



PLANNING COMMISSION

Minutes of August 20, 2014

Members present: Chair Christine Steel, Vice Chair Russell Axelrod, Nancy King, Jesse Knight and Ryerson Schwark

Members absent: Lorie Griffith

Staff present: John Boyd, Planning Manager; Peter Spir, Associate Planner; and Megan Thornton, Assistant City Attorney

PREHEARING MEETING

Chair Steel convened the meeting at 6:00 p.m. in the Rosemont Room of City Hall. Staff and the Commissioners discussed that written testimony had been received, the scope of the hearing, and the process. Staff agreed to find out if the online link to the updated CDC needed to be fixed. They announced the October 6 joint session with the City Council. Commissioners King and Knight volunteered to represent the Commission at the quarterly meeting of the City Manager and advisory bodies. Ms. Thornton discussed the restrictions when a Commissioner was a candidate for City Council. Chair Steel adjourned the meeting.

REGULAR MEETING - CALL TO ORDER

Chair Steel called the meeting to order in the Council Chambers of City Hall at 6:30 p.m.

PUBLIC COMMENT

Alice Richmond, 3939 Parker Rd., announced the Oktoberfest at the Adult Community Center.

Tad and Genevieve Remington, 2140 Fircrest Dr., sought advice regarding a utility easement on their private drive. Staff provided them with contact information.

PUBLIC HEARING

MISC-14-04, Modification of conditions of approval for DR-09-05 to allow athletic field lights to be left on an extra hour until 10:00 p.m. at Rosemont Ridge Middle School

Link to the staff report and written testimony: <http://westlinnoregon.gov/planning/planning-commission-meeting-43>

Chair Steel opened the public hearing and outlined the applicable procedure and criteria. Vice Chair Axelrod and Chair Steel each reported a site visit. No one present challenged the authority of the Commission or any individual Commissioner to hear the matter.

Staff Report

Mr. Spir reported the applicant proposed to modify original condition of approval 3b. so they could leave the field lights on an extra hour until 10:00 p.m. The staff report discussed that staff found code criteria in regard to compatibility between adjoining uses, buffering and

screening; and privacy and noise were met. They based their findings on the original photometric studies; the distance to abutting properties; and the vegetative screening. Staff recommended approval. They pointed out that written testimony in opposition to the application had been submitted.

Applicant

Tim Woodley and Kevin Mills, West Linn-Wilsonville School District, 2755 SW Borland Road, Tualatin, Oregon (97062) testified that the field lights were set to automatically shut off at 9:00 p.m. They had found that 9:00 p.m. did not provide them with appropriate time for activities and cleanup before the lights shut off. They wanted the flexibility to go to 10:00 p.m. if they needed to. They advised the community used the track and fields a lot. The extended time would allow them to schedule two different teams using the field. During the questioning Mr. Woodley indicated that he had just become aware that conifer trees between the site and an adjacent private home had been limbed up. A groundskeeper had started to trim them and been stopped by a senior staffer. The applicant would add vegetation there so they would be in compliance with the original conditions of approval.

Public Testimony

Alice Richmond, 3939 Parker Rd., related that even having lights on until 9:00 p.m. was a nuisance for neighbors, especially those who went to bed early so they could be at work or school early. She pointed out the applicant had indicated that having lights on later would allow them to schedule more games. She asked the Commission to continue and keep the record open.

Kent Seida, 2545 SW Anchor Ave., Lincoln City, Oregon (97367) and 21895 S. Day Road, West Linn (97086) had submitted written testimony. He described adverse impacts to his property, including damage from flying balls; vandalism; discarded debris; lack of privacy and light intrusion due to limbed trees; noise from a public address system; and that lights, noise and kids throwing rocks scared his cattle. He contended the applicant was renting out the field and it was a commercial operation. He asked the Commission to keep the record open for seven more days and visit the site to see what he had to put up with. He asked them not to approve the application. During the questioning period he and Commissioners talked about seeking City enforcement of conditions of approval and that the Commission had no control over the Urban Growth Boundary. Mr. Seida held where there were lights there was also noise; the application was false because the trees no longer screened the light; and he did not anticipate the applicant would actually plant vegetation. He clarified that he would not agree to extend lights to 10:00 p.m. even if screening was returned because the property was supposed to be used for education and it was being used as a sports complex; it took another half hour for them to get their gear out after the lights shut off at 9:00 p.m.; and 10:00 p.m. was too late in a residential area.

Rebuttal

Mr. Woodley wanted the record to reflect that he had just learned about Mr. Seida's comments that day and Mr. Seida had not made any comments to the school district regarding any of these things since 1999. He indicated that screening and whether or not the trees were intact was outside the scope of the hearing. Because they used 'Dark Sky' lights that did not shine beyond the edge of the field he questioned why screening was a factor. He advised the site was permitted for school use, which included outdoor activities; and, the fields had been there since 1999. They did not make money at the site. They charged not for profit groups about what it cost to pay for lights. The only public address system they had was the one they used during women's spring softball games, which were over by 8:00 p.m. There might be sounds from a kid's or a community person's boom box. He said if the Commission continued the hearing the applicant would submit a written response. He could not guarantee there would be field activity and the lights would be on when the Commissioners came by to see them.

Chair Steel closed the public hearing. Commissioner Schwark **moved to continue MISC-14-04 to September 17, 2014** for deliberations; leave the record open for written testimony to close of business on August 27; and give the applicant until close of business September 3 to submit written rebuttal. Commissioner King **seconded** the motion and it **passed 5:0**.

CODE MAINTENANCE BRIEFING

Staff planned to confirm and forward a schedule for a work session and hearing of CDC-14-02.

ITEMS OF INTEREST FROM THE PLANNING COMMISSION

None.

ITEMS OF INTEREST FROM STAFF

None.

ADJOURNMENT

There being no other business, Chair Steel adjourned the meeting at 7:44 p.m.

APPROVED:

Christine M Steel
Christine Steel, Chair

9-17-14
Date