



**PLANNING COMMISSION**  
**Meeting Notes of July 7, 2021**

<u>Commissioners present:</u>	Gary Walvatne, Charles Mathews, Lamont King, Joel Metlen, Carrie Pellett, Scott Erwin, and John Carr
<u>Applicant Representatives:</u>	Remo Douglas, Mercedes Serra, Mercedes Serra, Angela Caffrey, Pat McGough, Kathy Ludwig, Carrie Richter, Rebecca Stuecker, Rebecca Grant, Scott Mansur, Jenna Bogert, Matt Manzer, Danielle Pruett, Mark Wharry, Ian Holzworth, Shawn Dimke, and Greg Parthemer
<u>Public Present:</u>	Kathie Halicki, Willamette Neighborhood Association, Laura Wirth, Bogdana Clarke, Steve H Elliott, Wade M Clarke, Rebecca Regello, and John McCabe
<u>Staff present:</u>	Darren Wyss, Planning Manager; Chris Myers, Associate Planner; Tim Ramis, City Attorney; Lance Calvert, Public Works Director; and Lynn Schroder, Administrative Assistant

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The meeting [video](#) is available on the meeting page.

**1. Call To Order and Roll Call**

Chair Walvatne called the virtual meeting to order at 6:40 pm.

**2. Public Comment Related To Land Use Items Not On The Agenda**  
**None.**

**3. Approval of Meeting Notes: [5/19/21](#) and [6/16/21](#)**

Commissioner King and Mathews requested changes to the June 16 meeting notes. Chair Walvatne requested changes as well. Commissioner Carr moved to approve the 5/19/21 and 6/16/21 Planning Commission meeting notes, as amended. Commissioner Mathews seconded. **Ayes: King, Mathews, Pellett, Erwin, Carr, Metlen, and Walvatne. Nays: None. Abstentions: None. The motion passed 7-0-0.**

**4. Public Hearing: [CUP-21-02/DR-21-04/WRG-21-02/MISC-21-04/VAR-21-01/VAR-21-06/LLA-21-02](#) - 945 Dollar Street Conditional Use, Class 2 Design Review, Willamette River Greenway, Flood Management Area, Class 2 Variance, and Lot Line Adjustment for a new Athey Creek Middle School.**

Chair Walvatne introduced the proposed project and explained the hearing procedures. He opened the public hearing to consider the West Linn-Wilsonville School District's request to approve a Conditional Use, Class 2 Design Review, Willamette River Greenway, Flood Management Area, Class 2 Variance Lot Line Adjustment for the proposed Athey Creek Middle School at 945 Dollar Street.

City Attorney Ramis addressed legal standards and appeal rights. The substantive criteria that apply to the application are Community Development Code (CDC) Chapters 11, 28, 32, 34, 41, 42, 44, 46, 48, 52, 54, 55, 60, 75, 92, 96, and 99 of the Community Development Code (CDC). The hearing was conducted pursuant to the provisions of CDC Chapter 99.170.

City Attorney Ramis addressed Planning Commission conflicts of interest, ex parte contacts, and challenges. No Commissioner declared a conflict of interest, bias, or ex parte contact. Commissioners King and Mathews declared site visits but did not learn anything that wasn't already in the record. Chair

Walvatne declared a site visit where he noted the condition of the roads surrounding the property.

City Attorney Ramis asked the public if there were any challenges to the Planning Commission's jurisdiction to hear the matter. John McCabe questioned if the proposed new middle school still needed to be approved by Clackamas County within the 120 quasi-judicial proceeding. City Attorney Ramis responded that the question was not a challenge to the Planning Commission's jurisdiction. He further responded that any additional approval that Clackamas County may require would not be a time limitation on the City's obligation to decide the case within the 120-day time limit. Carrie Richter stated that the proceeding should be held in person rather than virtually on Webex. City Attorney Ramis responded that Carrie Richter's statement was not a challenge to the Planning Commission's jurisdiction. There were no other challenges or objections to the Commissioners' jurisdiction or impartiality on the application.

Associate Planner Chris Myers presented a staff report. Myers noted that there were 273 Staff Findings for the proposed new middle school. The proposed new middle school meets all applicable code criteria except for the two requested variances, which staff recommended conditions of approval to satisfy code criteria. Staff recommended approval of the application with proposed conditions.

Commissioner Metlen asked if the TSP contemplated the connection of Dollar Street to Willamette Falls Drive at Brandon Place. Myers confirmed that it did.

Commissioner Mathews asked about pedestrian safety at roundabouts. Public Works Director Calvert responded that, in general, national studies have demonstrated that roundabouts are safer for pedestrian crossings than other crossing alternatives. Roundabouts slow traffic down, provide better sightlines, and pedestrians only cross one lane of traffic at a time. He noted that one of the benefits of roundabouts is eliminating right-angle collisions, which are the most deadly collision. Commissioner Mathews said that the traffic analysis did not compare pedestrian safety for different intersections at the proposed Brandon Place intersection.

Commissioner Mathews asked if the City required the applicant to put in a roundabout at this location. Calvert responded that the City prefers roundabouts for new intersections when possible because of their safety advantages.

Commissioner King noted that the proposed roundabout is not part of the TSP yet. He asked if the proposed middle school was contingent on the roundabout. Calvert responded that the roundabout was part of the traffic analysis for the proposed new middle school. City Attorney Ramis answered that the PC must determine if the proposed new middle school, which includes the roundabout design, meets the code criteria.

Commissioner Erwin noted that the traffic analysis prepared by technical experts included several pages on pedestrian safety. Erwin stated that he was confident that the applicant made the best decision on pedestrian safety for the intersection.

Remo Douglas of the WLWLS, Mercedes Serra of 3J Consulting, and Scott Mansur of DKS Engineering presented the proposed new middle school. Serra stated that the proposed new middle school was responsive to community concerns about site layout, noise, building size and massing, tree removal, light, connectivity, and traffic. She presented the design details that were incorporated into the proposed new middle school as a result of community concerns.

Scott Mansur presented the traffic impact analysis. Mansur stated that applicant conducted an alternatives analysis on the proposed intersection design at Branson Place and Willamette Falls Drive. The roundabout design was by far the preferred alternative for capacity and safety. The roundabout design would reduce the risk of severe and fatal injury by up to 80% by lowering vehicles' speed to 15-20 mph and providing good sightlines to pedestrians crossing the intersection. A signaled intersection would not work because the existing bridge could not accommodate a left-turn lane necessary for the design.

Commissioner Mathews asked about the level of service for the intersection at Ostman and Willamette Falls Drive. Mansur explained that the 2023 No-Build scenario shows that the Willamette Falls Drive/Ostman Road intersection would fail to meet operating standards. However, under the 2023 Build scenario that would reroute some trips to Brandon Place, the Ostman/Willamette Falls Drive intersection would improve to Level of Service D as it operates today.

Commissioner Metlen asked about how the I205 tolling concept would impact traffic in the neighborhood with the proposed school. Mansur replied that there is too much unknown about the I205 tolling concept to evaluate the impacts. Still, he noted that the ODOT would be responsible for mitigating I205 tolling on the neighborhood.

Commissioner Metlen asked if the number of walking students is expected to increase over time. Douglas noted that the current Athey Creek Middle School on Borland Road does not have any walking students, but the new Athey Creek would have some walking students from the surrounding neighborhood. He stated that the School District needs to think very long term when building new schools. He noted that it is conceivable that the City may expand west and south, resulting in more students walking to school.

Commissioner Metlen asked about mitigation for traffic, light, and noise. Douglas outlined traffic calming, car queuing, light and noise mitigation measures that would be implemented.

Commissioner King noted that the school district applied for a new middle school in early 2000 and the Planning Commission and City Council did not approve it. He asked what changed since that determination. Douglas responded that 17 years ago, the School Board did not view the property as suitable based on projections at that time. The current School Board has reevaluated the property based on an extensive design and study process. The property is suitable in 2020 for multiple reasons, including improved infrastructure in the area and the balance of middle schools across the School District.

Commissioner Erwin asked about noise mitigation during construction. Douglas responded that the School District would follow the City's municipal code related to construction noise. They will request that the contractor build Brandon Place early in the process to alleviate construction traffic on Dollar Street.

Commissioner Erwin asked if the School District considered other locations for the new middle school. Douglas responded that there were not many locations in West Linn that were suitable and large enough to locate the new middle school. Relocating the Athey Creek Middle School to the Dollar Street site provides the District with two middle schools located in different areas of West Linn to address enrollment growth at the middle school level. West Linn High School is more than 200 students over capacity. Wilsonville High School is predicted to eclipse capacity in the next ten years. The school district needs to build a new high school. The Athey Creek/Borland Road site is centrally located within the District, making it ideal for a new high school.

Chair Walvatne questioned why Athey Creek Middle School needed to move and how locating a middle school at the Dollar Street location serves the City of West Linn. Douglas responded that the growth projections indicate that middle school enrollment in West Linn is expected to exceed capacity by more

than 100 students by 2028. In the 2018-19 school year, 432 of 663 Athey Creek students lived in West Linn. Building a new Athey Creek Middle School on the Dollar Street site allows the District to bring the school closer to where students live. The new location is most suited for the students that will be served. He stated that the City also benefits from the new school by the additional sport fields, a track, a large community gathering space, improvements to Willamette Falls Drive, and the Brandon Place street connection. He noted that the parking problem at West Linn High School is exacerbated because the school is over capacity. A new high school at Athey Creek/Borland Road will reduce the number of students enrolled at West Linn High School and alleviate parking problems in that area.

Chair Walvatne asked how the arsenic found onsite would be mitigated. Douglas responded that the construction team would implement the DEQ rules and guidance so that the site would be in full compliance. The School District would retain its environmental consultant during construction to ensure that the material is handled appropriately.

Chair Walvatne observed that the Geotech report included in the staff report was not for the Athey Creek/Dollar Street site. Instead, the included Geotech report was for the Athey Creek/Borland Road site. Douglas responded that the Athey Creek Middle School/Borland Road report was erroneously submitted in the second submittal the District provided to the City. He noted that the first submittal had the correct Geotech report. Staff Planner Myers confirmed that the first submittal to the City that he reviewed included the Geotech report for the Athey Creek Middle School/Dollar Street. To address incompleteness on other items, the City required that the applicant resubmit the complete application with all the necessary documents. The applicant erroneously included the Athey Creek/Borland Road Geotech report instead of the Athey Creek/Dollar Street Geotech report in the second submittal.

Testimony was provided from Kathie Halicki, Willamette Neighborhood Association, Wade Clarke, Laura Wirth, Bogdana Clarke, and John McCabe. Concerns about trees, traffic, safety, light and noise, benefit to City, and process were identified.

Laura Wirth asked the PC to deny the project because the application fails to meet the approval standards and conditions outlined in CDC 60.07 - to provide a sufficient community benefit. She stated that the staff report relied on an erroneous finding. She said that the proposed middle school would not be walkable or more centrally located for 77% of current students. She stated that data in the staff report showed that the majority of population growth to serve Athey Creek middle school comes from Wilsonville, not West Linn.

Bogdana Clarke asked the PC to deny the project because it does not comply with the transportation policies of the Comprehensive Plan. She stated that the Traffic Impact Analysis identifies adverse impacts to the neighborhood created by the proposed new middle school that the applicant does not mitigate. Clarke stated that growth in the Stafford area is real motivation behind the project and future enrollment demands.

Willamette Neighborhood President Kathie Halicki stated that the WNA did not have sufficient opportunity to have their concerns addressed during the Neighborhood Meeting phase. She was concerned about the large footprint of the proposed building, the impact of the stadium lighting on the neighborhood, the impact on bald eagles, emergency access and traffic stacking on Willamette Falls Drive and Dollar Street, overflow parking in the neighborhood, the proposed roundabout, safety, and process issues.

Steve Elliot testified about the traffic impacts to the area. He stated that because Ostman/Willamette Falls Drive intersection currently fails to meet operating standards. With a new intersection at Brandon

Place, traffic would divert down Dollar Street to the Willamette Falls Drive/Brandon Place intersection. The neighborhood would be impacted with increased thru-traffic. He stated that Dollar Street would become just as congested as Willamette Falls Drive.

John McCabe stated his concerns about the proposed roundabout on Willamette Falls Drive, bald eagle habitat, service area, and school capacity.

Wade Clarke testified about the transportation, the Willamette Falls Drive/Ostman intersection, lightning, and noise impacts. He stated that the proposed new middle school does not comply with the Comprehensive Plan because the rerouted traffic conflicts with the Comprehensive Plan, protecting neighborhoods from excessive thru-traffic. He stated that the track setbacks are insufficient to address to mitigate the impacts from light and noise.

Rebecca Regillo testified that the population growth in the area does not support a middle school in this area. She requested the opportunity for an additional public, in-person hearing because she has learned additional information to which she would like to respond.

Remo Douglas responded to the public testimony. He stated that because the majority of students that attend Athey Creek Middle School live in West Linn, the new site is appropriate and central to the student body that the school serves. He stated that the School District is responsive to the neighborhood concerns by providing traffic calming measures, lowering the building and site improvements, improving queuing capacity onsite, retaining and replacing trees, balancing retaining walls versus slopes, setback distances from the street, and vegetative buffering fencing along Dollar Street. The lighting study shows that the light will not trespass on adjacent properties. The School District stated that the meeting held with the neighborhood association in late 2020 was intended to fill the neighborhood meeting requirement. They did host an additional meeting with the neighborhood association. The congestion at Ostman/Willamette Falls Drive will continue to degrade with or without the new school.

The applicant requested a continuance to submit the correct Geotech report for the property with an opportunity for that final written rebuttal.

Commissioner King moved to continue the public hearing to August 4, 2021, and keep the record open for the Geotech report. The applicant shall submit a Geotech report by July 14, 2021 at noon, and the community shall have until noon on July 21, 2021 to provide written comment on the Geotech report supplied by the applicant. The applicant shall submit the final written rebuttal by July 28, 2021 at noon. Commissioner Erwin seconded. **Ayes: Carr, Pellett, Metlen, Erwin, King, Mathews, and Walvatne. Nays: None. Abstentions: None. The motion passed 7-0-0.**

**5. Items Of Interest From The Planning Commission**

None.

**6. Items Of Interest From Staff**

None.

**7. Adjourn**

Chair Walvatne adjourned the meeting at approximately 11:00pm.