered geologist or licensed geotechnical engineer if you are considering building or buying on a location with high-risk characteristics.**
- Control road or driveway water so it flows away from steep slopes and into storm drains or natural drainages where it will not harm you or your neighbors.

Who should I consult if I have questions about a specific site?

Contact the **Oregon Board of Geologist Examiners** (<http://www.osbge.org/>; phone 503-566-2837) or the **Oregon State Board of Examiners for Engineering and Land Surveying** (<http://osbeels.org/>; phone 503-362-2666) for lists of registered professional consultants available for site-specific evaluations.

When are slides most likely to happen?

- Most recent slides and flows have occurred after several hours or, in some cases, several days of heavy rain or rapid snow melt. Flows may occur hours after the period of the heaviest rain in a storm.
- Earthquakes can cause landslides; if you are on sloping ground or near a riverbank during an earthquake, be alert for landslides.

What should I do during dangerous weather?

- During intense, prolonged rainfall, listen for advisories and warnings over local radio or TV or National Oceanic and Atmospheric Administration (NOAA) weather radio. In western Oregon “intense” rainfall is considered 4% of your average annual rainfall in a 12-hour period during the wet season. East of the Cascade Range “intense” rainfall is 2 inches in 4 hours. Debris flows may occur if such rainfall rates continue.
- Be aware that you may not be able to receive local warning broadcasts in canyons. Isolated, very intense rain may occur outside warning areas. You may want to invest in your own rain gauge. Don't assume highways are safe. Be alert when driving, especially at night.
- Watch carefully for collapsed pavement, mud, fallen rock, and other debris. Be particularly careful in areas marked as slide or rockfall areas. Watch for signs with warnings or road closures.
- Plan your evacuation route prior to a big storm. If you have several hours advance notice, drive to a location well away from steep slopes and narrow canyons.
- Once storm intensity has increased, it may be unsafe to leave by vehicle. Stay alert and awake; you may need to evacuate by foot.
- Listen for loud, unusual sounds. If you think there is danger of a landslide, evacuate immediately—don't wait for an official warning.
- Get away from your home if it is in an unsafe area. Be careful but move quickly. Move away from stream channels.

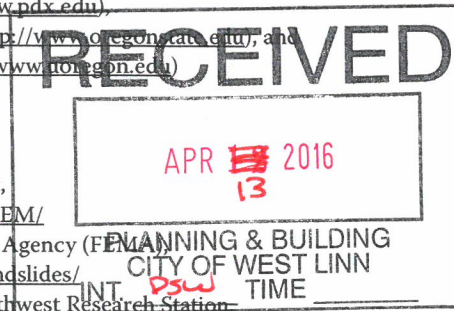


RESOURCES – Where can I get additional information?

- **Nature of the Northwest Information Center** (<http://www.naturenw.org/>), operated by the Oregon Department of Geology and Mineral Industries, carries earthquake and landslide hazard maps and other reports. 800 NE Oregon St., #5, Portland, OR 97232, phone 503-872-2750.
- **Oregon Department of Geology and Mineral Industries** (<http://www.OregonGeology.com>) maps landslides and issues reports and maps.
- **Local city or county emergency managers or planners** may have landslide mitigation information.
- **Association of Oregon Counties** (<http://www.aocweb.org/>) and the **League of Oregon Cities** (<http://www.orcities.org/>) work with local government and state agencies to coordinate these efforts.
- **Oregon Department of Forestry** (http://www.oregon.gov/ODF/PRIVATE_FORESTS/PCFPubIndex.shtml) publishes technical papers on landslides.
- **Oregon Natural Hazards Workgroup, Partners for Disaster Resistance and Resilience** (<http://www.oregonshowcase.org/>) provides pre-disaster mitigation planning information.
- **Oregon Department of Transportation** maintains highways and issues 24-hour information about road conditions and road closures. For current conditions, call 1-800-977-6368 or visit <http://www.tripcheck.com>.
- **Oregon Department of Land Conservation and Development** maintains policies that guide local planning for development away from hazardous areas including landslide-prone areas (<http://www.oregon.gov/LCD/HAZ/landslides.shtml>) and also maintains the **Oregon Coast Management Program – Coastal Atlas Hazards Map** (<http://www.coastalatlant.net/learn/topics/hazards/landslides/>).
- **Oregon Department of Consumer and Business Services, Building Codes Division** (<http://www.cbs.state.or.us/bcd/>) provides guidelines for foundations of structures on or adjacent to slopes.
- **USGS National Landslide Information Center** (<http://landslides.usgs.gov/>) has educational information and publications.
- Geology and engineering departments at **Portland State University** (<http://www.pdx.edu>), **Oregon State University, Corvallis** (<http://www.oregonstate.edu>), and **University of Oregon, Eugene** (<http://www.uoregon.edu>) research landslide hazards.

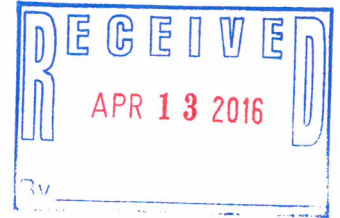
Other Agencies and Societies

- Oregon Emergency Management, <http://egov.oregon.gov/OOHS/OEM/>
- Federal Emergency Management Agency (FEMA) <http://www.fema.gov/hazards/landslides/>
- USDA Forest Service Pacific Northwest Research Station, <http://www.fs.fed.us/pnw/>
- USDA Natural Resources Conservation Service, Soils, <http://soils.usda.gov/>
- Association of Engineering Geologists, Oregon section, <http://www.aegoregon.org/>
- American Society of Civil Engineers, Oregon section, <http://www.asceor.org/>
- Bureau of Land Management, Oregon section, <http://www.blm.gov/or/>



Wyss, Darren

From: robnoelle@comcast.net
Sent: Wednesday, April 13, 2016 10:40 AM
To: Wyss, Darren; Shroyer, Shauna
Subject: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03



April 13, 2016

File No. CUP-15-03/DR-15-17/VAR-15-01/02/03

Re: Sunset Primary development application

Dear Planning Commissioners,

West Linn citizens are outraged that the City could allow a parking lot and drainage facility on this park land when voters specifically conditioned their sale approval on continued use for recreation and tree preservation.

Applicant has failed to satisfy CDC 60.070 (A) (3) because the current design is inconsistent with the promises made when the park land was sold to the school district.

60.070 (A) (3) requires a finding that “the granting of the proposal will provide for a facility that is consistent with the overall needs of the community.” The applicant continues to rely on voter approval to show that the overall needs of the community are met, stating: The needs of the community are best expressed by its approval of the bond measure to finance these improvements.

However, use of the 1.6 acres of land formerly known as Sunset Park for a parking lot and storm water facilities does not meet the needs of the community. The citizens did approve the bond measure to fund the new school, but they also voted to sell 1.6 acres of park land to the school district **on the express condition** that the 1.6 acres would be used to **“maximize recreational opportunities while preserving significant trees.”**

The West Linn community needs to be able to trust local government. Sunset Park has a long history of being preserved for park and recreational purposes. SOS Park members relied on the City’s promise when they voted to support the sale of this specific 1.6 acres of park land to the school district to be used for recreational opportunities and tree preservation.

On March 16, 2016, the City attorney advised the Planning Commission that Measure 3-358 is not an approval criterion for this application. However, in looking to the “overall needs of the community,” the public has a right to rely on the explanatory statement of the ballot measure designed to induce them to approve the sale of a public park. As proposed, this school development design plan does not maximize recreational opportunities while preserving significant trees at the site.

The applicant cannot rely on a vote of the people to satisfy the approval criterion which requires "consistency with the overall needs of the community," and ignore a more specific vote of the people for the ***conditional sale*** of the subject 1.6-acre parcel which demonstrates "inconsistency with the overall needs of the people."

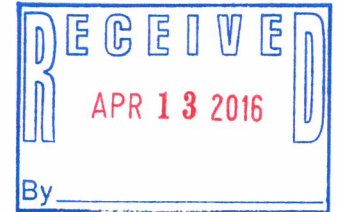
The voter approvals of funding the school project while preserving trees and maximizing recreational opportunities on the 1.6 acres of former park land are not mutually exclusive. As demonstrated by the initial drawings, the applicant could accomplish this promised preservation while proceeding with its project. However, the current plan to locate a parking lot and storm drainage system on the 1.6 acres of former park land is totally inconsistent with the City's representations at the time of the vote which allowed the sale. Accordingly, the applicant has failed to carry its burden to show compliance with 60.070 (A) (3) because the facility, as currently proposed, is inconsistent with the overall needs of the community.

Sincerely,
Rob Bledy
4776 Bittner St.
West Linn, OR

Wyss, Darren

From: Eddie Khoo <eddiecoolman1@gmail.com>
Sent: Wednesday, April 13, 2016 10:49 AM
To: Wyss, Darren; CWL Planning Commission
Subject: File No. CUP-15-03/Dr-15-17/VAR-15-01/02/03

April 12, 2016



File No. CUP-15-03/Dr-15-17/VAR-15-01/02/03

Re: Sunset Primary development application and April 6, 2016 Hearing at City Hall

Planning Commissioners:

I would like to point out that Malia Kupilla's point about kpff's failure to address potential landslides is well taken. However, John Boyd, the planning manager, seemed to be telling the planning commission that the content of the plan was not relevant. According to John Boyd, CDC 92.010 (E) and 55.130 (B) are merely "submittal" requirements. As long as the plans are stamped by a registered civil engineer, John Boyd implies that the relevant standard is met.

However, a complete reading of both sections shows that the plans must be supported by factual data which clearly shows that there will be no adverse impacts - or, that any adverse impacts can be mitigated. In addition to failing to submit factual data showing a lack of adverse impacts, and thereby violating the submittal requirements of 92.010 (E) and 55.130 (B), these flawed plans and Malia's evidence show further violation of the CDC.

The conditional use approval standards require that the site be suitable in terms of natural features and topography. Malia has demonstrated that there is a significant risk of landslide hazards and the proposed drainage system is not suitable for the physical constraints of the site. The applicant has not even attempted to rebut this testimony. Therefore, the applicant has failed to meet its burden to show compliance with CDC 60.070 (2) which requires a supported finding that the site is suitable for the project, as proposed.

The current Sunset school development plan needs to be denied.

Sincerely,

Eddie Khoo

4760 Bittner St.

West Linn, OR 97068

April 12, 2016

Reference file no: CUP-15-03/DR-15-17/VAR-15-01/02/03

Responding to page 13 of letter from Dull Olson Weeks dated March 28, 2016 regarding parking.

This is new information not previously submitted.

Dear Commissioners,

The number of parking spaces has been a sensitive issue. It is agreed that a lack of parking can cause frustrations such as time wasted and sometimes errant driving resulting in safety problems. However, land formerly used as a park now covered in asphalt can be a source of irritation, especially when the conversion is thought to be unwarranted.

Primary School	Enrollment	Parking spaces
Bolton	375	60
Cedaroak Park	281	82 (includes 14 on street spaces)
Stafford	491	103
Sunset	301	66 (includes 40 on street spaces)
Trillium Creek	599	85
Willamette	565	60

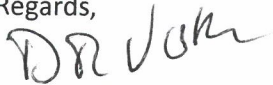
The application currently is asking for 87 parking spaces, which would equal a school with twice the enrollment. The city is planning on installing approximately 10 spaces along Oxford/Park/Bittner streets, and it would not be unreasonable to include these spots in the total count.

Based on the above information, the suggested plan could be:

Parking spaces on school property	70
City provided parking	10
Total	80

If the above was endorsed, then the parking spots to be allocated to the 1.6 acres could easily be eliminated.

Regards,



Douglas R. Vokes

4972 Prospect St

West Linn, OR 97068



April 6, 2016

In Re: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03

Sunset Primary School development application

Planning Commissioners,

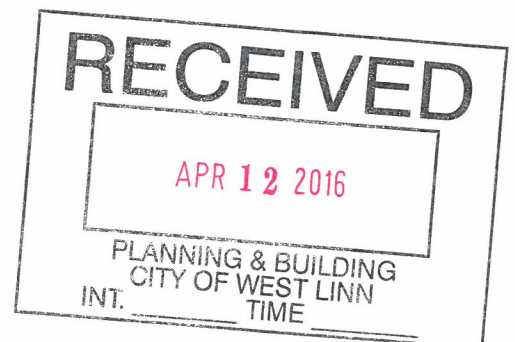
In looking at page 24 of the latest plan the applicant submitted around March 28, 2016, which I include as Attachment 1, the proposed 50 x 100 pond "planter" dimensions are incorrect because they describe it as being a rectangle when in fact it is an oblong shaped pond "planter."

Further, the plan states that the proposed pond "planter" will be 25% of the size of the one at Rosemont Ridge Middle School. It is unclear as to what pond "planter" this comparison involves, because the applicant doesn't identify which pond "planter" they are comparing. The pond "planter" on Salamo Road is approximately 138 x 42, and the one behind the track to the west area is quantitatively larger. It appears that the comparison is being made to the one behind the track, which is misleading. The comparison of the size of the new proposed pond "planter" should be made to the one on Salamo Road, which is the one most visible to the public. It looks like the proposed pond "planter" is more like the size of the one on Salamo at Rosemont Ridge Middle School.

Sincerely,



Carrie Hansen
4760 Bittner St.
West Linn, OR





SITE STORM WATER NARRATIVE

RE: Sunset Primary School

March 24, 2016

Page 3

With the expansion of Drainage Area 1 to the east, the remaining Drainage Area 2 has been reduced from 3.8 acres to 1.2 acres. This reconfiguration of the site drainage basins will have the following impacts:

- A treatment and detention facility will be utilized for collection and treatment of stormwater from Drainage Basin 1. The impact of storm storage and potential infiltration from this facility is addressed in the next section.
- A new public storm sewer will be constructed in Bittner Street to convey the Sunset stormwater discharge from the treatment and detention facility to Long Street to tie into the same discharge location as the existing Sunset school site (shown in **Exhibit D.3**).
- **Exhibit D.4** shows the estimated entire drainage basin for the Long Street system. (Note that the boundaries are approximate and have been estimated from the City of West Linn map system.) This exhibit illustrates the additional area of 2.65 acres added to the overall 45 acre basin.
- The reduction of Drainage Area 2 will reduce the current level of area contributing to stormwater infiltration and migration down-gradient to the southeast. More rain water in this area will be captured and detained for offsite discharge.

Onsite Collection System & Conveyance Piping

The proposed new storm collection system onsite consists of standard pavement catch basins and plumbed roof drains from the building. Per the City of West Linn Public Works Design Standards, all new collection piping has been hydraulically designed to safely convey the 100-year storm. In addition, appropriate storm concentration times and “pipe roughness friction factors” have been used as defined in the Standards.

Size & Location of the Proposed Treatment & Detention Facility

The size of the proposed stormwater treatment and detention facility at the Sunset site is approximately 50 feet wide x 100 feet long (5,000 square feet of treatment and detention area) with a 48-inch depression. This is approximately 25% of the size of the similar facility at Rosemont Ridge Middle School. This represents approximately 2-3% of the overall 5 acre developed site for which it is providing stormwater treatment.

With respect to the grading of the facility, the surrounding top berm of the facility is at elevation 540.33 which is the approximate grade through the center of the existing play equipment area. The proposed location of the facility has been developed with regard to the existing site topography and has been influenced by the following factors:

- The facility needs to be positioned at the low point of the site to collect the complete runoff from all impervious areas of the site.
- The facility needs to be positioned to allow placement of the flow control and overflow structure to be connected to the public storm sewer system.
- The facility needs to be accessible and near a roadway for maintenance access.

April 11, 2016

File No. CUP-15-03/DR-15-17/VAR-15-01/02/03

Responding to new information submitted by applicant on March 28, 2016 from Kpff Engineering, particularly page 30 point 5 addressing landslide risks

To: City of West Linn Planning Commissioners

I am writing a letter to address some concerns I have regarding the proposed site for the new Sunset Primary School. After viewing the geological study that was conducted by Malia Kupillas of Pacific Hydro-Geology, and reading the concerns she outlined, as well as the information provided by the forester, I have concerns about the possibility of an increase landslide risk that may result from ground disturbance (falling of trees, etc.) and soil saturation due to the altered landscape. I live on Sunset Avenue, and may be vulnerable to any adverse events that could occur due to construction activities.

I have recently moved here from Washington State, where one of the most devastating landslides in the state's history occurred in 2014 in the town of Oso, Washington. I am a Natural and Cultural Resource Scientist and Archaeologist, and I worked at the landslide as a Site Monitor assisting in the recovery efforts during road rebuilding. The goal was to find the missing persons, as well as to preserve and collect any and all personal belongings that could be provided to family members.

The landslide occurred without warning on a bright sunny Saturday morning and it covered over a half-square mile with over 18 million tons of debris flow according to the USGS (USGS, 2015). In the end, 43 people (men, women and children) died as a result of the landslide. Over 40 homes were destroyed in an instant in the Steelhead Drive neighborhood. Logging on the slope above the slide was initially considered a possible culprit as well as oversaturation of the ground from higher than normal rain amounts. Research concluded that it may have been a combination of several factors resulting in this extreme disaster (GEER, 2014; USGS, 2015). Lawsuits were filed against the County and the State for not regulating the logging industry properly and for allowing construction in the area.

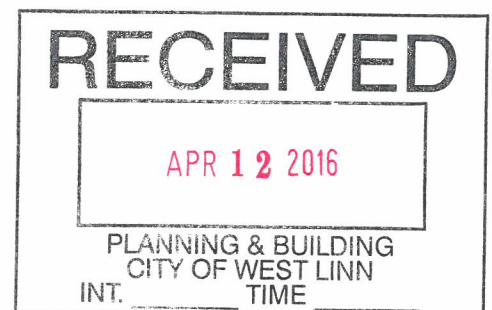
The city of West Linn has a 'Natural Hazards Mitigation Plan' and within the plan Goal A is: Protect Life and Property; which includes..." Improve hazard assessment information to make recommendations for regulating development in areas vulnerable to natural hazards." My experience with Oso shows me that it is much better to err on the side of caution when dealing with landslide risks than trying to deal with the after effects of them.

I believe that prior to beginning any construction, the City needs to look further at this point.

Sincerely,

Laurie L. Porter

Laurie L. Porter
1688 Sunset Avenue
West Linn, Oregon 97068



References

City of West Linn, Natural Hazards Mitigation Plan.

Geotechnical Extreme Events Reconnaissance (GEER), Turning Disaster into Knowledge, National Science Foundation (NSF), July 22, 2014; The 22 March 2014 Oso Landslide, Snohomish County, Washington.

USGS, 2015. One Year Later- The Oso Landslide in Washington. The USGS reflects on the landslide that occurred on March 22, 2014.

To: The West Linn Planning Commission

April 11, 2016

Re: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03

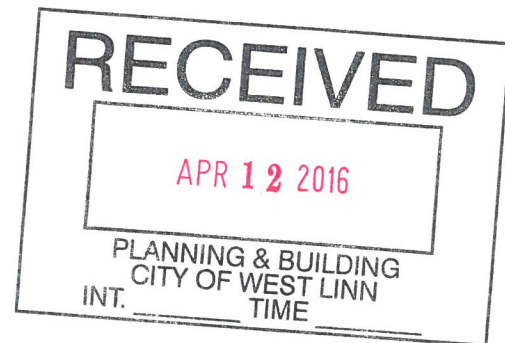
Proposed Sunset Primary School development application

Memorandum concerning CUP approval criteria and variance approval criteria as relates to new testimony by applicant found on pages 15, 16 and 337 of applicant's March 28, 2016 submittal. In particular applicant provides a table (table 1), financial information and staffing information not previously presented by applicant.

David Dodds

18931 Old River Drive

West Linn, OR 97068



Commissioners:

The applicant has been abundantly clear that locating a new school on the footprint of the old school would cause the applicant some problems. What the applicant has not done is demonstrate that building on the original footprint could not be done. Avoiding inconvenience and added expense to an applicant are not valid grounds for approving variances or conditional use permits. This is all the more true when considering that the opponents have presented in great detail and volume the tremendous problems they have with the current development plan.

The old school has lasted for sixty years; it is likely that a new school would last as long if not longer. Given the probable life expectancy of the new school, one year's inconvenience would be a very small price to pay to build a facility that the Sunset neighborhood could enthusiastically embrace. Contrast that outcome with approval of a plan that leaves the Sunset neighborhood angry and embittered for years if not decades to come.

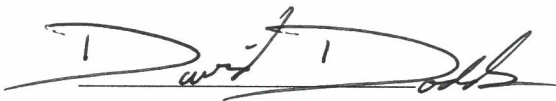
Interestingly enough, the applicant actually touches on a perfectly workable solution when it discusses relocating all the students to Cedaroak Park with the use of portable class rooms (page 16). Cedaroak Park has ample open space and portables have been used there in the past. As regards the issue of overcrowding the applicant provides data that actually weakens their arguments. As can be seen with Trillium Creek on page 15 and the enrollment information on page 337, the district routinely operates schools at over their rated capacity. While that situation might not be ideal, it evidently is far from unusual.

In consideration of the temporary relocation problem, the applicant emphasizes the difficulties while simultaneously lightly discounting any concerns about having small children directly adjacent to a construction zone. The distinct impression is given that one would be a great burden while the other is almost trifling if not perhaps even frivolous. Unfortunately I believe that the true situation is almost exactly the opposite. If only the applicant would give up its inflexibility on this subject all of the issues of this application could be resolved.

When reviewing this application, particularly as it relates to variances and the CUP, I urge the Planning Commission to consider the whole site. For the purposes of both the applicant wants to act as if the western third of the property doesn't exist. CDC 75.020B(1)a states in clear and unequivocal language that "***The variance is the minimum variance necessary to make reasonable use of the property***". Clearly the applicant can move the building to the west and either avoid requesting a variance altogether or greatly reduce the scope of variance for parking. There is no topographical difficulty with doing this. Nothing about the lot shape precludes it. It is merely the applicant's preference to avoid the bother and inconvenience of temporary relocation of the students. On that basis alone the level of variance isn't warranted, much less when weighed with all the other issues raised by the opponents.

I urge the Planning Commission to deny the requested variances and as a consequence deny this application. When doing so the Commissioners could also take the opportunity to urge the applicant to strongly reconsider the issue of temporary relocation.

Sincerely,

A handwritten signature in black ink, appearing to read "David Dodds". The signature is stylized with a large initial "D" and a long horizontal stroke extending to the right.

David Dodds

Pacific Hydro-Geology Inc.

18487 S. Valley Vista Rd.
Mulino, OR 97042
(503) 632-5016

April 12, 2016

City of West Linn Planning Commission
22500 Salamo Road #1000
West Linn, OR 97068

RE: File CUP-15-03/DR-15-17/VAR-15-01/02/03, response to the verbal testimony provided at the 4/6/2016 hearing by Mark Wharry and letter submitted March 28, 2016, City's page numbering 22 through 32.

To City of West Linn Planning Commissioners:

Malia Kupillas from Pacific Hydro-Geology Inc. (PHG) attended the hearing on April 6, 2016. She has found that Mark Wharry from KPFF has not addressed the landslide risks identified by the mapping completed by the Department of Geology and Mineral Industries (DOGAMI). DOGAMI's Open-File Report O-13-08 covers the landslide hazard and risks of northwestern Clackamas County, Oregon, which includes the school. PHG has provided the Commission with the maps from this report that clearly show there are areas adjacent to the park and Sunset Creek that have a moderate risk for landslides. These maps and report were prepared by DOGAMI to increase the understanding of landslide risks and hazards with the intent that these maps would be used in connection with landslide ordinances and building code regulations. The maps can also be used in development planning, comprehensive planning, and maintenance planning to reduce the risks from landslides. The current storm water management plan does not take into consideration the landslide risk to the properties west of the park that are downgradient from the proposed infiltration/detention pond. Thus, this land use application is incomplete and does not meet the submittal requirements of 92.010(E) and 55.130(B). Therefore, it should be denied.

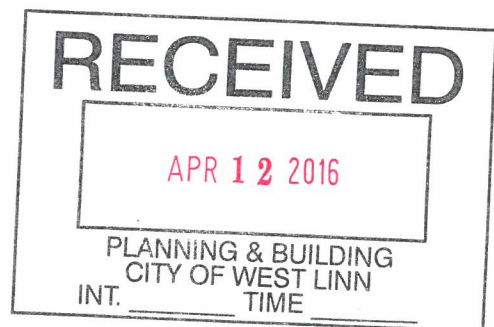
The community is ready and willing to work with the School Board to help address all of the community's concerns.

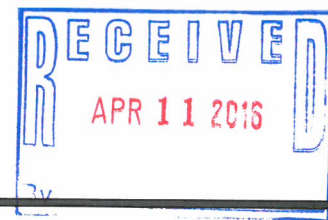
Sincerely,



Expiration Date 5/31/16

Malia R. Kupillas, R.G., C.W.R.E.





Wyss, Darren

From: Shroyer, Shauna
Sent: Monday, April 11, 2016 9:32 AM
To: Wyss, Darren
Subject: FW: Reasons to Reject Current Sunset School Application (Responding to New Evidence)

For the record

From: Rebecca Adams [mailto:radams014@gmail.com]
Sent: Sunday, April 10, 2016 1:52 PM
To: CWL Planning Commission <cwl_planningcommission@westlinnoregon.gov>; Rebecca Adams <radams014@gmail.com>
Subject: Reasons to Reject Current Sunset School Application (Responding to New Evidence)

Dear Planning Commissioners,

(List of the new information this letter responds is included below as **Exhibit A**)

What follows are **reasons to reject the current Sunset School application** since there are both technical and procedural problems evident from the application itself and the staff position of excluding the ballot measure criteria from consideration.

On the **technical issues** the pond water catchment system looks to be over-built and over-centralized creating unacceptable off-site impacts upon adjacent parkland and down slope private property holdings. **It seems the pond size and outflow pattern has been altered through out the process to the degree that this meets the threshold of being deemed a new application.** Starting over would give the property owners along Sunset Creek and the unnamed creek that runs by the dead ends of Alder and Walnut Streets a fair opportunity to advocate for their property rights. The unnamed creek next to the Alder and Walnut street dead end over tops approximately two times each year. Evidence of this year's over topping is should still be visible near the Alder dead end, though the over topping damage at the Walnut dead end was already repaired a month or two ago. This creek had a history of over-topping even more frequently before it was dredged a few years ago.

The Hydrologist hired by the neighborhood recently provided new and reasonable alternatives to the district's risky over-concentrated fenced-off storm water design. Her effort and the neighborhood's effort to forge a win-win solution should not be dismissed. They map a viable alternative forward. It's right about now that I ache for the excised "community benefit" language in the Conditional Use Permit, a reasonable feature of the code that ought to be restored. I also can't help but wonder who in their right minds risks putting an intermittent pond next to an elementary school? Fences are no real obstacle for the young, at least they weren't for me.

I am honestly most concerned about the odd precedent of excluding the ballot language from consideration based upon Ms. Thornton's limiting list of acceptable criteria. I am not sure why the staff is not concerned about the impact of the City ending up bargaining in bad faith in a manner that is so blatant, so obvious, a betrayal of the voters acceptance of the conditions of the sale. If there is one single document that bears most pertinently upon this entire issue it is the language voted upon in the ballot measure. I believe Ms. Thornton is incorrect in the advice she is giving you for the following reasons:

Our city Charter in Chapter XI severely restricts the circumstance under which park land can be sold as follows:

Section 46. Park and Open Space.

(a) The City shall not engage in the lease, sale, exchange or nonauthorized use of City owned park or open space without first receiving voter approval for such lease, sale, exchange or nonauthorized use. Such approval shall consist of a majority of votes cast at a regularly scheduled election in favor of a *specific proposal* for a lease, sale, exchange or nonauthorized use of City owned park or open space.

During negotiations for the property transfer the District and the City agreed to *specific conditions* which were later expressed in the ballot measure. The ballot measure does not exist in isolation, and it is not without legal standing in this case. In effect the ballot measure partially extends the charter protections for this parcel when it lists the charter's requirement for specificity in the proposal. In this case, the specifics included not just the property description, but three important specific conditions under which the citizens of West Linn were willing to revoke their ownership rights to the land in question. It reads:

If approved, the terms and conditions related to the sale would include Sunset neighbors in the school planning process, maximize recreational opportunities while preserving significant trees at the site.

Our electorate absolutely positively did not vote to sell this property outright, it voted to sell in a manner which rolled some of the Chapter XI protections into the new design. The power of the ballot measure to bear upon this case flows from chapter XI itself as the voters decided to give up many, but not all protections. The ballot measure is tailor made to define the exact conditions under which this transfer is acceptable to the electorate. Is it any surprise that Ms. Thornton did not find it mentioned in the laundry list of relevant statutes? This was hand-made for this one circumstance.

I agree with Ms. Hennesy that the public has a reasonable right to expect the City and the District to adhere to commitments that were negotiated and promised to over the course of various public meetings, extended into an approved ballot measure, and consummated with a title transfer. Please don't think that while unjust, this renegeing on negotiated commitment is not your business. It is no small coincidence that all three conditions fall squarely in the purview of land-use decisions. Sunset's engagement in (meaningful) planning, preservation of significant trees, and provision for maximizing recreation (use) of the site: this is the stuff that land-use decisions are made of. Each of these commitments have been ignored or flat out contradicted in the application. Why the planning staff called the application complete in the face of such looming loose end remains an enduring puzzle.

So, you have a difficult decision before you, made more difficult in my opinion by poor legal council and by the avalanche of documentation cluttering your desks. I urge you to deny the application, and for all the reasons above, **I would like to assert my personal right to standing in this case. I also assert the right to standing of an entire class of citizens which number close to 25,000 bodies. On behalf of all West Linn citizens, voters and non-voters, who on that day of the sale were the collective owners of this parcel, I assert their right to standing by reason that the enactment of the sale via ballot measure modified each of their title XI rights in relation to this property, and the district's final plan modifications fail to fulfill what was promised.**

Please vote to deny.

The rights of the 25,000 as a class must be considered.

Rebecca Adams
1941 Buck Street
West Linn, Oregon 97068

Exhibit A

Responding to Megan Thornton's explanation and erroneous guidance of Planning Commission when asserting that the Ballot measure language is inadmissible when Ms. Kirkendall brought it up in the second hearing.

Responding to staff's overhead language incorrectly asserting the same as above.

Responding to apparent alteration of pond facility size and proportion of exit routing shunted each way.

Responding to evidence stating available core samples reviewed did not in fact record measure of ground water depth.

Responding to uncertainty about soil types and implications for seepage and standing water.

Responding to Hydrologist suggestions describing alternative solution to storm water management when questioned by Commissioners.

Responding to various persons testifying recent observation of standing ground water within play area after a series of recent dry days indicating possibility of clay or hard pan soil layers which could lead to seepage or unexpected movement to water out of pond facility.

Responding to photos of ducks taking up residence in standing water in storm water dispersal structure at WLWV school within one mile (as the crow flies) of Sunset site and safety implication of standing water near school aged children.

Responding to any additional relevant new evidence embedded in the 900+ additional pages submitted since the first hearing that I might have missed, since I, like the commissioners struggle to keep up with the reading and sorting the new from the old.

Responding to the onerous burden of proof that had been laid upon those asking for this seven day period and those trying to navigate writing a proper response so that it is not redacted to death or round filed in an arbitrary and capricious manner.

Therefore requesting that the Planning Commission insist that all written submissions rejected by staff in this seven day period be retained so that an independent review of the culling process can be done and that each individual with a written item rejected or redacted be notified of which items did not pass staff's filter and why.

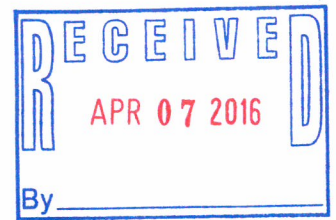
End of Exhibit A

Shauna Shroyer, Administrative Assistant
Planning, #1557



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.

Letter to the commissioner regarding Sunset Park



In Re: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03

Date: March 06, 2016

Dear Planning Commissioners,

I am writing as a concerned member of the West Linn community. I understand that this week you will be reviewing the plans to re-build the Sunset Primary School.

We are concerned that these plans will affect the quality and safety of our community.

Some of the issues that need to be reviewed include the loss of much of Sunset Park, the poor engineering design of the stormwater pond, the location of the new school play space, the presence of parking and street space relative to green space, and the options regarding building the facility while children remain in the old building right next to an extremely noisy construction site. Additionally, several outside experts have been consulted and expressed serious concerns about many of the conclusions and data in the plan.

I personally enjoy having the park there. I frequently go for a walk, run, jog, and perform other relaxing and exercise activities.

Community members WANT to work with you. Please allow this process to better include us.

We urge you NOT to approve these plans.

Please allow more time to consider many of the alternate opinions and questions that have been raised.

Please allow the community time to review the over 900 additional pages that the school district submitted last Wednesday.

Please include the community members to help arrive at a solution that will protect our children and all of our resources.

Please represent the concerns of those community members that you so kindly serve. Thank you for your consideration.

Sincerely,

Sambath Chao
2664 Oxford Street
West Linn, OR 97068

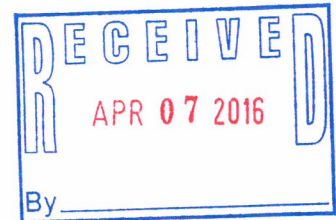
Wyss, Darren

From: Noelle Bledy <noellebledy@gmail.com>
Sent: Wednesday, April 06, 2016 5:53 PM
To: Wyss, Darren
Subject: Re: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03

April 6, 2016

Re: File No. CUP-15-03/DR-15-17/VAR-15-01/02/03

Sunset Primary School Building Application



Dear Planning Commissioners,

I am in favor of a new school site plan that is well thought out for the Sunset Neighborhood "L". Where Sunset Park flows into Sunset Primary School play area-- the original design. It is the heart of the community and offers majestic undisturbed nature. A Sunset Neighborhood landmark. This can be achieved by placing the parking on the west, the building in the middle where it is currently located and the play area and field to the east where Sunset Primary School meets Sunset Park.

Please reject the current plan. The mature Douglas fir trees slated to be logged is not necessary. This tree removal will change the already wet hydrology, which is strongly advised to be maintained as it is. Rain gardens throughout the site coupled with permeable parking would eliminate the need for a pond. This wise decision would also include less at risk mature Douglas fir trees. Who wants over a dozen and a half at-risk trees considering the violent winds storms that rip through Sunset Park at will? We really need to consider the prominent location that these are in. Next to a school, park and homes.

The parking variance, for a large parking lot which is much too far away, is not acceptable. We finally get more proposed parking and it was not well thought out.

The pond is not the only component that puts mature Douglas fir trees at risk. There are 9 trees at critical risk near the building, this is very questionable. Especially when you weigh in the consideration of the proposed "Forest to Become a Classroom." When you think about it, we have a forest classroom already, we just need to clean up the underbrush in the northeast corner.

WLHS class of 2015 and 2016 was displaced as a Kindergarten class, bussed to another location. My daughter was included. All turned out fine.

As for the school working with the neighborhood. We saw the pre-application photo that satisfied the Ballot Measure 3-358. We were not invited in on the design. In August of 2015 we got a rude awakening with the parking lot in the original park. Some feedback was taken by the school after that, such as pushing the building further into the beloved park/greenspace and re-considering the large garage door window that faces the homes, making the windows smaller. The Director of Operations made it verbally clear to my neighbor and I, in meeting in his office, that the school could take their \$24 million and go elsewhere. We thought it was best not to call him anymore.

Sincerely,

Noelle Bledy
4776 Bittner St.
West Linn, OR