



## Memorandum

Date: May 17, 2016

To: Russ Axelrod, Mayor  
Members, West Linn City Council

From: Darren Wyss, Associate Planner

Subject: AP-16-01 Public Comments – 5/12/2016 to 5/16/2016

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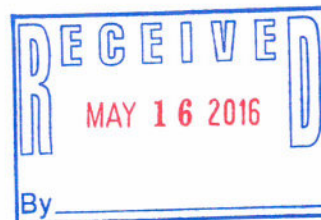
The deadline to submit written comments for AP-16-01, an appeal of the Planning Commission approval for the Sunset Primary School replacement, was 5:00 p.m. on May 16, 2016. Attached are all written comments received after the May 12, 2016 Council Agenda Report and up until the comment deadline.

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

## Wyss, Darren

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**From:** Noelle Bledy <noellebledy@gmail.com>  
**Sent:** Monday, May 16, 2016 4:59 PM  
**To:** Wyss, Darren; Shroyer, Shauna  
**Subject:** AP-16-01



Dear Mayor Axelrod and City Council,

I was not going to write in again. But since I have talked to countless people up and down the hill here in Sunset and with many of the West Linn Neighborhood Presidents, who are in agreement-- we have a water problem in West Linn. Plain and simple. Many residents are fed up with the flooding they have experienced or are in fear of what construction up hill from them could lead to, and with good reason. Many residents are out thousands of dollars due to flooding. Many residents cannot afford this. Neighbors mention they know when construction is done above them because the extra increased water ends up on their property.

The City of West Linn needs to have a hydrologist on retainer, or on staff. The City of West Linn needs to address the entire hill as a whole not individual plots of land when it comes to construction and our watershed. Does anyone at the City of West Linn know where the breaking point is when we consider the DOGAMI maps? Is anyone concerned about this?

If you deny the appeal, Mayor Axelrod and City Council, please strongly consider-- you are setting precedent to continue ignoring the Community Development Code and the Storm Water Plan.

Respectfully,  
Noelle Bledy  
4776 Bittner Street

## Wyss, Darren

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**From:** Otterman, Don  
**Sent:** Monday, May 16, 2016 4:44 PM  
**To:** Wyss, Darren  
**Subject:** Fwd: Sunset Elementary School Rebuild Proposal



Sent from my Verizon Wireless 4G LTE smartphone

Don Otterman, City Manager  
Administration, #1422



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.

----- Original message -----

**From:** Rosie Augustine <ra@rosieaugustine.com>  
**Date:** 05/16/2016 4:40 PM (GMT-08:00)  
**To:** CWL Council <cwl\_council@westlinnoregon.gov>  
**Subject:** Sunset Elementary School Rebuild Proposal

To the West Linn City Planning Council

I am a resident of the Sunset Park neighborhood and have recently become aware of the building plans for the new Sunset Elementary School.

While I am of course in favor of a new school being built to replace the old elementary school - I am very much OPPOSED to the currently proposed building plan which does not include adequate consideration of the environmental impact to the surrounding community.

The Planning Commission needs to hear loud and clear that the plan is NOT consistent with the overall needs of the community. In a nutshell - the proposed building plan, which includes newly designed water drainage strategies, blatantly discounts the very real probability of increased flooding and potential for landslides impacting surrounding properties.

There already exists a growing problem with erosion and flooding basements in homes in the area. Any and all proposed modifications to environment, water runoff and drainage systems must surely be considered thoroughly before the West Linn City Council approves such a building plan!

It is the duty of the Council to wisely protect the environment and the safety of its community.

I am therefore NOT in favor of the current plan.

Respectfully,

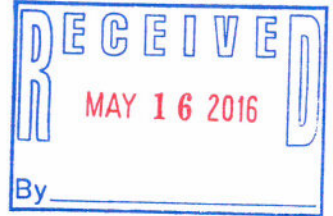
Rosie Augustine  
2235 Leonard Street, West Linn.



## Wyss, Darren

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**From:** MOHNEY Curran E <Curran.E.MOHNEY@odot.state.or.us>  
**Sent:** Monday, May 16, 2016 4:13 PM  
**To:** CWL Council; Wyss, Darren; Shroyer, Shauna; City Manager  
**Cc:** WIRFS Paul R; HAUPT Susan; PELTZ Tova R  
**Subject:** File Number: AP-16-01



To: West Linn City Council  
File Number: AP-16-01  
Regarding: 2351 Oxford Street Appeal of Planning Commission Approval

Dear Council Members and City Officials,

I am writing to clarify the position stated in my March 22, 2016 letter to Ms. Noelle Bledy that is referenced in the West Linn Planning Commission Final Decision and Order for CUP-15-03, DR-15-17, VAR-15-01, Var-15-02, VAR-15-03 In the matter of the Replacement of the Sunset Primary School at 2351 Oxford Street as a Conditional Use-School, Type II Design Review and Three Class II Variances for Parking Distance and Bicycle Parking Distance, Dated as Final on April 28, 2016.

Under the heading of SUPPLEMENTAL FINDINGS on Page 4 and Page 5 the following statements were written respectively: “...., and the letter submitted by Curran Mohney, Engineering Geology Program Leader for the Oregon Department of Transportation, to be substantial evidence that there will not be any adverse offsite impact due to the development”, and ““...., and the letter submitted by Curran Mohney, Engineering Geology Program Leader for the Oregon Department of Transportation, and finds there is no persuasive evidence to draw the inference that there will be any impacts from increased infiltration at the stormwater detention/treatment facility location.

These statements are of concern as they imply that I am representing my agency outside of its authority. My letter to Ms. Bledy was intended to explain how this project could only impact I-205 in the most remote circumstances for which reason the Oregon Department of Transportation would not intervene in a local matter that is outside of its authority. In my letter, I discussed the general functions of professionally-designed stormwater treatment facilities and how they are intended to improve conditions as part of my explanation why the potential impact to I-205 is so remote. My intention was to not favor or oppose this proposed project, it was to address a citizen concern and explain why the Oregon Department of Transportation would not intercede in the matter.

I was not engaged or authorized to provide technical input or professional review on this project nor have I seen design documents by which I can formulate any opinions. Therefore I cannot make any statements concerning performance of the infiltration basin as implied in the referenced document. My comments to Ms. Bledy are based on the presumption that the Engineer of Record will design a feature that will function according to its purpose in context with its environment. More simply; it is reasonable to expect that the engineer considered all parameters that affect or would be affected by their design.

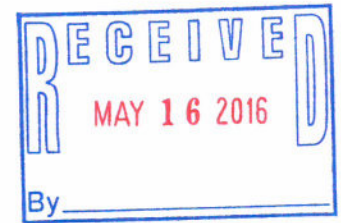
My involvement in this issue is the result of an inquiry to “Ask ODOT” which is the agency’s public access portal. Through an inquiry to Ask ODOT; my directive for this issue was to address potential slope stability concerns raised by the Kupillas Report. My determination is that the potential for increased slope instability along Interstate 205 due to this proposed project is extremely remote. The Oregon Department of Transportation does not render any determination or opinion concerning the local effects of this proposed project for which it neither in favor of nor opposed to.

Recognizing the sensitive nature of this issue I request a receipt notification for this email.



Respectfully,

Curran E. Mohney, C.E.G.  
Engineering Geology Program Leader  
Oregon Department of Transportation  
4040 Fairview Industrial Drive SE  
Salem, OR 97302  
(503) 986-3490  
[curran.e.mohney@odot.state.or.us](mailto:curran.e.mohney@odot.state.or.us)



**Submissions of West Linn-Wilsonville School District  
in Support of West Linn Planning Commission's Decision  
to Approve the Plan for Sunset Primary School**

**AP-16-01**

**CUP-15-03**

**DR-15-17**

**VAR-15-01 & VAR-15-02**

**ELECTRONIC DELIVERY: MAY 16, 2016**

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## West Linn – Wilsonville Schools

May 16, 2016

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

Electronic Delivery 5/16/16

ATTENTION: Darren Wyss, Associate Planner

RE: AP 16-01: Appeal of Planning Commission approval for the  
Sunset Primary School replacement at 2351 Oxford Street

Honorable Mayor and City Council Members:

The applicant, West Linn-Wilsonville School District, is in agreement with the City of West Linn Planning Commission's Final Decision and Order dated April 14, 2016, and the Conditions of Approval for the Sunset Primary School Replacement Project.

On April 28, 2016, Save Our Sunset Park, a group of West Linn residents opposed to the Project, filed an appeal of this decision to the City Council based on five specific criteria contained in the Community Development Code (CDC). The School District now provides, along with this letter, a detailed memorandum responding to each issue raised by the appellant. (Note: Also submitted to the Council herewith is a brief "Question and Answer" summary of the issues and arguments presented in non-technical terms.)

Throughout the lengthy planning, funding and design process, the School District worked collaboratively with city residents, students, teachers, parents, Sunset neighbors and City staff to develop the optimum proposal for the Sunset school that is fully compliant with codes, ordinances and laws.

The design represents a safe and efficient use of the site and those public resources that have been made available to create a new primary school in the Sunset neighborhood. In listening carefully to community input, the District made many adjustments to the design to mitigate various and sometimes-competing interests.

The appeal of the Planning Commission's approval for the new Sunset Primary School raises four primary issues:

1. Stormwater treatment and disposal.
2. The effect of changed soil conditions on Douglas Fir trees.
3. The correct application of CDC sections regarding variances.
4. The 2011 land exchange agreement between the City and the District.

The first three issues pertain to specific CDC sections, while the fourth issue was found to be beyond the jurisdiction of the Planning Commission.

**1. Stormwater treatment and disposal.** As determined by the Planning Commission, substantial and credible evidence was provided to demonstrate that the stormwater treatment and disposal system is appropriately designed, and will not cause over-saturated soil, erosion, or increased landslide risk. It is important to note that the proposed stormwater system is a standard engineering practice and was, in fact, required and approved by the City Engineer. (Note: Also submitted to the Council herewith is a letter from counsel for the School District addressing the legal standard of review, *i.e.*, substantial evidence in the record.)

**2. Alleged tree loss.** The appellant contends that tree loss will occur because the soil down slope from the stormwater pond will be wetter to the detriment of the Douglas Fir trees on the subject property and adjoining parcels. However, because the stormwater facility is designed to allow less water infiltration into the soil, the trees will not be threatened. Also, while some of the trees on the site will need to be removed, 77% of the significant tree canopy will be retained, well in excess of CDC requirements. Finally, the City Arborist and the District's consulting arborist have both concluded that the remaining trees would not be at increased risk to blow down.

**3. Standard for approving variances.** The CDC allows the use of variances where unique conditions preclude strict adherence to Code. The School District provided substantial and compelling evidence that public schools introduce very unique constraints as related to the location of parking lots. With an overriding responsibility for student safety, and recognizing the fact that the majority of building occupants (primary school students) will be dropped off/picked up by parents and school busses well within the 200-foot radius of the front entrance of the school, the Planning Commission was justified in approving the variances.

**4. Land exchange agreement.** This issue is beyond the scope of this land use application. Nonetheless, the District has fully complied with the terms of the land exchange agreement. Article 9 of that agreement between the City and District states:

*District Agrees to use its best efforts to cooperate with City when master planning the City Property and adjoining school property owned by District, so as to maximize recreational opportunities while preserving significant trees to the extent practical while meeting District's requirements to replace the Sunset Primary School.*

The appellant has interpreted this to mean that the existing recreational facilities on the site must not change and that no trees can be removed. This interpretation is unreasonable and was not what the City or the District intended. Instead, the agreement expressly recognized that "recreational activities" would be "maximized," not frozen in place, and that "significant trees" would be "preserved" only "to the extent practical while meeting the District's requirements to replace the Sunset Primary School."



As supported by the 5/12/16 Planning Staff report discussing this subject [page 9-10], information in the record, and notably confirmed by the West Linn Parks and Recreation Director, the District has met the intention of Article 9 in a way that does maximize recreational opportunities for all city residents and does preserve the maximum number of significant trees. In fact, of the 1.6-acres acquired from the City, 1.28-acres will be preserved in a natural, park-like setting (Exhibit 3 attached).

Furthermore, the plan supports the community with:

- Expanded playground and play equipment for students and off-hour community use
- New community room adjacent to the front entry available for off-hour use
- 1.28-acres preserved in a natural, park-like setting
- A large sports field area for off-hour community youth softball, baseball and soccer
- 88 off-street parking spaces to support both school and community activities
- Pedestrian connections with adjacent neighborhoods
- Code-compliant, environmentally safe stormwater management facilities
- Permanent tree protection easement
- New upgraded street public utility infrastructure for water, sewer and storm
- New full-street, Code-compliant improvements at no cost to neighbors
- A new gymnasium for community student athletes
- AND a brand new, safe, Code-compliant school building

In closing, the School District recognizes this Project is of considerable interest to not only the appellant but to the entire City of West Linn and all patrons of the West Linn-Wilsonville School District. Considerable effort has been made to balance all interests, with recognition that the end result must represent a compromise among competing interests.

The schedule for the replacement of the Sunset School is on-track for groundbreaking in mid-June to take advantage of the summer break for site work and preparation to create safe conditions for start of the 2016-2017 school year. Completion of the new school is scheduled for Fall 2017.

If the City Council overturns the Planning Commission's decision, the Sunset School Replacement Project would be put on hold while the School Board considers its options. Construction would be stopped indefinitely. The District has expended nearly \$2.2-million to date in Planning, Design and Permit costs, much of which would be lost.

The land use approval record for the Sunset School Project is both detailed and extensive. The Planning Commission gave extraordinary time and attention in rendering a decision to approve the Conditional Use Permit Application. That decision was correct. The School District requests



that the City Council deny the appeal and uphold the Planning Commission's Final Decision and Order.

Thank you for allowing the School District the opportunity to submit this letter and the attached documents in support of the Planning Commission's decision.

Respectfully,

DEPARTMENT OF OPERATIONS



Tim K. Woodley, Director

**MEMORANDUM IN SUPPORT OF PLANNING COMMISSION’S DECISION  
TO APPROVE THE PLAN FOR SUNSET PRIMARY SCHOOL**

TO: West Linn City Council  
FROM: West Linn-Wilsonville School District  
RE: Appeal of Planning Commission Approval – AP-16-01  
File Nos. CUP-15-03, DR-15-17 and VAR-15-01/02/03  
DATE: May 16, 2016

**Introduction**

This memorandum and supporting documents are submitted in response to the appeal from the decision of the West Linn Planning Commission approving the application for a conditional use permit and accompanying variances for the replacement of Sunset Primary School.

The applicant is West Linn-Wilsonville School District (“the School District”). The appeal has been taken by a group of West Linn residents known as Save Our Sunset Park (“the appellant”).

The appellant asserts that the Planning Commission erred in approving the School District’s application by misapplying the following five provisions of the West Linn Community Development Code:

- A. CDC 60.070 (A) (2)
- B. CDC 60.070 (A) (3)
- C. CDC 60.070 (A) (6) (and CDC 55.130 (B))
- D. CDC 92.010 (E)
- E. CDC75.020 (B)

As shown below, the Planning Commission’s decision was correct. There was no error, because each of the Planning Commission’s findings of fact was supported by substantial evidence in the record. Therefore, the School District submits that the City Council should affirm the Planning Commission’s decision in its entirety.

**Responses to the Appeal**

- A. CDC 60.070 (A) (2) – *The appellant argues that the Planning Commission misconstrued CDC 60.070 (A) (2) which requires that the characteristics of the site be suitable for the proposed use considering size, shape, location, topography, and natural features.***

*The appellant cites five reasons why the characteristics of the site are not suitable for the proposed use.*

- 1. *The appellant first contends that the amount of water that flows down gradient will increase and impact 14 trees within the area north of the bird houses/property line and a minimum of 6***

***Douglas fir trees in the park, for a minimum of 20 trees, and that those trees will be more susceptible to disease or blow down because the soils will be wetter around their roots.***

The Planning Commission did not err and correctly cited its rationale for finding the application in compliance with this CDC section, based on substantial evidence in the record. The Planning Commission included the following findings in its decision:

- "The only requirement of the Applicant was to provide a preliminary stormwater report showing no adverse off-site impacts from increased intensity of runoff from a 10-year and 100-year storm. The Applicant clearly provided factual data showing reduced runoff from current conditions after the construction of new stormwater facilities."
- "The Commission relies on the Applicant's Arborist Report and the City Arborist and the reports that the trees will be protected to the extent possible with appropriate measures. The stormwater report also shows less off-site runoff from the new stormwater facilities."
- "The Commission rejects the testimony submitted by Darek Czokajlo, Ph.D. as lacking substantive facts to support the assertion that the removal of 12 Douglas Fir trees will create a vulnerable environment for the remaining Douglas Fir trees on and off-site."

As contained in the record, the plans for the school, including the storm water infiltration pond and the trees on the site, were evaluated by the City Arborist and a consulting arborist for the School District. No concerns about the current and future health of the trees were noted when the development plans were reviewed on-site by both arborists. In addition, the City Parks Department Director, a certified arborist, also did not anticipate any problems for the trees pertaining to the proposed school and storm water facilities.

The Planning Commission decision included two conditions of approval pertaining to trees. Condition 9 calls for "appropriate root zone protections" and Condition 10 calls for a tree conservation easement for all significant trees retained on the site.

**Conclusion**

*Based on substantial evidence in the record, the Planning Commission did not err in finding that the School District met its burden of proof by showing that:*

- *The amount of water flowing down gradient will not increase and the trees to be retained will not be at risk due to increased soil moisture.*
- *The remaining trees will not be susceptible to increased risk for blow down as concluded by three arborists.*

- 2. The appellant also contends that overflow from the storm infiltration pond will change the hydrology of Sunset Creek and that there will be more water flowing for a longer period of time which may increase erosion.***

The Planning Commission did not err and correctly cited its rationale for finding the application in compliance with this CDC section, based on substantial evidence in the record. The Planning Commission included the following findings in the decision:

- "The Commission relies on the testimony by KPFF Engineering and the Preliminary Stormwater Drainage Report, prepared by KPFF, and the letter submitted by Curran



Mohney, Engineering Geology Program Leader for the Oregon Department of Transportation, and finds there is not persuasive evidence to draw the inference that there will be any impacts from increased infiltration at the stormwater detention/treatment facility location. The Applicant has provided factual data showing off-site stormwater discharge will be reduced from current levels for the 2-year, 5-year, 10-year, 25-year, and 100-year storm events."

As explained in the record by KPFF Consulting Engineers, the detention facility has been sized to temporarily store and detain heavy storm flows to below pre-development levels. The sizing of the facility was modeled using unit-hydrograph methodology as required by 2.0013A of the Public Works Design Standards. Technical data submitted in the original Preliminary Stormwater Management Report and subsequent Planning Commission testimony has illustrated that offsite discharges at all storm events will be held below pre-development levels.

Although not emphasized in the Planning Commission decision, the preliminary design of the stormwater facilities for the school was not only approved based on substantial evidence in the record, but was in fact required, by the City Engineer.

**Conclusion**

*Based on substantial evidence in the record, the Planning Commission did not err in finding that the School District met its burden of proof by showing that:*

- *The amount of stormwater leaving the site will be below pre-development levels and will be appropriately accommodated by downstream facilities.*
- *Sunset Creek will not be adversely affected by the new school or the proposed stormwater system.*

3. ***The appellant next contends that back yards of nearby homes, those adjacent to the park on the east, will become wetter with potential flooding if the houses have basements and will potentially trigger shallow landslides.***

The Planning Commission did not err and correctly cited its rationale for finding the application in compliance with this CDC section, based on substantial evidence in the record. The Planning Commission included the following findings in the decision:

- "The only requirement of the Applicant was to provide a preliminary stormwater report showing no adverse off-site impacts from increased intensity of runoff from a 10-year and 100-year storm. The Applicant clearly provided factual data showing reduced runoff from current conditions after the construction of new stormwater facilities."
- "The Commission finds, based on the West Linn Comprehensive Plan Background Report's Hazard Map, that structures will not be built in areas subject to slumping or sliding"

As explained by KPFF Consulting Engineers in the record, there are two types of stormwater treatment planters: flow-through planters and infiltration planters. The type proposed for the Sunset project is an infiltration planter. For storm treatment purposes only, rainwater is designed to percolate through the growing media and infiltrate into the native ground below. In the case of the Sunset facility, however, this infiltration will be limited through the planter and is

controlled by the percolation rate through the growing media - not by the natural soils underlying the site. Consequently, although some natural infiltration will occur, it will not be significant to the operation of the facility and will cause to adverse effects. The facility is designed to handle storm flows by temporary storage and slow-metered discharge out of the outlet structure into the city storm system.

Furthermore, the general eastern and southern areas of the site (Drainage Basin 2) that drain downslope to the southeast have been reduced nearly two-thirds from 3.8 acres to 1.2 acres. Two thirds of this original area draining to the southeast will now be captured and routed to the site discharge via the treatment and detention facility (see Exhibits D.1 and D.2 in the supplemental information packet submitted by the School District on March 28, 2016)

The School District's geotechnical engineer, Carlson Testing, concurs with the findings in the KPFF report. Because the proposed stormwater system will reduce the overall amount of stormwater infiltration at the site, the loading on the slope will also be reduced. A decreased loading on the slope will increase the associated factor of safety with respect to slope stability.

**Conclusion**

*Based on substantial evidence in the record, the Planning Commission did not err in finding that the School District met its burden of proof by showing that:*

- *The amount of water flowing down gradient will not increase and the homes to the east will not be subjected to increased flooding risk.*
- *Because the stormwater facility will not introduce significant amounts of water into the ground beyond existing conditions, this project will not increase any landslide risk in the area.*

4. ***The appellant further contends that existing shallow landslide areas will be more susceptible to landslides and existing landslides may be reactivated and that the area to the east of what is now known as Sunset Park (currently mapped by the Department of Geology and Mineral Industries as moderate risk for landslides) could now change to high risk for landslides.***

The Planning Commission did not err and correctly cited its rationale for finding the application in compliance with this CDC section, based on substantial evidence in the record. The Planning Commission included the following findings in the decision:

- "The Commission relies on the testimony by KPFF Engineering and the Preliminary Stormwater Drainage Report, prepared by KPFF, and the letter submitted by Curran Mohney, Engineering Geology Program Leader for the Oregon Department of Transportation, and finds there is not persuasive evidence to draw the inference that there will be any impacts from increased infiltration at the stormwater detention/treatment facility location. The Applicant has provided factual data showing off-site stormwater discharge will be reduced from current levels for the 2-year, 5-year, 10-year, 25-year, and 100-year storm events."
- "The Commission finds, based on the West Linn Comprehensive Plan Background Report's Hazard Map, that structures will not be built in areas subject to slumping or sliding"



As explained by KPFF Consulting Engineers in the record, there will be some minor infiltration from the bottom of the treatment and detention facility. However, the remaining open pervious areas of the east side of the site will be greatly reduced with the new development. This in turn will reduce the area available for infiltration of water into the east side of the site.

Carlson Testing confirms that the landslide hazard risk maps presented by the appellant (Landslide Hazard and Risk Study of Northwestern Clackamas County, Oregon) do not show significant shallow landslide hazards in the near vicinity of the site. Furthermore, in the opinion of Carlson Testing, the “moderate” landslide hazard areas shown on this map appear to be localized, relatively steep cuts (or fills) from site development. The deep susceptibility landslide map does not show any deep landslide hazards in the near vicinity of the site.

**Conclusion**

*Based on substantial evidence in the record, the Planning Commission did not err in finding that the School District met its burden of proof by showing that:*

- *The amount of water flowing down gradient will not increase and the homes to the east will not be subjected to increased landslide risk.*
- *The assertion regarding landslide risk increasing from moderate to high is a speculative comment with no supporting evidence in the record. Curran Mohney, Engineering Geology Program Leader for the Oregon Department of Transportation, indicated that a considerable amount of study would be required before any conclusions could be made about the geologic risks in the area.*

**5. *The appellant also contends that other down slope areas of where the water from the storm water infiltration pond flows on top of bedrock may develop shallow landslides.***

The Planning Commission did not err and correctly cited its rationale for finding the application in compliance with this CDC section, based on substantial evidence in the record, for the reasons noted above pertaining to groundwater and geologic hazards.

As noted in the responses above, the overall amount of water being infiltrated into the subsurface will be reduced, not increased, as compared to existing conditions. Carlson Testing finds this reduced amount of water being infiltrated into the subsurface translates into a higher factor of safety with respect to slope stability.

**Conclusion**

*Based on substantial evidence in the record, the Planning Commission did not err in finding that the School District met its burden of proof. The appellant has incorrectly based its argument on a false assumption, i.e., that a significant amount of new shallow ground water will be introduced into the area and that this will lead to increased landslide risk. Based upon substantial evidence in the record, including the Oregon Department of Transportation and the City Engineer, these assertions are factually without merit.*



- B. CDC 60.070 (A) (3) – The appellant argues that the Planning Commission erred in finding compliance with CDC 60.070 (3) because the new facility, as proposed, is inconsistent with the overall needs of the community.

*The appellant cites three reasons in support of the assertion that the school is not consistent with the overall needs of the community.*

- 1. First, appellant contends that it will put mature Douglas fir trees at risk (on-site and off-site).**

The Planning Commission did not err and correctly cited its rationale for finding the application in compliance with this CDC section, based on substantial evidence in the record, as described in the response to 60.070 (A) (1) above. The stormwater facility will not make the ground wetter and cause harm to the trees.

- 2. Second, the appellant contends that it will increase flooding and potential for landslides.**

The Planning Commission did not err and correctly cited its rationale for finding the application to comply with this CDC section, based on substantial evidence in the record, as described in the response to 60.070 (A) (2) above.

- 3. Third, the appellant argues that the planned use of 1.6 acres of park land, unrestricted legal ownership of which was transferred to the School District for school purposes, is not consistent with City promises when the City-owned park was sold.**

The Planning Commission did not err and correctly cited its rationale for finding the application in compliance with this CDC section, based on substantial evidence in the record. The Planning Commission included the following findings in the decision:

- "The Commission finds any legal challenges to the ballot measure (Measure 3-358) are outside the jurisdiction of the Commission. Those challenges must be brought in a court of competent jurisdiction."
- "There will be no loss of park space or amenities as a result of the application. Ken Worcester, West Linn Parks & Recreation Director, submitted two letters outlining the partnership between the City and Applicant to cooperatively program recreational opportunities. Mr. Worcester also outlined the current process to redesign Sunset Park, including community input opportunities, and the desire to replace the playground equipment that will be removed during the school replacement project."
- Regarding the Applicant's 900-page supplemental submittal, the Commission "found there was no new significant information outside of the process dating back to 2007 that led to the decision to submit this application and spoke to the amount of opportunities for input from the community."

The record also shows that the overall recreational value of the property will be enhanced with the creation of a new sports field and improved play area, as well as 1.28 acres of improved or preserved natural area in the southeastern portion of the site. While the sports field and play area will be programmed for school use, they will be available to the public during off-school hours.

**Conclusion**

*The Planning Commission did not err in finding that the School District met its burden of proof based on substantial evidence in the record. The appellant is missing the point regarding the meaning of "overall community support." It does not equate to personal preferences of some of the immediate neighbors, because they only represent a small part of the "overall community." The record shows that the School District sponsored a long-term and inclusive public engagement process, in which neighborhood residents could choose to participate. Although recreational facilities will not be the same as today, the recreational value of the property will be as good as or better than the existing condition of the site.*

- C. ***CDC 60.070 (A) (6) (and 55.130 (B)) – The appellant argues that the Planning Commission misconstrued the requirements of CDC Section 60.070 (6) which require satisfaction of the applicable provisions of CDC Chapter 55 as an applicable approval criterion and the applicant failed to demonstrate compliance with CDC 55.130 (B).***

***The appellant claims that although a civil engineer submitted a plan with the application, it did not include the factual data required by these Conditional Use and Design Review CDC sections.***

The Planning Commission did not err and correctly cited its rationale for finding the application in compliance with this CDC section, based on substantial evidence in the record. The Planning Commission included the following findings in the decision:

- "The Commission finds both (referring to CDC 55.130 (B) and 92.010 (E)) are application submittal requirements, not approval criteria. These submittal requirements were satisfied by the applicant after review by West Linn Engineering."
- Even if these requirements were approval criteria, the Commission found there was substantial evidence in the record that there will not be any adverse off-site impacts due to the development.

The following facts in the record support the Planning Commission's determination.

***Appropriate Stormwater System Design Methodology.*** The appellant's testimony asserting that the calculation of the facility detention sizing was done with a methodology the Presumptive Approach Calculator (PAC) is incorrect. The PSDR states very clearly (several places) that this PAC tool was one of several tools used and was used for sizing the facility for **treatment only**. It is not uncommon to utilize this method for basins larger than 1 acre as a first preliminary step in sizing systems for treatment. Per correspondence with Portland's Bureau of Environmental Services (BES), the PAC Calculator may be used for drainage areas greater than 1 acre and does not affect the calculated peak flows for such an area. The PAC is a useful tool for guidance sizing



treatment systems because it allows iteration by varying a number of variables including infiltration rates, basin size, rainfall, etc.

The **detention volume analysis** of the facility was calculated using the AutoDesk Storm & Sanitary Analysis (SSA) 2016 program. This is a standard engineering methodology utilizing the standard Santa Barbara unit hydrograph calculation calibrated for the West Linn area. With any tool further engineering judgement is still required. Per its title, the PSDR was preliminary and KPFF is conducting further engineering as it completes the final detailed stamped storm report that will accompany the permit submittal, which will be subject to approval by the City of West Linn.

**Preliminary Stormwater Report.** The March 28, 2016 letter submitted to Khoi Le at the City of West Linn was provided as response explanatory material to testimony presented at the first Planning Commission hearing. It was not a new storm water design as claimed by the appellant. Other than minor evolution of the site layout since the Preliminary Stormwater Report was first submitted as part of the Conditional Use materials in December 2015, there was no material change in the design of the stormwater system. The sizing of the treatment and detention facility is the same, the manner in which the facility functions is the same as originally proposed. The demonstrated flow reduction quantities are also as originally shown.

**Stormwater Mitigation.** Per Sections 2.0010 and 2.00013 of the City Public Works Standards, the key applicable general design requirements and minimum criteria are outlined below (summarized for brevity):

- Surface or subsurface drainage caused by development shall not be allowed to flow over adjacent property in a volume or location materially different from that which existed before development occurred, but shall be collected and conveyed in an approved manner to an approved point of disposal.
- The approved point of disposal for all stormwater may be a storm drain, or detention or retention pond approved by the City Engineer. Existing open channels are approved points of disposal after the stormwater has been treated.
- The peak discharge from the property may not be increased from conditions existing prior to the proposed development.
- Retention/detention facilities are required where necessary to maintain surface water discharge rates at or below the existing design storm peak discharge rate.
- Detention facilities shall be designed to provide storage up to the 25-year storm event, with the safe overflow and conveyance of the 100-year storm event. Allowable post-development discharge rate for the 2, 5, 10 and 25-year events shall not exceed the pre-development discharge rates.
- Water Quality (Treatment) Facilities are required to meet the design requirements of the current City of Portland Stormwater Management Manual.
- For onsite conveyance piping, the piping must be designed to safely convey the 100-year design storm.

**Planning Commission Evaluation.** The appellant asserts that "there is no evidence in the record showing that the Planning Commission even looked beyond the fact that a civil engineer had submitted a plan." This is not true because the Planning Commissioners discussed the adequacy of the engineering information submitted as part of the application.

The fundamental mitigation technique for impervious site development is to provide a treatment and detention facility - exactly as proposed with this project. This concept has been discussed and reviewed with the City Engineer. In fact, the City Engineer required the method of stormwater treatment and disposal proposed in this application.

**Conclusion**

*The Planning Commission did not err in finding that the School District met its burden of proof, based on substantial evidence in the record. Contrary to what the appellant is claiming, required and appropriate stormwater volume and treatment mitigation will be provided.*

- D. CDC 92.010 (E) – The appellant argues that the Planning Commission misconstrued the requirements of CDC 92.010 (E) in finding that submittal of a civil engineer's plan and statement satisfies this approval criterion.**

*This argument is a reiteration of appellant's arguments already addressed above. Here, the appellant contends that the School District failed to submit sufficient evidence to satisfy CDC 60.070 (6). Appellant again mistakenly claims that there was "no factual data showing an absence of adverse runoff impacts."*

The Planning Commission did not err and correctly cited its rationale for finding the application in compliance with this CDC section, based on substantial evidence in the record. This is clear for the same reason set forth above in response to appellant's arguments regarding CDC 60.070 (A) (6) and CDC 55.130 (B).

**Conclusion**

*The Planning Commission did not err in finding that the School District met its burden of proof based on substantial evidence in the record. Contrary to what the appellant is claiming, required and appropriate stormwater volume and treatment mitigation will be provided.*

- E. CDC 75.020 (B) – The appellant's final argument is that the Planning Commission misapplied CDC 75.020 (B) in approving the requested variances for parking vehicles and bicycles.**

The Planning Commission did not err and correctly cited its rationale for finding the application in compliance with this CDC section, based on substantial evidence in the record. In addition to the information and Planning Commission findings, the following facts in the record are provided in further response to the appellant's arguments regarding the two variance subsections at issue - CDC 75.020 (B) (1) a. and c.

**CDC 75.020 (B) (1) a – Parking Standards – Minimum Variance Necessary for Reasonable Use**



**Vehicle parking greater than 200 feet from the entrance.** The CDC parking standard is designed primarily with commercial and industrial use in mind. It is obvious that the parking needs of primary schools are very different from these other uses in several ways including:

- Students do not drive and typically reach the school by bus, car drop-off, or walking.
- Students arriving by bus or car will be dropped off or picked up within 200 feet of the school entrance via a route that does not involve any driveway crossing or pedestrian-vehicle conflicts.
- Weekday parking is for school staff who typically park their car once for the entire day.
- Campus security is the highest priority, and as a result, only the main entrance is open to enter or leave the building.
- As part of the need for campus security, the play area and sports field must be proximate to the school building. Placing a large parking lot between the outdoor activity areas and the building present unnecessary safety risks - especially for primary school students.
- Other uses typically have multiple building entrances, can often have customers coming and going all day, and have minimal security requirements.

These design requirements for a primary school make it virtually impossible to satisfy the parking distance standard. This is the case with all of the existing public schools in West Linn - they exceed the parking-to-entrance distance standard. For this reason alone, the variance is justified.

The appellant notes that the ADA spaces are located beyond the 200-foot limit. This is only partially true because two spaces are within 200 feet of the building entrance. The remaining ADA spaces are within about 230 feet. A clear, very direct, and safe (no driveway/auto conflicts) route will be provided between the ADA spaces and the front entry. In addition, most of this route is via a covered walkway.

**Topographic difficulty.** The appellant's argument that there is "no topographic difficulty" is only workable with the removal of the existing school and building the new one in its place. It also assumes that the School District would not provide parking to meet CDC standards, but rather would retain today's deficient parking arrangement. However, if the school is to meet the CDC standards and provide a sports field, they would need to be in the central (where the building is proposed) and SE portions of the property. Because of the topography, the appellant's option for location of a sports field and parking facilities would require more ground disturbance, more tree removal and more grading than with the proposed school design. In other words, these facilities have to go somewhere, and the building is easier to adapt to the slope compared to a parking lot or sports field.

**Student relocation.** The appellant regards transferring the entire student body of a primary school to other facilities for one year as simply being "the applicant's preference to avoid the bother and inconvenience of temporary relocation of the students." This argument trivializes matters of much more serious concern and expense. As the School District's witnesses testified, the primary schools in West Linn are at or near capacity. Therefore, moving all students to other facilities would be much more than a "bother," because instead of continuing to use the existing building, the School District would need to locate and provide sufficient portable classroom capacity to house the entire student body at other primary school sites. This would be not only exceptionally disruptive to the students and parents, it would also be extremely time consuming and expensive to obtain the land use permits at multiple sites, provide utilities for the portables, lease and install the portables, and



remove the improvements after one year. This would represent an unacceptable waste of school bond funds. Moreover, the record contains substantial evidence proving that the intended location of the new building has always been on the eastern half of the site.

**CDC 75.020 (B) (1) c – Need for the Variance Not Created By The Applicant**

**School location.** The appellant’s argument suggests that the School District chose the “westerly orientation” as if that was some kind of whimsical decision. As noted above, using the existing the existing school during construction of the new one provides very significant cost savings, while minimizing the educational disruption for students and the logistical disruption for the community at large. This basic concept of the new school in the eastern portion of the property was developed with the community and has been portrayed as such for several years.

**Parking beyond 200 feet.** As noted in the record and above, the School District must be very cognizant of campus security for its students. Keeping all outdoor activity areas close to the school building is by far the most secure arrangement. In addition, locating a parking lot between the building and sports field would create many unnecessary traffic and pedestrian conflicts in addition to presenting safety issues for very young students who would have to avoid cars that were accessing the parking lot.

**Conclusion**

*The Planning Commission did not err in finding that the School District met its burden of proof, based on substantial evidence in the record. A variance approval requires a finding that it is “the minimum variance necessary to make reasonable use of the property.” The word “reasonable” is defined in Webster’s as “not extreme or excessive.” In addition, the introductory statement in CDC 75.020 (B) states that Class II variances “may be utilized when strict application of code requirements would be inconsistent with the general purpose of the CDC and would create a burden upon a property owner with no corresponding public benefit.” Clearly, the variance provisions are intended to provide appropriate flexibility to accommodate unique situations due to property characteristics or uses not really contemplated by the standard for which the variance is sought. As shown above and through abundant evidence in the record, the two proposed variances are reasonable, consistent with the general purpose of the CDC, and strict enforcement of the CDC would not yield any public benefit.*

# MERSEREAU ■ SHANNON<sup>LLP</sup>

Attorneys at Law | Founded in 1885

Thomas W. McPherson  
503.226.6400 x 202  
tmcpherson@mershanlaw.com

May 16, 2016

City Council of the City of West Linn, Oregon  
West Linn City Hall  
22500 Salamo Road  
West Linn, OR 97068

Re: AP 16-01: Appeal of Planning Commission approval for the  
Sunset Primary School replacement at 2351 Oxford Street

Dear Councilors and Mayor Axelrod:

I am writing on behalf of our client, West Linn-Wilsonville School District, in connection with the above referenced appeal. Because the Planning Commission's Final Decision and Order of April 14, 2016 is supported by substantial evidence in the record, the Commission's decision to approve the plan should be affirmed.

The standard of review for the Council to apply here is a very lenient one. According to Community Development Code Section 99.280.D, the central question before the Council is "whether there is substantive evidence in the record to support the findings by the lower decision-making body."<sup>1</sup>

Among the standards of review recognized by Oregon law, substantial evidence is the most deferential to the "lower decision-making body." The Oregon Supreme Court has explained that, when the substantial evidence standard is applied, all that is required for the reviewing tribunal to affirm the decision on appeal is that the necessary findings of fact of the lower decision-making body could have been made by "a reasonable person."

"A factual finding is supported by substantial evidence when the record, viewed as a whole, permits a reasonable person to make the finding."

*Younger v. City of Portland*, 305 Or. 346, 360, 752 P.2d 262 (1988); *Barkers Five, LLC v. Land Conservation & Dev. Comm'n*, 261 Or. App. 259, 347, 323 P.3d 368, 419 (2014).

The substantial evidence standard of review is also applied by the Land Use Board of Appeals in matters such as this one. ORS 197.835(2)(b) provides:

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<sup>1</sup> It should be noted that the word "substantive," when used as an adjective, is synonymous with the more commonly used legal term "substantial." See Merriam-Webster Dictionary: <http://unabridged.merriam-webster.com/unabridged/substantive>, at definition number 4.

The board shall be bound by any finding of fact of the local government, special district or state agency for which there is substantial evidence in the whole record.

In cases where an appeal is taken from a decision of the Land Use Board of Appeals to the Oregon Court of Appeals or the Oregon Supreme Court, the same substantial evidence standard of review also applies. ORS 197.850(9) (“The court shall reverse or remand the order only if it finds... the order is not supported by substantial evidence in the whole record as to facts found by the board...”).

Furthermore, Section 99.280.B of the Community Development Code requires that, except in extraordinary cases, a limited scope of review be followed by the Council on this appeal:

“...an appeal of a decision made by the Planning Commission shall be confined to:

1. Those issues set forth in the request to appeal; and
2. The record of the proceedings as well as the oral and written arguments presented which are limited to those issues clearly and distinctly set forth in the notice of appeal.”

Here, the record before the Planning Commission will be found to contain much more than substantial evidence to support the findings of the Commission. Because of the diligence of the City’s Planning Department and the Commission, there is detailed and compelling evidence to support each of the Commission’s findings of fact. Therefore, the decision of the Commission to approve the School District’s plan for replacement of Sunset Primary School should be affirmed.

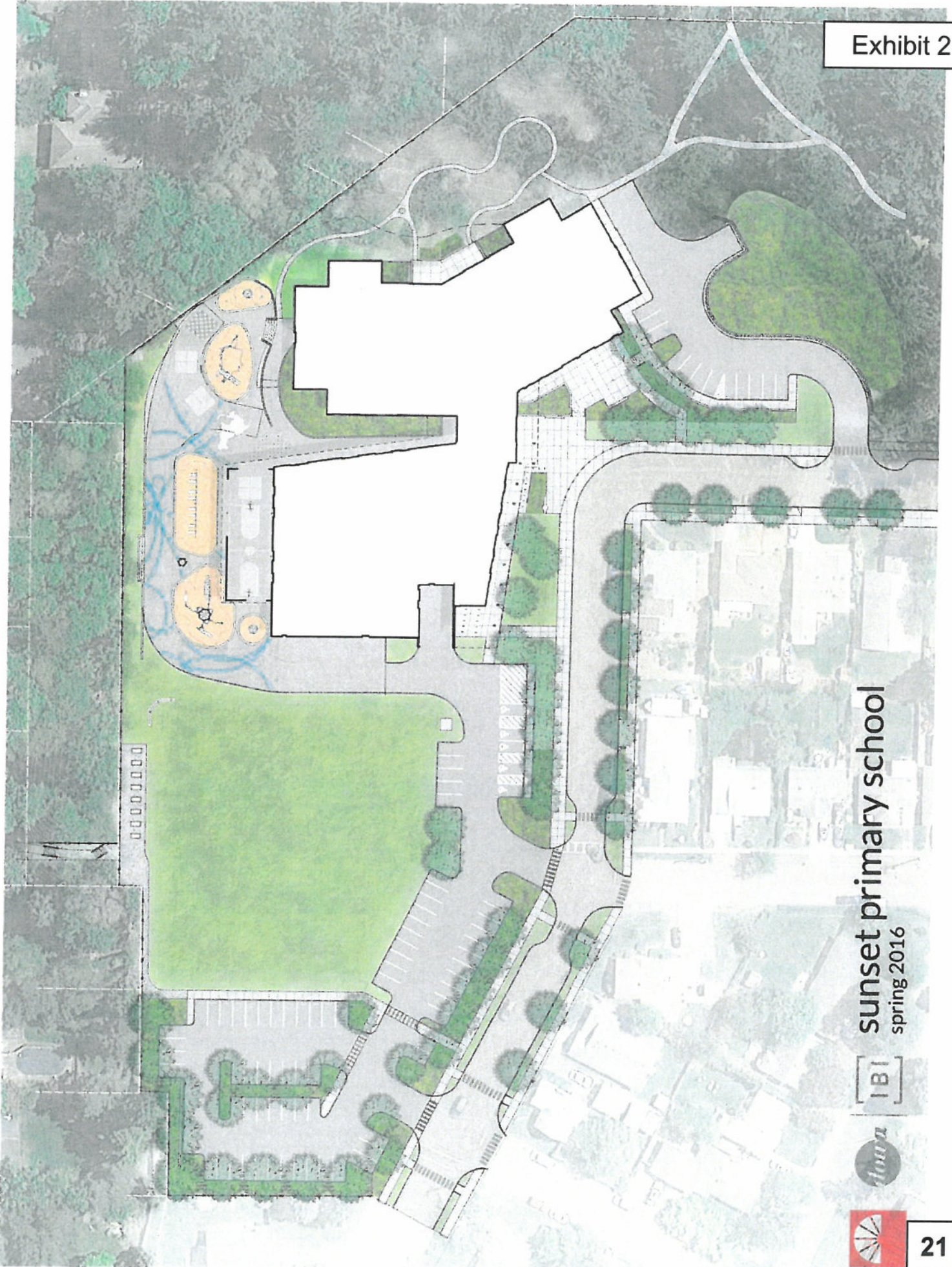
Respectfully submitted,  
MERSEREAU SHANNON LLP  
*/s/ Thomas W. McPherson*  
Thomas W. McPherson

Cc via email  
Tim Woodley (WoodleyT@wlwv.k12.or.us)







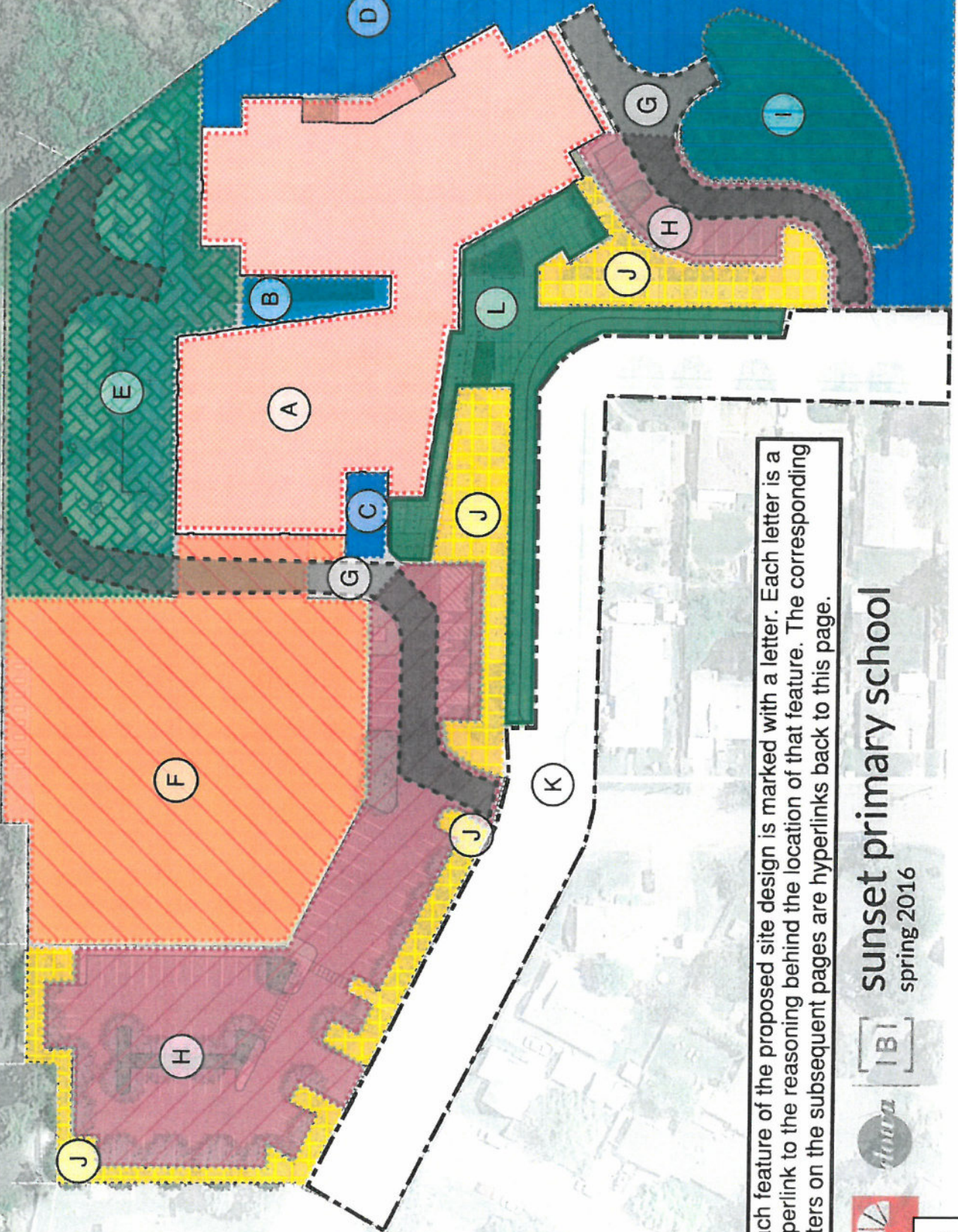


sunset primary school  
spring 2016





Sunset Primary School Site Design Summary



Each feature of the proposed site design is marked with a letter. Each letter is a hyperlink to the reasoning behind the location of that feature. The corresponding letters on the subsequent pages are hyperlinks back to this page.



**sunset primary school**  
spring 2016



## Sunset Primary School Site Design Summary

### The Building:

A

The shape and location of the building was constrained first by the location of the existing building. The west wall of the new building will be less than fifty feet from the east wall of the existing building. The location of the building was shifted south to accommodate the fire lane, playground and feedback from neighbors to the north. It was also pulled back from the east to preserve the existing trees and be responsive to comments from neighbors to the east. The elevation of the building is stepped to lower the eastern and southern portions of the building, reducing the visual impact to neighboring properties.

B

The narrow pocket between the two halves of the structure increases opportunities for emergency egress, safe and unobtrusive travel between the building and playground, and natural light to interior spaces.

C

The small service yard off the west end of the building is masked from view from neighboring properties, away from the primary entrance and play areas, and accessible to service vehicles.

### Recreational Opportunities:

D

The natural characteristics of the southern and eastern portions of the site were an important factor in the design. An area of 1.28 acres will be preserved in much the same condition as today. The exception being the thinning of undergrowth, removal of invasive species such as english ivy, as well as removal of several smaller trees in poor health. This will provide students and the community opportunities to see and visit this natural area while increasing the ability to observe activities in this area. Building occupants will also be able to appreciate this mature stand of douglas fir trees from a number of classrooms and the large windows at the library.

E

The playground area is located in the same location as the existing playground. This means that adjacent neighbors are already used to the level of activity occurring in this area. It is also suitable because the grade is relatively flat, reducing the area required for transitions from one elevation to another. In addition to these logistical advantages, the District hired a national safety and security consultant to evaluate the design and provide recommendations. One of the recommendations was to locate the playground away from the public street, reducing the risk of several types of hazards. This separation provides the opportunity to observe people approaching the playground. When considering the option of having the playground in the southern portion of the site, the consultant recommended a six foot high fence along the street and south property line. The fence would create the necessary separation of the school's play equipment from the street as well as the park. This would create a very different aesthetic, and impact accessibility for the neighborhood.

F

The play field is located in roughly the footprint of the existing building. This location is ideal for several reasons. The first is that the existing grade is relatively flat, which is required for sports activities and preferred for recreational activity generally. Another reason is that students don't need to cross parking lots in order to reach the play field. The final reason is that being adjacent to the main parking lot maximizes access for recreational use by the community. The play field size has been reduced multiple times to respond to neighbors' concerns regarding the amount of parking in the southern portion of the site. Further reduction of the playfield would prohibit organized sports activities, thus reducing the recreational opportunities of the site.

## Sunset Primary School Design

### Fire Access and Parking:

**G** The fire lanes are required by the fire department to ensure access for fire fighters and equipment in the event of a fire. The design incorporates the northern fire lane into the parking lot and playground areas, maximizing efficiency. The southern fire lane driveway is located as near to the street corner as possible. It is also designed to stay as close to the street and building as code allows to minimize footprint on the southern portion of the site. The 'hammer head' near the end of the lane is a required feature allowing the fire truck to turn around rather than negotiate the curves in reverse.

**H** The main parking lot location was in large part the result of the considerations made for the other site features already described. This layout provides as much parking near to the building as possible, while maintaining the direct access for students to the play field from the building. The few parking spaces along the southern fire lane provide additional parking near the building and do not extend the development footprint into the southern portion of the property, because the fire lane would be located in the location shown regardless. It is notable that these parking spaces could be used by community members visiting the school or park properties. The elevation of the parking spaces along the southern fire lane and on the western edge of the main parking lot is lower to prevent headlight intrusion to neighboring properties.

### Storm water Management:

**I** The storm water management facility is located in the southern portion of the site because it needs to be located at the lowest elevation. Code does not allow pumping of stormwater, so it must all run by gravity. The particular storm water management solution was selected due to it's minimal footprint on the site. Alternative methods would use significantly more area and result in the loss of additional significant trees. The treatment and detention pond also maintains the natural aesthetic of the southern portion of the property.

### Buffering for Neighbors:

**J** The parking lots and building are screened by trees and shrubs in response to concerns from neighbors to screen the view and mitigate headlight intrusion. In addition to the planted screening the elevation of the parking spaces along the southern fire lane and on the western edge of the main parking lot is lower to prevent headlight intrusion to neighboring properties.

### Right-of-Way Improvements:

**K** The extent of right-of-way improvements was determined in coordination with the City of West Linn. While a developer is obligated to improve their half of streets along property frontage, the City asked to partner with the District on full street improvements. The improvements include new paving, curb and gutter, sidewalks, street trees and street planters. Additionally, some of the existing utilities are substandard and will be replaced. This will bring the full width of the street and utilities up to modern code standards, to the benefit of neighbors. The City has agreed to pay for the opposite half of the street improvements, so they come at no cost to the neighbors.



## Sunset Primary School Design

### Student Arrival and Departure:

L

Bus and patron vehicle drop-off and pickup zones along Oxford and Bittner Street will be able to accommodate the majority of student arrival and departure without requiring students to cross any streets or driveways. This increases student safety and reduces the existing impact of routine school activities to the neighbors. Increased capacity bicycle parking areas, including code required covered bicycle parking, are near the front entry to maximize incentive for physical wellness and reduced vehicular traffic. This plaza area in front of the building is also located to accommodate socializing in front of the school while waiting for release of students or before and after events.



SUNSET PRIMARY SCHOOL  
PERMITTING PROCESS  
QUESTION & ANSWER

1. How long has the replacement of Sunset been considered?
  - a. The replacement of Sunset Primary School has been a major point of conversation for more than a decade. Serious discussion began with a professional facility assessment by licensed architects and engineers in 2007. The assessment concluded that the renovation of the existing Sunset Primary School would cost more than construction of a new facility. This report launched two community task forces in a process that culminated in the successful passage of measure 3-456 in November 2014, funding the construction of the new school.
  
2. Did the District involve the City in the design of Sunset Primary School?
  - a. All agencies within the City have participated in the design of the new school including planning, engineering, parks department and city arborist. The design has been presented at three Planning Commission hearings, two neighbor association meetings, a direct over-the-fence neighborhood meeting, PTSO meetings and countless one-on-one conversations with individual neighbors on all sides. In every case, concerns have been discussed with numerous adjustments to the site plan to accommodate whenever possible.
  
3. What design professionals were involved in the design process?
  - a. A broad array of design professionals contributed to the design process including an expert team of school designers made up of architects, landscape architects, civil engineers, geotechnical engineers, geologists, mechanical engineers, commissioning agents, electrical engineers, acoustic engineers, data engineers, environmental consultants, safety and security consultants, planning consultants, surveyors and traffic engineers.
  
4. What if the City Council overturns the decision of the planning commission to approve?
  - a. If the City Council overturns the Planning Commission decision to approve the application the project will be put on hold. There are multiple ways a School Board could respond, and each option would have its own implications in terms of time and money. In any case it would delay the project by at least a year, and would have a financial impact. The budget for this project is approximately \$28 million and nearly \$2 million has been spent on design and permitting to-date.
  
5. Why is the new school being constructed on the same site adjacent to the existing school?
  - a. This has been the plan since the earliest concept sketches in 2007. West Linn primary schools simply do not have the capacity to absorb the 300 students currently enrolled at Sunset during construction. Tearing down the old school first would introduce additional costs and disruptive educational impacts by crowding other schools and necessitating the placement of numerous portable classroom buildings at some other school location. This is unnecessary and is not in the best interest of students, parents and teaching staff.

SUNSET PRIMARY SCHOOL  
PERMITTING PROCESS  
QUESTION & ANSWER

6. Will the sports field still be available for community athletics?
  - a. Yes. The sports field has been reduced in size on multiple occasions to accommodate neighbor concerns about parking in the south end of the property, but at this time it can still accommodate youth softball and soccer activities. Any further reduction would eliminate the usefulness of this playfield for organized athletics.
  
7. Is it safe to build the new school so close to the existing building while it is occupied?
  - a. Yes. This is a common practice in education construction that has been completed successfully and without incident many times in many locations. The District has construction management professionals to manage the project and the general contractor will be required to install fences and other security measures to ensure separation of construction and education activities on the site. The Bond Management Team is coordinating with the administration and staff at the school, and City officials to ensure that best safety practices are in place from student arrival to dismissal. Student safety is at the heart of everything the School District does.
  
8. Will there be improvements for the streets in front of Sunset?
  - a. Yes, the project includes construction of a complete new street at the entire school property frontage. This includes sidewalks, modern storm-water management, street lighting, signage and street trees. In addition to the visible improvements noted above, underground water, sewer, storm-water, electrical and communication systems will be upgraded, and will benefit the neighbors as well as the school.
  
9. Is the school really being built on Sunset Park?
  - a. No. After the City obtained the consent of voters in 2010, a land exchange agreement was created that sold the northerly 1.6 acres of Sunset Park to the School District. The district paid \$483,000 for the property and holds an unrestricted title and deed.
  
10. The public was told that recreational opportunities at the school site would be maximized with the design of the new school. How does the current site design accommodate that?
  - a. A modern, safe, code-compliant primary school design must accommodate the building, off-street parking, driveways, sidewalks, fire lanes, play grounds, a sports field, storm water management facilities, and, in this case, tree preservation. These features must be arranged in a way to maximize both efficiency and safety. By virtue of the Sunset school being adjacent to Sunset Park, various site features become available to support both uses. With the ownership of the additional 1.6 acres purchased from the City, the District design team was able to successfully respond to city code for parking and storm water management, and, maintain a community sports field used by 3700 area student athletes, create a new school playground, preserve 77% of the existing trees and return 1.28 acres adjacent to Sunset Park for nature/park usage thus maximizing recreational opportunities for the entire community.



SUNSET PRIMARY SCHOOL  
PERMITTING PROCESS  
QUESTION & ANSWER

Exhibit 4

11. Is the Sunset School site in a landslide area?
  - a. No. City landslide maps are required to be used to show where potential landslide areas are. Review and interpretation by the district geologist and geo-technical engineers who certified the site as safe determined that no part of the Sunset school site falls in a potential landslide area.
  
12. Is the Sunset School site suitable for a new school?
  - a. Yes. The district conducted a Level I Environmental Assessment of the site by PBS, Inc. and found no indication that the site was unsuitable from an environmental perspective. Further, the district geologist and geotechnical engineer, Carlson Geotechnical, Inc. issued a written geo-technical report following extensive investigation, including test borings deep into the soil, to certify the site is suitable for a new school, including all the site features proposed
  
13. Did a certified geologist assess the suitability of the site for this design?
  - a. Yes. Carlson Geotechnical, Inc. state certified and licensed geologists and geotechnical engineers have assessed the site from a scientific perspective researching site specific, City approved information, as well as data received from site soil boring reports. The district structural engineer and civil engineers, and the City civil engineer have assessed the resulting certified report; all agreeing the site is appropriate for the intended structures and purpose.
  
14. Has a certified arborist reviewed the plans?
  - a. Yes. Three certified arborists have reviewed the design; the school district arborist, the City arborist and the City parks director, who is also a certified arborist. The City requires applicants to submit an arborist report from a certified arborist who inventories and maps each tree, assesses the type, size and health of each tree, and submits a detailed certified report of the trees on the site in relation to their current condition and provides professional advice of tree management during construction and into the future. All arborist involved in this project assert the remaining trees will remain viable into the future.
  
15. The City requires developers to protect at least 20% of the trees on a development site. Is this the case for the Sunset project?
  - a. Yes. In fact this project is maintaining 77% of the significant tree canopy, and the district has been conditioned by the City to create a tree conservation easement for the remaining significant trees to be protected into the future.



SUNSET PRIMARY SCHOOL  
PERMITTING PROCESS  
QUESTION & ANSWER

16. How many trees are being removed and why?
- a. The tree removal plan (LU2.01) shows not only the number of trees, but which trees are proposed to be removed. In total, 52 trees are proposed for removal. Of these, twelve significant trees (mature douglas firs) are proposed to be removed. Two of these are in poor health and represent a safety hazard and one of them is near the corner of the building and fire lane. Two are in close proximity to the fire lane and new Bittner Street sidewalks. The remaining seven are in the area of the storm water facility. Because construction activity close to trees can have an affect, the arborists recommend some trees should be evaluated by the landscape architect and arborist over the course of construction. The other trees to be removed are in poor health, represent a hazard, or are located too closed to the new school.
17. Why is a storm water pond proposed for the new school?
- a. Storm water management is an important environmental stewardship responsibility that is highly regulated by the City of West Linn and is similar to all other jurisdictions within the Portland Metro area. These engineered facilities are designed to assure that storm water from any development does not exceed pre-development levels and provide engineered methods to clean water from roofs and parking lots so that it won't harm wildlife in the rivers and oceans. As important, these engineered, gravity fed systems also control the flow of water to retain/detain the rate of flow from a development site to specifically meter water out over time to avoid flooding, landslides and erosion. The rate of flow is required to be reduced to levels equal to or below the existing condition.
18. Will trees be killed by water from the storm water facility?
- a. No. The stormwater facility is designed to hold water and meter it out to the public system over time, rather than allow sheet flows down grade on the site. By delaying the discharge to the public system, it assures that the water from the Sunset site will not be a contributor to stormwater volumes downstream and add to volumes generated by properties that don't have similar retention/detention facilities. Further, the storm water facility for the Sunset project is designed to limit infiltration through the bottom of the basin using a deep filter media that will create an infiltration rate significantly less than what happens currently; therefore, soils cannot be oversaturated and will not cause any impact to downstream trees. For this reason, the arborists for this project indicate no adverse affect to downstream trees.

SUNSET PRIMARY SCHOOL  
PERMITTING PROCESS  
QUESTION & ANSWER

19. Will the storm water pond cause a landslide?
- No. The total amount of storm water infiltrating into the soil will be reduced with the proposed design using engineered filter media and stormwater catchment, retention and detention to meter water to the public system at a rate significantly less than is currently the case. By intentionally reducing the amount of water in a storm event to the native soil, the stability of the soil downhill will actually be increased. While the Sunset site is not susceptible to landslide, the stormwater system proposed further decreases the risk.
20. Will neighboring properties be affected by the storm water pond?
- No. The total amount of storm water infiltrating into the soil will be reduced with the proposed design, which will only increase the stability of the soil. Mass infiltration of water is not the purpose of this facility. Its primary function is the treatment and controlled flow of storm water into the public storm water system.
21. Is the storm water pond dangerous?
- No. Storm water treatment and detention facilities like the one proposed are a typical, City preferred method of managing storm water. These facilities exist all over the City of West Linn, including schools and other public facilities, neighborhoods, and businesses. Except in the immediate wake of significant storms there will be little to no visible water in the pond, and it will become dry in the summer.
22. What does the future of Sunset Park look like?
- The City has launched a public process for designing Sunset Park. The City Parks Department has extended an open invitation to the community to join in this process to make Sunset Park's future as bright as possible. The City has committed to bringing the same or greater number of features to the park as exist now. Interested community members should contact City Parks for more information on how to get involved.
23. What was the result of the planning commission hearings?
- The Planning Commission issued a Final Decision and Order on April 14 approving the Sunset School application declaring it to be compliant in all ways with City Development Code.
24. What is the City Council role in this process?
- The City Council is the body that hears appeals to land use decisions made by the Planning Commission. The Council will either uphold or overturn the Planning Commission decision to approve the project.



SUNSET PRIMARY SCHOOL  
PERMITTING PROCESS  
QUESTION & ANSWER

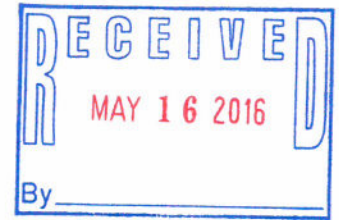
25. Why is the District requesting a variance for parking?
- a. City code for parking is created around the idea of a commercial shopping center where building occupants arrive throughout business hours in cars. These commercial facilities generally have multiple entrances at various locations around a central parking lot. These entrance locations (and city code) encourage all the parking to be within the required 200-foot distance of at least one entrance. There is no code specific to public schools regarding the arrangement of parking, therefore, City commercial code is used. Schools are very unique in that unlike commercial buildings, schools only have one entrance to allow maximum security for its students. In the case of the Sunset project, the front door is intentionally located in a place that is immediately adjacent to the location where the majority of the occupants are delivered to the site either by parent drop-off or school bus. The Sunset design accommodates this and allows students close, safe access to the front door both at school start and dismissal; and is easily within 200-feet of the front door. Further, for student safety and security, it is important that students are not forced to cross parking lots or driveways to reach the playground or play field which in turn causes on-site parking to be further from the building. It is also important to have an area for gathering near the entry for student arrival and departure as well as before and after community events. For these reasons, public schools find it near impossible to avoid using a variance for parking and believe the request for the variance is a reasonable and responsible action consistent with the uniqueness of a public primary school.
26. Why is the site plan for the new school different today than in 2010-2012?
- a. Design is an iterative process. There are over 7 published designs for this school site. While each is very different, all have shown the building in the same location. Early studies of the Sunset Replacement project were conducted primarily to answer the question: "Can a school be built on the site while the existing school continues in operation?" These studies focused on the building footprint and did not necessarily consider code compliant parking, stormwater management facilities, tree preservation or setback buffers from property lines. It was only after 2014 when funding was available to hire professionals that true code-compliant design, including architecture, landscape architecture and civil engineering, was undertaken. Over the course of the last year, with input from district teaching staff, parents, students, neighbors and City staff, a final design was completed that balanced all constraints into a design that represented the best use of the site.



**Wyss, Darren**

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**From:** Otterman, Don  
**Sent:** Monday, May 16, 2016 3:48 PM  
**To:** Wyss, Darren  
**Subject:** Fwd: Sunset elementary



Sent from my Verizon Wireless 4G LTE smartphone

Don Otterman, City Manager  
Administration, #1422



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.

----- Original message -----

**From:** Chase <chasegrothe@aol.com>  
**Date:** 05/16/2016 3:45 PM (GMT-08:00)  
**To:** CWL Council <cwl\_council@westlinnoregon.gov>  
**Subject:** Sunset elementary

Hi Chase and John (and Rosie), this is what I sent to the city council

On Monday, May 16, 2016 11:42 AM, Patrick Noe <art2noe@yahoo.com> wrote:

Dear council

As a resident who lives 2 blocks and downhill from the park and school I want to express that I do NOT want the current plan for the school to go forward. I do want a new school at the site of the old school but believe that there is a better way than this current plan. I am very much concerned about drainage and run off and believe that this plan would vastly increase this problem. I have personally had flooding due to excessive rain and believe the problem would be compounded with tree removal called for in the current plan. I think there are other unfavorable issues about this plan as well, especially that this is not what we voted on in the first place!

Please count me as NOT IN FAVOR OF CURRENT PLAN!

Chase Johnston  
2225 Leonard street

**Wyss, Darren**

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**From:** Robin Wood <robinwood15@gmail.com>  
**Sent:** Monday, May 16, 2016 3:41 PM  
**To:** Wyss, Darren  
**Subject:** Save Sunset Primary



Hello Mr. Wyss,

I am a Sunset Primary parent and am writing to you today to state my opposition to the appeal from the SOS Park group to amend or terminate the plans for the new Sunset Primary Project.

Based on the criteria for approval and the evidence provided by the district, the decision by the Planning Commission was correct and the appeal should be denied.

With all the information that has been provided, I am confident that the Planning Commission has done all the necessary research to satisfy all requirements for the new Sunset Primary school and surrounding neighborhood.

Please deny the appeal to the SOS Park group and allow our children to have a new school and a new park with minimal disruption to their education and relationships with not only fellow students but also our wonderful Sunset staff.

Thank you.  
Robin Wood  
Sunset Parent  
4071 Imperial Drive  
West Linn, OR 97068

**Wyss, Darren**

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**Subject:** FW: Please Say No to the Bullying Tactics of the West Linn-Wilsonville School District



----- Original message -----

From: Catherine Cowan <[fnxyb@yahoo.com](mailto:fnxyb@yahoo.com)>

Date: 05/16/2016 3:29 PM (GMT-08:00)

To: CWL Council <[cwl\\_council@westlinnoregon.gov](mailto:cwl_council@westlinnoregon.gov)>

Subject: Please Say No to the Bullying Tactics of the West Linn-Wilsonville School District

May 16, 2016

To the West Linn City Council  
Re File Number AP-16-01

**Please Say No to the Bullying Tactics of the West Linn-Wilsonville School District**

Dear Members of the City Council,

It's time for the West Linn City Council to take a stand against bullying in and by our schools. Please say **NO** to the current plan for the Sunset Primary School and ask that the School District make a greater effort to meet the needs of all of their neighbors.

It's time we took responsibility for what we are teaching our children and become aware that the education they receive far exceeds what is taught in the classroom. We also teach by our actions. And when the West Linn-Wilsonville School District runs rough shod over the needs, wishes and desires of their neighbors, the message they are sending, the lesson they are teaching is that bullying is acceptable since they are using bullying as a tactic in their approach to rebuilding the Sunset Primary School.

If the administrators feel their needs and desires are more important and come before those of their nearest neighbors, how can we be surprised by the outrageous actions of students who carry weapons to school thus also showing total disregard for the lives and desires of others?

This approach used by the School District is reminiscent of the tactics used by the Nazis, when they chose to ignore and steamroll anyone who opposed them. It is time to put a stop to bullying by those who are both more powerful and have access to public funds to promote their own ends.

Admittedly, the School District makes a formidable villain, and what is a book without a powerful antagonist, but we still prefer to see the little guy win. Not that this is necessarily true to life as the deaths of 6 million people in concentration proved.

It's time to say "**NO!**" to those who show a lack of regard for how their plans will affect the property values and lives of their neighbors closest to the Sunset Park and School.

Though we might not want to get involved, we must remember: "The only thing necessary for the triumph of evil is for good men to do nothing."



In the past two years we have witnessed campus killings at Reynolds High School and more recently at Umpqua Community College. Are these deaths to be regarded as acceptable losses on the road to a better education and more modern schools?

Surely, working together for the good of all is a more humane approach to achieving ones needs than bullying, but recently, the West Linn-Wilsonville School District seems to be taking the easier, more confrontational approach to getting their way.

Carl & Catherine Cowan  
22820 Oregon City Loop  
West Linn, Oregon 97068



**West Linn-Wilsonville School District**



SENT VIA EMAIL TO DWYSS@WESTLINNOREGON.GOV

May 16, 2016

Dear Mayor Axelrod, Council President Tan,  
Councilors Frank, Perry, and Martin:

On behalf of the West Linn-Wilsonville Board of Directors please accept this written testimony to memorialize the unanimous support from our Board of the decision rendered by the West Linn Planning Commission to approve the permitting for the Sunset School project.

With over a decade invested in development, planning, and design, a reimagined Sunset School represents our district's commitment to the children and families of the Sunset community and to the patrons and taxpayers of the City of West Linn. Since 1904, Sunset School has opened its doors to five generations of West Linn residents. Throughout the school's rich history, the buildings and grounds have been continually improved to meet the needs of each new era of students, and we stand ready to continue this legacy with the proposal that has been approved by the Planning Commission.

Our staff has worked tirelessly alongside the City of West Linn engineers, planners, and other staff to formulate a plan that allows us to construct an environmentally responsible, 21<sup>st</sup> century school while minimizing the disruption to the Sunset students, families, and neighbors. This is not an easy task; we have brought together the best architects and development professionals in the state to ensure that we have a thoughtful plan in place.

As leaders of a School District and City, it is incumbent upon us to fulfill on our commitments to the taxpayers. If the District is not able to proceed with the plan that was approved, there will be serious financial, quality of life, and educational impacts to our constituents. The ripple effect starting with the Sunset community and eventually touching most all of our community will be powerful and not soon forgotten. What troubles our Board is that the basis for the appeal of the decision to approve the projects is at odds with the conclusions of the District staff, professional engineers, City staff, and the Planning Commission. The Board believes that the issues raised during the appeal process have no credible foundation nor data to support the conclusions stated by the appellant. We have identified two of their claims which we believe are worthy of a specific mention.

Increased risk of landslides/storm water management- The appellant claims that the project will increase the risk of a "landslide" both within the boundaries of the project and onto adjacent properties. They claim that an increase in the infiltration of ground water and the storm water management strategy (which should be noted is not a criterion for the decision at hand) will increase the likelihood of a landslide event. This claim is not born out by the evidence presented in the work product of City of West Linn Engineers, WLWV School District staff, WLWV School District Contractors, or ODOT. The unanimous findings of the professionals on the project have



demonstrated that with the current design, there is actually an overall decrease in storm water for the site. The water retention feature which has the esthetically pleasing look of a pond (many examples of which can be found throughout the City) is actually an environmentally responsible method to control the directional flow and rate of release of storm water. The direct infiltration from the feature is controlled by engineered media strata within the feature and is very, very low. The notion held by the appellant that "... a bunch of water is going to seep into the ground..." is specious. The approved design is what the citizens of West Linn have asked for from new projects in the city. The District has complied.

The removal of trees due to the reconfiguration of Sunset Park will damage the park setting- The testimony presented by the appellant cites anecdotal observations that the removal of approximately 11 Douglas Fir trees will destroy the sylvan feel of the park. The project team went to great lengths to consult with arborists and work with City of West Linn Parks and Recreation to determine which trees would be removed and the attendant effect on the canopy. The evidence shows that the removal of the trees does not destroy the "majority" of the canopy as claimed. The mood and feel of Sunset Park will be retained and enhanced by better storm water management and safer ingress/egress as a result of the improvement to the road and sidewalks bordering the park. The Board agrees with the conclusions of the West Linn City Parks and Recreation Staff that the overall impact of the new school and park will be a benefit to the patrons of the City of West Linn.

As stated above, this project has been in the making for many years. The formal design and planning work completed over the last 24 months has been rigorous. The iterative approach that the City of West Linn uses to finally approve a project like this is based on managing taxpayer's money in the most responsible way possible while working with the applicant to meet their needs. If the WLWV School District is required to start over, the direct costs to the district taxpayers and will be significant and long lasting. On numerous occasions in written and oral testimony, the appellant has claimed that "... skipping a year..." and razing and re-building the school on the same footprint would be a minor inconvenience. That is factually incorrect. The Board cannot at this time precisely quantify what the direct costs would be, but they most likely would make constructing this school within this bond cycle impossible. Setting aside the one to two years to establish a new design and plan, the planning and notice that would have to take place to split up and relocate children to other schools for the 300+ Sunset families will be a very difficult task. This is a task that has never before been contemplated by our District, nor a request that has been ever asked of our West Linn families. The practical and political reality of breaking up a school community for one to two years will be devastating. As a Board and City Council elected by the citizens of West Linn to look after their best interests, overturning the planning commission decision would represent a failure of epic proportions.

The Board of Directors for the West Linn-Wilsonville School District recommends in the strongest terms that you reaffirm the approval of our project as recommended by West Linn City staff and the West Linn Planning Commission.

Sincerely,



Robert Fernandez  
Chairman  
West Linn-Wilsonville Board of Directors.

**Wyss, Darren**

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**Subject:** FW: File #AP-16-01



----- Original message -----

From: "Martin L. Moore" <MartinLMoore@comcast.net>  
Date: 05/16/2016 2:22 PM (GMT-08:00)  
To: CWL Council <cwl\_council@westlinnoregon.gov>  
Subject: File #AP-16-01

Martin Moore  
4669 Exeter Street  
West Linn 97068  
May 15, 2016  
Re: File #AP-16-01

To Members of the City of West Linn City Council:

I am a resident of West Linn and live in the Sunset Neighborhood near Sunset Park and the proposed location of the new Elementary School. As a frequent user of the park, as well as a supporter of construction of a new school, I urge the City Council to pause and examine the changes that have occurred in planning the new school site. When originally proposed, construction of the new school would not have an impact on the park. Today, much of the park will be altered by the removal of mature Douglas Fir trees, and the addition of a large retaining pond, parking lots, etc.

Though the risks to the down-slope neighborhood of adding a retaining pond have been brought forward, the school district and architects of the new school site are choosing to ignore them and press the community to accept the site design as-is. Further, it seems that they are ignoring all suggestions of alternative solutions to drainage problems, suggesting that the only priority is to start construction on the pre-determined date.

It seems to me that the start date could be pushed out even as much as a year. This would give the school district and architects time to consider alternative solutions that might relieve the future risk to homeowners down-slope of the retaining pond.

Sincerely,  
Martin L. Moore



**Wyss, Darren**

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**From:** Jeremy Wood, Brewery Branding Co. <jeremy@brewerybranding.com>  
**Sent:** Monday, May 16, 2016 2:13 PM  
**To:** Wyss, Darren  
**Subject:** Please deny the appeal by the SOS Park group  
**Attachments:** Sunset Conditional Use Appeal.pdf



Dear Mr. Wyss,

I am writing a note to voice my opposition to the appeal from the SOS Park group to alter the plans for the new Sunset Primary Project.

Based on the criteria for approval and the evidence provided by the district, the decision by the Planning Commission was correct and the appeal should be denied.

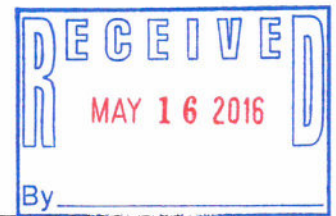
It seems as if this small group is "grasping at straws," attempting to keep the school from going in across the street from their homes. The Planing Commission put together a thoughtful plan that is both expeditious and fiscally responsible and should not be derailed because of a vocal minority who is looking to satisfy their own agendas.

I have a daughter in second grade at Sunset and would hate to see her learning experience over the next couple of years threatened by learning in temporary classrooms and/or being moved to a different school that would in turn become overcrowded.

Thank you for your time.

Best Regards,

Jeremy Wood  
4071 Imperial Dr.  
West Linn, OR 97068



**ADDITIONAL WRITTEN TESTIMONY FOR THE CITY COUNCIL HEARING ON  
THE SUNSET SCHOOL APPLICATION FILE NO. AP-16-01**

**Concerns about Standing, Carlson report, misuse of Curran Mohney letter, and District PR**

Dear Mayor Axelrod and Councilors,

I had not planned to write again, but circumstances compel it. Some of you will be already aware that the School District has launched a massive Public Relations campaign just recently regarding their Sunset School application. Since this PR campaign contains inaccuracies regarding the stormwater plan, and **since it is extremely likely that some, but not all of you have received direct contact from the district about this matter via your child's school's email list, I feel obligated to address this disparity in a manner that is added to the public record.**

Additionally, a second portion of the PR effort has resulted in a quite a number of very recent letters from CedarOak parents to Darren Wyss in support of the district's application due to concerns that bused students will overcrowd CedarOak's classrooms. One lone CedarOak letter complains that the school asked parents to write. This letter authored by Jonathan Williams is on page 94 of your packet. **The CedarOak letters have been added to the Council Packet for this hearing, possibly in contradiction to the on-the-record policy, assuming the council packet is part of the record.** If there is now a very liberal policy regarding standing, such as since the district has standing, therefore each parent in the district has standing, please email me this information right away because all week long I have been telling people that they cannot write or testify if they did not already establish standing in the normal way. Some of these disappointed ones do have children attending the district schools and perhaps still could testify in person. Please clarify.

The district's mass email links to a webpage where the district has posted numerous inaccuracies when compared with the actual source material, particularly regarding the Carlson Report. The District writes:

*12. Is the Sunset School site suitable for a new school? a. Yes. The district conducted a Level I Environmental Assessment of the site by PBS, Inc. and found no indication that the site was unsuitable from an environmental perspective. Further, the district geologist and geotechnical engineer, Carlson Geotechnical, Inc. issued a written geo-technical report following extensive investigation, including test borings deep into the soil, to certify the site is suitable for a new school, **including all the site features proposed***

The Carlson Report is only six pages or so, therefore it will be easy for you to confirm that **the Carlson Report's writer claims the data is inconclusive regarding the infiltration pond (a site feature) and recommends further testing once its location is established.** The Carlson report has nothing to say about the off-site impacts of the stormwater pond. The majority of the test pits were from what would be under the footprint of the proposed school. Only one test pit was in the vicinity of the proposed pond, and that pit showed a rapid infiltration rate. I believe when Commissioner Walvatne came up with an infiltration rate of 18,000-19,000 gallons of water per hour during storm events, his figures are calculated using this test pit's flow rate (but with a safety factor built in which halves the initial recorded measurement from the pit). **As the hydrologist Malia Kupillas notes, it is the concentration of so much run-off into one infiltration area that raises the questions about off-site impacts.** Toward the end of



the PC hearing the district suddenly claimed it was now not an infiltration pond, but a holding pond for slowing the flow of water into the stormwater system, but since no pond liner was added this claim seems a bit far-fetched. Also, if you were to contact PBS Inc. you would discover a level I assessment does not address soil or groundwater issues.

I previously wrote to the PC about how the surface stream at the dead ends of Walnut Street and Alder Street overtops each winter. From that stream one can see how very shallow some of this hillside's surface soil is. So as you consider infiltrate leaving the proposed pond, please try to visualize how quickly the water meets the basalt and remember the district has failed to address the off-site impacts of the pond as it is proposed. The Carlson Report was held back until just before the first hearing at the Planning Commission, but thankfully in this appeal hearing we all have ample time to examine it absorb how very inconclusive it is.

Also, please note **the Planning Commission has made a very curious finding based upon an extremely misleading suggestion that Curran Mohney, ODOT's geologist has anything conclusive to say about this case.** Somebody owes this poor man an apology for misuse of his hard earned title. Mr. Mohney merely said he believe the risk to ODOT's downslope area (more or less the cliffs northeast of the Sunset bridge over I-205 near Walnut Street) did not justify the large expense of evaluating that risk. He said nothing about the neighborhood between the pond and the cliffs. So, up at the pond the Carlson report is entirely inconclusive, and down at the cliffs the Curran Mohney letter is modestly inconclusive. I find myself picturing a series of question marks that trickle down the hillside connecting the two locations. What path would these question marks they tumble downslope? And what can we legitimately conclude except that the questions are just too numerous to proceed?

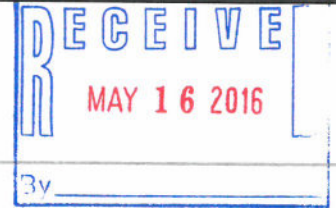
Please approve the appeal and deny the application based on any and all of the code referenced arguments from my other letter. And please let me know if the ranks of those with standing now include all of us with children attending district school. If so, it could be a bit of a long hearing.

**With appreciation for your time and thoughtful consideration.**

Rebecca Adams  
1941 Buck Street  
West Linn, Oregon  
97068

**Wyss, Darren**

**Subject:** FW: Sunset School/Park decision



**From:** Cassie Sills [mcassidy7@gmail.com]  
**Sent:** Monday, May 16, 2016 1:09 PM  
**To:** CWL Council  
**Subject:** Sunset School/Park decision

I am a 30 year resident of the Sunset area. The Sunset park has always been the heart of our neighborhood. Unfortunately, many who voted to sell a portion of it to the school district had probably never seen it, or utilized it. As an educator for the last 36 years, I am confused about several issues. My daughter was bussed to Bolton for more than a year, while the new highschool was being built. Teachers had to be temporarily inconvenienced, as well as parents, working or not. Sunset is a small school, and the new school proposed is approximately the same size. Why is the same site not adequate? Is the inconvenience to students, parents or school staff really more important than preserving a neighborhood and PUBLIC park that was originally deeded to the city in perpetuity? The intention was an honorable one: to provide the citizens with a serene, natural respite from the rigors of daily life. We are, in Oregon, conscious of the preservation of the natural beauty that defines our state. I have watched forests and fields disappear as houses and commercial areas have appeared over the years in WestLinn. The Sunset area is one of the oldest areas in West Linn, and that is part of its appeal. Why would anyone consider taking such a valuable asset from our neighborhood? This issue deserves closer scrutiny. With respect, please look much more carefully at the plan for replacing Sunset School, taking into consideration the irrevocable consequences of your decision on the neighborhood, and those children and parents, elders and patrons who have used Sunset Park for many decades. If we are to be true stewards of that which is within our power to control while we are here, then perhaps we can profit from the practice of the Iroquois Nation ( as some founding fathers did)

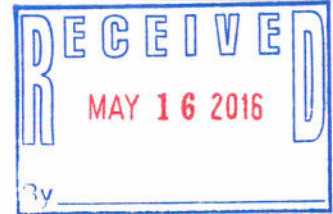
and look ahead seven generations to see the long-term consequence of our decision. This is about more than a new school. It is, and always should have been about doing the right thing---which is not always the easiest, most expedient, most profitable, or most popular. You have an opportunity to do the right thing, if only to delay this project until more options have been considered. Please decide carefully, thoughtfully, and with future generations of park users, and Sunset residents in mind. Thank you. Cassandra Sills



## Wyss, Darren

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**From:** Axelrod, Russell  
**Sent:** Monday, May 16, 2016 12:56 PM  
**To:** Thornton, Megan; Wyss, Darren  
**Subject:** FW: Sunset Park



I am forwarding for the record communication received from the community that may be considered potential ex-parte contact for the Sunset School redevelopment matter.  
Russ

Russell Axelrod  
*Mayor*  
22500 Salamo Rd  
West Linn, OR 97068  
[raxelrod@westlinnoregon.gov](mailto:raxelrod@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone(503 568-2804



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**From:** Heather Snyder [taoesister@gmail.com]  
**Sent:** Monday, May 16, 2016 12:51 PM  
**To:** CWL Council  
**Subject:** Sunset Park

Hi,  
Im a resident that lives three blocks down from Sunset school. Im all for a new school at the same location but I'm NOT in favor of the current plan to replace it. This is not what we originally voted on. I don't think the drainage issues have been properly addressed and I already have water issue's in the winter due to run off downhill from the school and park. I can't imagine how bad it'll be after those trees are removed.  
Again I am not in favor of this plan.  
Heather Snyder  
2100 Tumwater Street  
503-475-8275

## Wyss, Darren

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**From:** Otterman, Don  
**Sent:** Monday, May 16, 2016 11:45 AM  
**To:** Wyss, Darren  
**Subject:** Fwd: Sunset Elementary School



Sent from my Verizon Wireless 4G LTE smartphone

Don Otterman, City Manager  
Administration, #1422



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----- Original message -----

**From:** Patrick Noe <art2noe@yahoo.com>  
**Date:** 05/16/2016 11:42 AM (GMT-08:00)  
**To:** CWL Council <cwl\_council@westlinnoregon.gov>  
**Subject:** Sunset Elementary School

Dear council

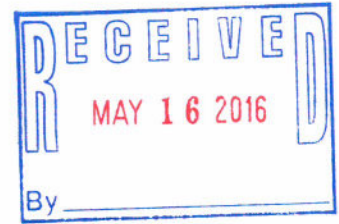
As a resident who lives 2 blocks and downhill from the park and school I want to express that I do not want the current plan for the school to go forward. I do want a new school at the site of the old school but believe that there is a better way than this current plan. I am very much concerned about drainage and run off and believe that this plan would vastly increase this problem. I, and my immediate neighbors have been affected for years by existing water runoff after storms and we do not need to exacerbate this problem. I think there are other unfavorable issues about this plan as well, especially that this is not what we voted on in the first place!  
Please count me as NOT IN FAVOR OF CURRENT PLAN!  
Patrick Noe, 4412 Simpson St West Linn



**Wyss, Darren**

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**Subject:** FW: Sunset School



----- Original message -----

From: Michelle Engblom-Deglmann <[mengblom@georgefox.edu](mailto:mengblom@georgefox.edu)>

Date: 05/16/2016 11:42 AM (GMT-08:00)

To: City Council <[ima\\_citycouncil@westlinnoregon.gov](mailto:ima_citycouncil@westlinnoregon.gov)>

Subject: Sunset School

My name is Michelle Engblom-Deglmann and I am a proud resident of West Linn and live within a few blocks of Sunset Primary. My family moved here, to West Linn, almost two years ago from out of state. We looked ALL OVER the Portland area for homes that met our standards and we found beautiful homes in several parts of the Portland area. Our PRIMARY decision to move to West Linn was the rating of the schools. We found West Linn to place priorities where our family also places our family priorities...with education and schools.

Our daughter will turn four in the fall and will be one of the first students to use the new school, if we can continue with the approved plans. I have been in the elementary school. I have spoken to teachers and parents. My daughter and I play in Sunset park and will enjoy it just as much when it is smaller and shares the space with the new elementary school. I love nature and birds and trees and science. I love my daughter and advocate for my daughters education and learning. Please continue with the proposed plan to build a new school. Please do not place her in modular buildings to learn. Please do not ship her to another school to learn.

I want to be clear that I support the plan to build the new Sunset Primary Elementary School. Our children deserve the education that West Linn is famous for providing.

Michelle Engblom-Deglmann

--

**Michelle Engblom-Deglmann, Ph.D., LMFT (OR and CA)**

Associate Professor

Clinical Director of the Marriage, Couple and Family Counseling (MCFC) Program

George Fox University

Graduate School of Counseling

Marriage, Couple, and Family Therapy Program

**Wyss, Darren**

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**Subject:** FW: Sunset Primary School Planning



----- Original message -----

From: Adam Deglmann <[deglmann@yahoo.com](mailto:deglmann@yahoo.com)>  
Date: 05/16/2016 11:40 AM (GMT-08:00)  
To: City Council <[ima\\_citycouncil@westlinnoregon.gov](mailto:ima_citycouncil@westlinnoregon.gov)>  
Subject: Sunset Primary School Planning

To whom it may concern,

I am writing to voice my emphatic support for the new Sunset Primary School building plan. I understand the concerns and objections of a small group of residents, especially those who live near the park, but I am also a parent of a child who will soon be attending the (hopefully new) Sunset school. Growth is often painful, and doing things the right way is not always the easiest way. That being said, I believe the current plan, to use the newly procured land from the park to build a new school while keeping the existing building usable during construction, is by far the best option. Half measures like putting the children in mods during construction is neither suitable, or in keeping with the high level of care for children for which West Linn schools are known. I cannot honestly believe that those objecting to the building plan are really thinking about what is best for the school district and the children, and can only attribute their complaints to selfishness of their current living conditions and environment.

I have read most of the published plans and literature published on the plan for the new school, and its impact to the environment and surrounding neighborhood. I strongly believe that everything has been done to minimize the impact to the park and neighborhood, while at the same time producing a building and school grounds that protect, enhance, and utilize the beautiful setting we are fortunate enough to have for this school. It would be a terrible disservice to the residents of West Linn, especially parents like ourselves who moved here specifically for the schools, to not provide for our children in the most appropriate, and cost effective way, which I believe is accomplished with the current plan.

Thank you for your time and consideration,

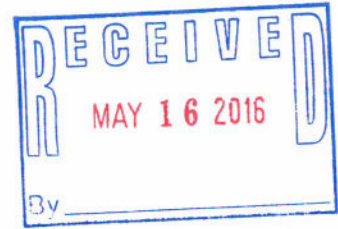
Adam Deglmann  
314-749-0729



**Wyss, Darren**

---

**From:** Otterman, Don  
**Sent:** Monday, May 16, 2016 11:44 AM  
**To:** Wyss, Darren  
**Subject:** Fwd: Sunset Primary School



Sent from my Verizon Wireless 4G LTE smartphone

Don Otterman, City Manager  
Administration, #1422



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----- Original message -----

**From:** Bettina Jacobs <bettina.uk@gmail.com>  
**Date:** 05/16/2016 11:32 AM (GMT-08:00)  
**To:** City Council <ima\_citycouncil@westlinnoregon.gov>  
**Subject:** Sunset Primary School

Dear Council Members,

As a family relatively new to the community (and to the state of Oregon; we have lived here less than a year), we would like to be counted as supporters of the building of a new Sunset Primary School. From our family's perspective, it seems that all of the necessary planning and research for a new facility has been properly conducted and that the opposition to the plans is limited to a small, special interest group with questionable (in my opinion) motives.

Please respect the wishes of the majority and proceed with the plans for a new school that will not only enhance the learning of our children, but hopefully serve as a point of pride in the community.

Respectfully submitted,  
Craig and Bettina Jacobs

Sent from my iPhone

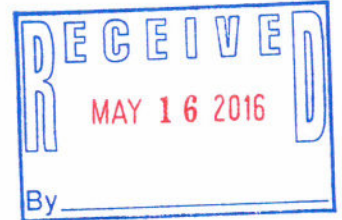
## Wyss, Darren

---

**From:** Flynn, Courtney  
**Sent:** Monday, May 16, 2016 11:25 AM  
**To:** Wyss, Darren  
**Subject:** FW: City of West Linn Website submission: Contact Us

Hi Darren,  
Please see the comment on Sunset below.

Thanks,  
Courtney



Courtney Flynn, Citizen Engagement Coordinator Administration, #3043 <http://westlinnoregon.gov>

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-----Original Message-----

**From:** City of West Linn [mailto:[website\\_contact\\_us@westlinnoregon.gov](mailto:website_contact_us@westlinnoregon.gov)]  
**Sent:** Sunday, May 15, 2016 11:00 AM  
**To:** Website Service Contact Us <[Website\\_Contact\\_US@westlinnoregon.gov](mailto:Website_Contact_US@westlinnoregon.gov)>  
**Subject:** City of West Linn Website submission: Contact Us

Submitted on Sunday, May 15, 2016 - 10:59am Submitted by anonymous user: [10.209.162.159] Submitted values are:

--CONTACT INFORMATION--

Full Name: Joncile Oden Martin  
Email: [joncile40@comcast.net](mailto:joncile40@comcast.net)  
Phone Number: 971-221-4532  
Street Address: 4051 Sussex Street

Question/Comment: I am writing to request that the City council deny approval of the current plan for the building of the new Sunset elementary School. as presently designed, the new school with parking lot, stormwater retention pond, and recreational areas will almost certainly cause major water problems to the surrounding neighborhoods. Plus it will destroy our beautiful sunset Park and many of the magnificent trees located there. This is NOT the plan that was originally submitted to the citizens for approval. Let's go back to the drawing board and try to come up with something more sustainable and less damaging to our neighborhood.

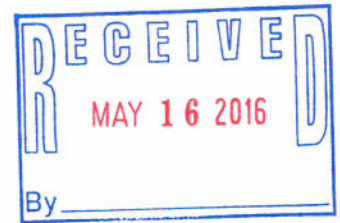
The results of this submission may be viewed at:  
<http://westlinnoregon.gov/node/7/submission/5289>



## Wyss, Darren

---

**From:** Otterman, Don  
**Sent:** Monday, May 16, 2016 10:20 AM  
**To:** Wyss, Darren  
**Subject:** Fwd: Sunset School Replacement



Sent from my Verizon Wireless 4G LTE smartphone

Don Otterman, City Manager  
Administration, #1422



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----- Original message -----

**From:** marsha loehner <marsha.loehner@icloud.com>  
**Date:** 05/16/2016 10:04 AM (GMT-08:00)  
**To:** City Council <ima\_citycouncil@westlinnoregon.gov>  
**Subject:** Sunset School Replacement

I feel strongly, as the grandparent of three Sunset school students, that the needs of our children should take precedence over the wishes of a few people. The new school is replacing an existing school so as the neighborhood goes there is little change in the noise level. A few trees will be lost, but can be replaced. Our children are the future. They should be the main concern in this matter.

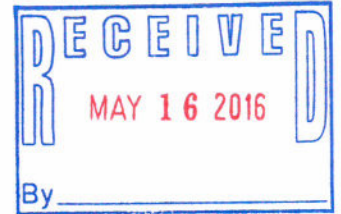
Marsha Loehner

Sent from Marsha's iPhone. ☑️☑️☑️

## Wyss, Darren

---

**From:** Otterman, Don  
**Sent:** Monday, May 16, 2016 10:20 AM  
**To:** Wyss, Darren  
**Subject:** Fwd: Sunset school replacement



Sent from my Verizon Wireless 4G LTE smartphone

Don Otterman, City Manager  
Administration, #1422



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----- Original message -----

**From:** douglas loehner <dloehner@mac.com>  
**Date:** 05/16/2016 10:13 AM (GMT-08:00)  
**To:** City Council <ima\_citycouncil@westlinnoregon.gov>  
**Subject:** Sunset school replacement

I am sending this email in support of the building of the new school.

Little will change in the neighborhood and the few against it should think of our children instead of themselves. I am a grandparent of three children at Sunset. These children are the future and there needs are the important ones. laughter is not noise and trees can be replaced.

Douglas Loehner

Sent from my iPhone



**Wyss, Darren**

---

**From:** Otterman, Don  
**Sent:** Monday, May 16, 2016 9:48 AM  
**To:** Wyss, Darren  
**Subject:** Fwd: Please proceed with building Sunset School



Sent from my Verizon Wireless 4G LTE smartphone

Don Otterman, City Manager  
Administration, #1422



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----- Original message -----

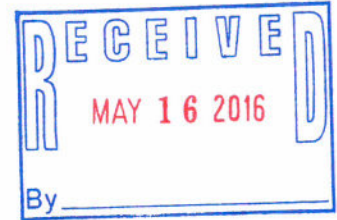
**From:** Sara Smith <hultsch\_smith@yahoo.com>  
**Date:** 05/16/2016 9:17 AM (GMT-08:00)  
**To:** CWL Council <cwl\_council@westlinnoregon.gov>  
**Subject:** Please proceed with building Sunset School

Please proceed with building Sunset School. We need a safe local school for our neighborhood. Sara Smith

## Wyss, Darren

---

**From:** Otterman, Don  
**Sent:** Monday, May 16, 2016 8:09 AM  
**To:** Wyss, Darren  
**Subject:** FW: In support of Sunset



Don Otterman, City Manager  
Administration, #1422  
<http://westlinnoregon.gov>

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**From:** Amy Varga [aevarga@gmail.com]  
**Sent:** Sunday, May 15, 2016 8:44 PM  
**To:** City Council; tan@jennitan.com  
**Subject:** In support of Sunset

Dear West Linn City Council:

We want to raise our voices in support of moving forward with the construction of the new Sunset Elementary school as planned.

We enthusiastically voted "yes" for the bond that was passed in support of it, as we knew at that time our oldest child would benefit as a kindergartener in the 2016-17 school year.

We hope the planning and construction moves forward as planned, and count this project as one that positively enhances our family and our community.

Sincerely,

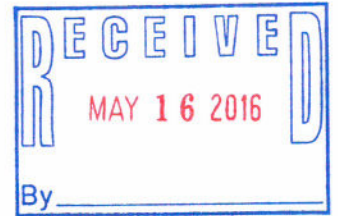
Amy & Jason Varga  
2915 White Salmon Street



## Wyss, Darren

---

**From:** Otterman, Don  
**Sent:** Monday, May 16, 2016 8:08 AM  
**To:** Wyss, Darren  
**Subject:** FW: Sunset school



Don Otterman, City Manager  
Administration, #1422  
<http://westlinnoregon.gov>

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**From:** Pia Snyder [piasnyder@comcast.net]  
**Sent:** Sunday, May 15, 2016 11:24 PM  
**To:** CWL Council  
**Subject:** Sunset school

Dear members:

As a West Linn resident who lives close to the Sunset Primary School, I urge you to reconsider final approval of the last plan without input from residents who actually live in that neighborhood and are familiar with the area. No one is against a new school.

As a former teacher, I am also very concerned about the noise level, constant activity and possible physical harm to students while the new school is being built. In addition, parking lots covered with asphalt, holding ponds on a hillside, etc need to be revisited. An acceptable solution for all parties can be reached.

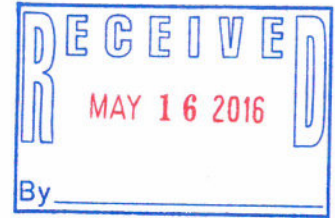
Thank you for your consideration.

Pia Snyder  
3817 Fairhaven Drive  
West Linn, Or  
Sent from my iPhone

## Wyss, Darren

---

**From:** Elise Rogers <eliserogers82@gmail.com>  
**Sent:** Monday, May 16, 2016 7:43 AM  
**To:** Wyss, Darren  
**Subject:** Attn:City Council



Re: Sunset Conditional Use Appeal

Dear City Council Members,

As a neighboring member of the school re-design project, I would like to express my opinion regarding the appeal filed by the Save our Sunset Park Committee.

I have visited all the neighborhood meetings regarding the redesign and the associated impact of the neighborhood, and I understand all the impacts to the neighboring properties will have some element of compromise. However, as a parent of a 2<sup>nd</sup> grade student, I know first hand how old the school is. How the school's basement has flooding issues, how the heating and air conditioning units are faulty, and how ancient many of the educational amenities are. Therefore, we as the city of West Linn voted on a bond measure to change things.

Unfortunately, the appeal submitted by the Save our Sunset Park Committee has voiced no concern about the size of the classrooms, or the size of the field, or the safety of our young children. Instead they have created a weak argument based on one un-paid expert to help support one motive, and one alone, the view from their own front door. The people that I have witnessed voicing their opinions against the school have no children and seem to have no concern regarding their education or their future.

I was in the meeting when they were upset with the loss of trees. I was there when the woman who runs an in-home day care was worried what she would do with her kids all day. I watched as the argument went from "Save the Trees," to "Remove the parking lot," to "The water detention pond is ugly," and then all of a sudden they have an "expert" claiming that the water retention pond will create landslides. Forgive me, but I feel that this is comical that the argument is even being considered. It is a sad day when a small group of people can overshadow the voices of the supporting neighborhood and in that process, instill fear.

Additionally, some of the variances requested by the school are intended to satisfy the early requests from the now Save our Sunset Park group because they were concerned about a parking lot design. The planning



committee has worked hard to try and make this satisfactory, but instead this group is appealing the design and causing us wasted time and money in replacing the school.

I am concerned that my son will have to be bussed into another school, that his friendships will be broken up, and that his education will suffer as a result of this disruption. I believe that the planning committee of Sunset Primary School has taken all the input that they could possibly integrate to satisfy all members within the area. They have hired the appropriate experts, and reviewed the impact in great detail. I know that I am not an expert in engineering or geology. This is why I trust that the planning committee has hired all the necessary experts to carefully design the new school our neighborhood needs.

Please deny the appeal submitted by Save our Sunset Park. The criteria for approval and the evidence provided by the district the decision by the Planning Commission was correct and the

appeal should be denied.

Kindest Regards,

Elise Rogers

**Wyss, Darren**

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**From:** Amber Duncan <amberduncan@gmail.com>  
**Sent:** Sunday, May 15, 2016 10:10 PM  
**To:** Wyss, Darren  
**Subject:** Sunset Primary



To: City Council

RE: Appeal to overturn Planning Commission conditional use permit for Sunset School

I am a parent of children who attend Sunset Primary and I believe that the appeal should be denied. My strongest opinions regarding the request to rebuild the school on its current footprint are derived from my experience as a teacher the last 15 years in a local school district. It has been suggested that distributing students throughout the district would be a minor inconvenience. In my experience, my school district was required to do this when the building of a new elementary school did not meet its expected timeline. The situation was an extreme strain for teachers, students and families alike. The additional students meant the space and supplies for our school were stretched beyond expectation, the students did not feel as though they were a part of the “team” of the school and parents were frustrated with having to drive extended distances and learning the mechanics of a different school. This chaos effects the education of students without question. The proposed strategy is far from a minor inconvenience, but rather a major disruption for students, teachers and parents. Even worse, it is an *unnecessary* major disruption. The current plan meets the needs of our community and has been well thought out with lots of input and changes made to account for community input.

In my opinion, this appeal does not take into account the needs of the entire community and should be rejected.

Amber Duncan

**Wyss, Darren**

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**Subject:** FW: Sunset School Proposal and appeal

**From:** Marla [my3sons99@comcast.net]  
**Sent:** Sunday, May 15, 2016 9:54 PM  
**To:** City Council  
**Subject:** Sunset School Proposal and appeal



City Council Members,

Wanted to express my support of the School district proposal for Sunset School and Park. I live right behind Sunset Park in the "possible" path of the water drainage. I have attended most of the community meetings sponsored by the School District and the hearings at City Hall.

My interest in this peaked when the first proposal suggested a parking lot in Sunset park itself. As the School District plan evolved and the number of trees being cut down was decreased a saw a reasonable compromise evolving. I have listened to the concerns of the "save our Park" group and empathize with their concerns. I am choosing to trust the information that the school district presented in the most recent public meeting that suggested that the water drain off will be managed in a way that does not significantly impact topography or trees. I hope that I will not be sadly disappointed.

I believe that the School District gave genuine consideration of the environmental impact in their design. There will undoubtedly be an impact but I believe the benefits of the new school outweigh the costs. I do not believe bussing students and teachers away from the Sunset site for a year is at all a reasonable alternative. I also believe that some of the members of the Save our Park group may be selfishly motivated and they are not considering the "greater good".

Thanks for your careful consideration of these comments.

Marla Craft  
22821 Oregon City Loop  
503-548-7142



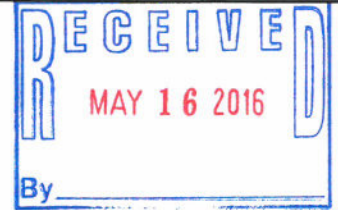
This email has been checked for viruses by Avast antivirus software.  
[www.avast.com](http://www.avast.com)



## Wyss, Darren

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**From:** Axelrod, Russell  
**Sent:** Sunday, May 15, 2016 10:03 PM  
**To:** Thornton, Megan; Wyss, Darren  
**Subject:** FW: File #AP-16-01



I am forwarding for the record communication received from the community that may be considered potential ex-parte contact for the Sunset School redevelopment matter.  
Russ

Russell Axelrod  
*Mayor*  
22500 Salamo Rd  
West Linn, OR 97068  
[raxelrod@westlinnoregon.gov](mailto:raxelrod@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
Phone(503) 568-2804



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**From:** Victoria Meier [meier235@gmail.com]  
**Sent:** Sunday, May 15, 2016 9:50 PM  
**To:** CWL Council  
**Subject:** File #AP-16-01

Victoria Meier

4669 Exeter Street, West Linn 97068

May 15, 2016

Re: File #AP-16-01

To the Members of the City of West Linn City Council:

Twenty-eight years ago I moved into Sunset Neighborhood with three young boys for three reasons: the excellent schools, the comfortable mix of newer and older homes, and the nearby park. Over the years, my boys played in the park, and since they've grown up, I've continued to enjoy knowing that other children play there. Together the elementary school and the park form the center of Sunset, a place I've been happy to call home.

When I learned that the school district might sell the property and move the school elsewhere, I was one of those who cared enough to go door to door gathering signatures to keep our school right here. Imagine my distress and sense of betrayal when I read the language of Measure 3-358 indicating that in order to build, the city would sell 1.6 acres of the park to the school district. This land was given to the citizens of West Linn to be

a park in perpetuity for our pleasure and recreation, not to be sold off. Later, I had hope for the park when the architects presented the 2010 design concept, which clearly showed the current park unchanged.

However, the November 2015 design concept came as a second shock. While the design for the school itself is most satisfactory, the changes for the use of the park promise nothing for the citizens of this neighborhood but two ugly problems. Now, instead of a playground, there is to be a parking lot and a large water detention pond. To put these structures where children play does not “maximize recreational opportunities while preserving significant trees” (Measure 3-358). I understand that the city code requires a certain number of parking spaces per square foot for a public building, but this is an elementary school. Most of the allotted spaces would remain empty except on the handful of days when parents come for an event. I feel strongly that the other parking lots on Oxford would suffice and that the code should be waived to honor the historic use of the park.

The detention pond presents even greater problems. The most important problem is the danger the detention pond would pose by increasing the amount of ground water that would flow downhill. Douglas firs do not tolerate standing water and would fail. Furthermore, according to the work of the hydrologist hired by the neighborhood, several homes on downhill would be subject to increased flooding. This proposed design works only in a best-case scenario, assuming no adverse effects. While the land may truly be drier on the average, it would be much worse during storms, storms that are increasing as we undergo climate change. The November 2015 concept is not the only design that’s possible. For example, to mitigate surface water, the school could be built with French drains, and the necessary parking lots on Oxford Street could be built with pavers.

These trees, along with the play equipment, are the heart of Sunset Park. I feel confident that the city I’ve called home for so long will give this problem thoughtful consideration. You will find a good solution that preserves the historical quality of our park for both the trees and for the small children who need a sunny place to play while the older children enjoy their new school.

Yours most sincerely,

Victoria L. Meier



**Wyss, Darren**

---

**Subject:** FW: Reject the SOS appeal!!

**From:** Sarah Tycast [sarahtycast@gmail.com]  
**Sent:** Sunday, May 15, 2016 8:06 PM  
**To:** City Council  
**Subject:** Reject the SOS appeal!!



Dear Council Members,

As West Linn residents and parents of one (soon to be two) students at Sunset Primary School, we urge you to reject the appeal filed by the “Save our Sunset Park” group attempting to block the planned construction of an overdue and much-needed new Sunset Primary School. There is now question that the school is outdated and needs to be replaced, and much time, money and thought have been put into the plan for the new school. This 11th hour appeal is uninformed and ridiculous. The planned school construction and revitalization of Sunset Park and the surrounding area will only benefit the neighborhood in the long run. The City Planning Committee has approved the plans, and for one “expert” representing a group of nay-sayers with no investment in the school itself to overturn YEARS of planning and money is just unthinkable.

We moved to West Linn from St. Louis, MO in 2011 and bought a house here specifically for excellent public schools. We love the Sunset Community and have been excited to hear (since our son started kindergarten in 2013) that a new school will be built. We would be extraordinarily disappointed for our kids to be displaced to portables at another school that is already busting at the seams. Our neighbors in Lake Oswego have fought their own battles in terms of school and we have had friends move to WL because our district is in much better circumstances with sizes and quality. We have friends looking to move here - if this appeal goes through and our kids are stuck in portables (with our property taxes!!) - we would have to think twice about recommending then moving into the Sunset boundaries.

Change is hard, but our kids are the future. This city on the whole serves them well and the schools truly are top-notch. Please don't let this vocal minority, who do not have our children's best interests in mind, mar the reputation of the West Linn working positively with the WLWV School District.

Please **reject** the appeal filed by SOS.

Sincerely,

Sarah & James Tycast



**Wyss, Darren**

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**From:** atkin7262@comcast.net  
**Sent:** Sunday, May 15, 2016 8:01 PM  
**To:** Wyss, Darren  
**Subject:** Deny Appeal AP16-01



Dear Mr Wysss,

We are writing to you to request that the City Council approve the plans as presented in CUP15-03 and deny Appeal AP16-01.

Best Regards

Lynda and Philip Atkin  
2590 Oregon City Blvd

## Wyss, Darren

---

**From:** Geneva Dahl <genevadahl@hotmail.com>  
**Sent:** Sunday, May 15, 2016 7:57 PM  
**To:** Wyss, Darren  
**Subject:** Sunset School Conditional Use Permit



I have been to at least three meetings of the Sunset Neighborhood Association at the Sunset school. One of the meetings consisted of district personnel and the architect for the school plans showing the concept plans for the new building. The planners took questions and heard the complaints of citizens. They took the plans back and in another meeting the planners presented another plan, with adjustments, in an attempt to make changes that might make the plans more acceptable to those who had complaints. The third meeting was another discussion of the changes and although the district had representatives in attendance, I don't recall them speaking. I also attended the planning commission meeting in which the commission voted to accept the conditional use permit.

I feel that the district did listen to the citizens and make changes as they were able. Some complaints could not be addressed because they were requirements of the city codes and the district had no choice but to comply. Water containment method and number of parking places were two of these city requirements.

I feel that the SOS Parks has misrepresented and exaggerated several aspects of the situation. Spreading the idea that there would be no Sunset Park and the idea that the water containment method would endanger our children and even might lead to children drowning in the retention pond are just two of the ideas I think are exaggerated.

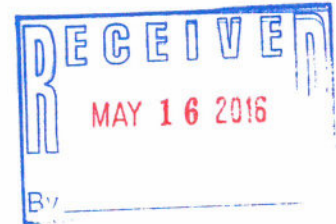
It seems to me that the plan has been researched and engineered adequately leading to the acceptance by the West Linn Planning Commission. I hope that the City Council will find for the district and deny the appeal allowing the district go forward with the business of the construction of a safe and modern new school.

Geneva Dahl  
Oregon City Blvd  
West Linn, Oregon  
Sent from [Mail](#) for Windows 10

**Wyss, Darren**

---

**Subject:** FW: Sunset School Plan



**From:** Justin Rogers [mailto:aeroncsu02@gmail.com]  
**Sent:** Sunday, May 15, 2016 4:24 PM  
**To:** Wyss, Darren <dwyss@westlinnoregon.gov>  
**Subject:** Sunset School Plan

Darren,

I am a concerned resident of the Sunset Neighborhood. I live directly behind the school property at 2560 Oregon City Blvd. I have an 8 year old son who is in 2nd grade at Sunset. I have attended several of the committees meetings at the school. Though I wasn't living in West Linn when the bond measure was originally proposed and voted on, I have diligently reviewed the original plans and have seen the evolution to what the final plans are today. Being an engineer myself, I realize that rarely does the final product ever exactly match the concept. There are too many variables that must be taken into account and so many people and factors to satisfy.

With that being said, I believe that the planning committee has done an excellent job in taking into account the concerns of the residents of the community as well as the environmental factors that have so dictated the final layout and features of the new school. I think the school will enhance the community beyond most people's realization. The entire area is in need of a refresh, as the current Sunset Park is tired, dark and pretty uninhabited. You can go by the park at most hours of the day, any time of the year and notice the desolation. There are few kids playing on the play structure, and almost never anyone using the covered area or open spaces. Yet, if you go by the school property, there are almost always kids on the playground or under the covered area. When my son asks to go to the play structure, he invariably means the school play structure. We use the covered area to play basketball, race R/C cars and numerous other fun activities. We use the school fields to play baseball, soccer, frisbee and to let our dog get his energy out. We avoid Sunset Park at night when walking the dog because it is poorly lit and not all that safe feeling. The school area is open to the public after school hours. All of these concerns of losing precious recreation area is being raised by an individual with selfish intentions. Most residents of the Sunset area do not have a daycare run from their homes where they can leverage the play area in the park as a selling point for their business. The recreation opportunities provided by the current school and by the future school site are a highlight of living in this community. When buying my property, Sunset Park was not even a factor that we considered. Wilderness Park? Yes. The school? Absolutely. In fact, the school was the primary reason for us living in West Linn in the Sunset Neighborhood.

What really concerns me is that the SoSP group never mentions the people that are really affected by the school build: our children. Our kids are in an extremely sub-par school facility. It is deteriorating rapidly and is quickly becoming unable to keep up with the growing population of the Sunset area. This school needs to be rebuilt. We want our children to have the best possible education and the facility is an important factor in this. I hate that, during the committee meetings, we were rarely able to discuss the amenities of the school. We couldn't weigh-in on the layout, the rooms, the features, anything affecting the education of our children. All because the meetings were hi-jacked by someone worried only about themselves. I don't want our kids bussed to overcrowded schools where their education will suffer for a year or more. I've taken classes in portables before; this is just as bad as an overcrowded classroom. I did not pick a great school district to educate my child to see his education interfered with by a group of self-serving individuals who claim to represent our community. They do not. Maybe they have been the loudest but they are not the majority. Not even close.

Please know that our community wants the new Sunset school as it is laid out in the most recent plans. Thank you.

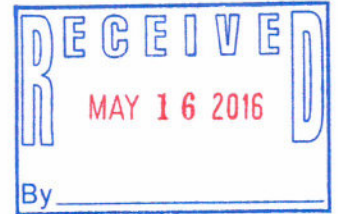
Justin Rogers



**Wyss, Darren**

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**From:** C Garnett <cgarnett00@yahoo.com>  
**Sent:** Sunday, May 15, 2016 9:43 AM  
**To:** Wyss, Darren  
**Subject:** City Council



Hello Mr. Wyss,

I am writing about the recent appeal for the Sunset School Bond.

Please consider rejecting this appeal. The school district has put considerable thought into the layout of the new Sunset Primary school. This appeal over concerns for the Sunset Park are not valid. The students of Sunset should be able to stay at their school during the new construction instead of being moved to temporary school buildings.

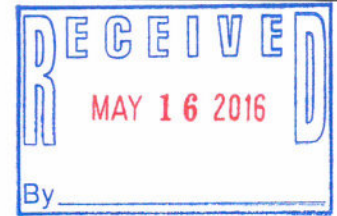
Thank you,

Carolyn Garnett  
3505 Fairview Way  
West Linn

## Wyss, Darren

---

**From:** Matt Lorenzen <matthew.lorenzen@gmail.com>  
**Sent:** Saturday, May 14, 2016 9:36 PM  
**To:** City Council  
**Cc:** Axelrod, Russell; Wyss, Darren  
**Subject:** Sunset Primary School



For the written record:

I have a daughter in 1st Grade, a son who will enter Kindergarten this coming school year, and a daughter 18 months old, who will also attend Sunset.

I have been watching this debate unfold for weeks and months and have weighed the facts and opinions that are being circulated carefully. After doing so I concede that I am not a geologist or a hydrologist, and so that leaves me to trust that the many engineers, surveyors, city and county officials that have approved the plans have done so exercising their expertise and good judgment. I cannot throw out their work because one hydrologist hired by a citizen group disagrees and warns of doomsday scenarios. I understand that the plans may have shifted without public comment on the matter (per the SoSP group) incorporating additional parking and an expanded pond, but for me this means there will be fewer cars if any cluttering the streets and while I do not want to see trees removed unnecessarily, I can get comfortable with the removal of some of them if it moves our community toward a new school facility, which will bolster property values and give our Sunset neighborhood a real jewel to be proud of. I believe we are literally losing our vision of the forest for the trees when we suggest postponing construction and bussing students at potentially high costs.

We are not losing Sunset Park. In fact I believe the park will be better than ever, even if it is a bit smaller than the current park.

I am in favor of moving forward with construction and not approving the appeal of the planning commission's April decision.

Thank You.

Matt & Allison Lorenzen  
2764 Sunset Ave  
West Linn, OR 97068  
503.505.4334

## Wyss, Darren

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**From:** Otterman, Don  
**Sent:** Saturday, May 14, 2016 9:09 AM  
**To:** Wyss, Darren  
**Subject:** Fwd: Sunset School



Sent from my Verizon Wireless 4G LTE smartphone

Don Otterman, City Manager  
Administration, #1422



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----- Original message -----

**From:** Glenn Barger <gbarger@bargerlawgroupcc.com>  
**Date:** 05/14/2016 8:13 AM (GMT-08:00)  
**To:** City Council <ima\_citycouncil@westlinnoregon.gov>  
**Cc:** Glenn Barger <gbarger@bargerlawgroupcc.com>  
**Subject:** Sunset School

I am writing as a concerned father of three Sunset Primary Students. The District has been working on the plan to replace Sunset Primary for nearly a decade. A small group of individuals, instead of working with the District over these past 10 years, is now attempting to block or modify the current project with a last minute appeal. Where were they in the planning stage?

SOS Park's suggestion that the school be torn down and built in the same location is evidence of the group's lack of fiscal and community responsibility. Not only would the project take longer to complete, but it would displace hundreds of primary school children. Those children would be distributed to other West Linn Primary Schools. SOS Park characterizes this as a "minor" inconvenience. This inconvenience would affect our entire community. Siblings, like my children would likely be split up into different schools because of their differing grade levels. All Sunset children bused to other sites will have a direct impact on the length of their day. With the other schools being nearly at capacity the Sunset students would have to be taught in portable classrooms. While some might say this is only for a temporary period, they are not looking at it from the perspective of a student or the family of a student. Every primary school and attending family that takes the refugees displaced would suffer a diminished primary education experience due the strain on their school, administration and faculty.

The financial effect would have equally dramatic consequences. The school district that serves our entire community would see the cost of the new Sunset Primary school increase significantly. The District estimates the use of portables



alone at \$1.4 million dollars. The cost of a redesign and engineering is estimated at another million dollars. The increase in cost due to the use of buses is unknown but real. These are not insignificant costs and certainly it would be irresponsible to suggest the "costs should not be considered."

The reality is a small group of people that live around the current park are concerned of losing their park. That concern should not be discounted, and certainly the District's plan has not discounted the park. The current park would be revitalized from its current under used status to a more inviting up to date and usable space for all our community. SOS Park's Appeal should be respectfully denied and the District permitted to move forward with its Approved plan.

This will bring a safer school to our community by making the school meet seismic codes, current plumbing and wiring standards and the removal of asbestos. The current plan causes the least disruption to our entire community and those currently attending Sunset. It also meets the needs of the immediate community in updating a currently underused and outdated park.

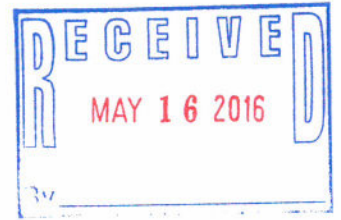
Respectfully,

Glenn E. Barger  
Licensed in Oregon, Washington and California  
Barger Law Group PC  
5005 Meadows Road, Suite 130  
Lake Oswego, OR 97035  
503-303-4099 x105  
503-303-4079 (f)  
[gbarger@bargerlawgroup.com](mailto:gbarger@bargerlawgroup.com)  
[www.bargerlawgroup.com](http://www.bargerlawgroup.com)

**Wyss, Darren**

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**From:** Ty Donahue <tyjdonahue@gmail.com>  
**Sent:** Saturday, May 14, 2016 8:57 AM  
**To:** Wyss, Darren  
**Subject:** support to deny request of appeal AP16-01



Darren,

My wife and I do not agree with the appeal from the Save Our Sunset Park group to overturn the approval of Planning Commission for moving forward with the construction of the new Sunset Primary.

We support the current plans for the new Sunset Primary and would like to see the process continue forward as planned by the city and the school district.

We would like to reserve the right to have future discussions with the school district and city about a fence design between our property and the school property due to safety concerns of having a swimming pool in our backyard with exposure adjacent to the proposed new play field.

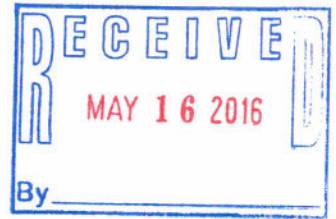
Thank you,

Ty and Kristin Donahue  
2650 Oregon City Blvd.  
West Linn, OR

**Wyss, Darren**

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**From:** Otterman, Don  
**Sent:** Saturday, May 14, 2016 7:25 AM  
**To:** Wyss, Darren  
**Subject:** Fwd: Sunset Primary



Sent from my Verizon Wireless 4G LTE smartphone

Don Otterman, City Manager  
Administration, #1422



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----- Original message -----

**From:** Julie Atwood <juliecatwood@icloud.com>  
**Date:** 05/13/2016 9:51 PM (GMT-08:00)  
**To:** City Council <ima\_citycouncil@westlinnoregon.gov>  
**Subject:** Sunset Primary

Good Evening,

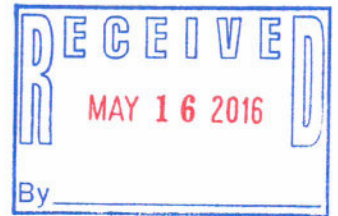
I'm writing to voice my opinion on the sunset primary rebuild. My request is for the city to DENY the appeal by the group appealing and move forward with the approved and accepted Sunset Primary plan.

Thank you for listening,

Julie Atwood  
Parent of 2 children at Willamette Primary School

Sent from my iPhone





May 13, 2016

To: City Council

Re: Appeal (16-01) to deny conditional use permit for Sunset School (CUP15-03)

Council members, I wish to express my opinion that the City Planning Commission was correct in approving the conditional use permit for Sunset School. The appeal should be denied.

Further, I would like to say that the petitioner for the appeal (Save Our Sunset park Committee - SOS Park) has failed to provide credible evidence in the appeal (AP1601) to overturn the Planning Commission approval. Approval of their appeal would be detrimental to the overall needs of the community.

Note: All information referenced should be a matter of record by oral (video) and written testimony from planning commission hearings, and information submitted from conditional use application and variances.

With regard to appeal (AP1601).

1. Measure 3-358 requirements are satisfied as follows:

All requirements for the sale of the 1.6 acres to the district have been met and the evidence does not support approval of the appeal..

A. Public involvement – There were three meetings with the Sunset Neighborhood Association with substantial changes made to the plan after each (moving school to the West and lowering roof height for the benefit of the residents of Oregon City Loop, lowering the fire lane height to reduce headlight intrusion, adding additional screening, substantially reducing the parking on the South lot from 32 to 12, reducing the glass frontage to reduce glare, to benefit the residents on Bittner St.), this demonstrates compliance.

B. Retention of significant trees – Current plans call for retention of about 77% of significant trees which is well above the 20% requested from the city.

C. Recreational Opportunities – 1.6 acres of the former Sunset Park were sold to the district and the district is planning on 1.28 acres of this and adjoining areas to be left as a natural area for recreational activities. This 1.28 acres is next to Sunset park and blends perfectly and seamlessly with Sunset Park. (Please see Supplemental Submission from the district page 884 ).

2. Parking

The applicant claims that parking located at 540 ft. was not considered for a zone variance by the planning commission along with proof that it was required to make reasonable use of the property.

It should be noted that there are two parking facilities for the site. Per the district's submission the southern parking is 110 – 200 ft. from the main building and the western lot is 180 – 560 ft from the main building.

Two points need to be made here:

A. There is a very good reason that the western lot is located at this distance. If it were closer to the school you would have children crossing a parking lot to go to the play field which is not a safe or reasonable practice.

B. I personally find it amazing that the applicant insisted that the southern parking (this one would meet the 200 ft code requirement) be reduced from 32 to 12 spaces and now this is an argument they are using to reject the conditional use permit.

2. The applicant has requested the school be replaced on the same footprint as the current school.

I submit that this plan is totally against the overall needs of the community.

A. Building on the same footprint would involve displacement of 300 students from Sunset. There is only one WL school (Cedar oak) that is not already overcapacity and this school is within 100 students of capacity.

B. Costs – If portables were required this would cost as much as \$1,400,000 not to mention the additional cost of busing and such should this be required. New plans and engineering for this plan would also be required which would significantly boost costs even further.

C. Disruption of students/parents/staff – This should be self evident. Owing to the school's central location in the community Sunset has many students listed on the "pick-up from school" list. Changing this to busing would be difficult for many parents and poses issues for placement of current staff at Sunset.

D. Delays – Building on the adjacent property vs building on the same footprint should be able to be completed within one school year. Building on the same footprint will take considerably longer and could possibly stretch this into two years.

The applicant says that cost can not be used as a condition for approval on a conditional use permit and also indicates that any inconvenience is minor. I would say that both of these statements are false as they certainly figure into considerations for the overall benefit of the community. The "build in the same foot print" plan is just not a reasonable option.

3. Storm water management.

The applicants claim of potential flooding, activation of ancient landslides, etc



based on a lidar map are just not supported by evidence. Kpff engineering, and the city engineers have spent months evaluating the design, actually digging test wells, etc. They have determined the risk claimed is just not there. In addition the letter from ODOT that indicates minimal hazard just adds more evidence to this view. Since the projections are for no more run off than what was present at Lewis and Clark levels, how could this be a problem. The design has back up systems and is a design of proven reliability.

I would think the area residents would be happy that there is actually an engineered approach to the issue as they currently have essentially no plan.

As to the various memorandum that are part of the appeal. Most of these are redundant and superfluous as many of the issues brought up such as number of variances and methods of calculation for storm water were already dealt with in the planning commission hearings.

With regard to the comments about Sunset Park, I have taken my children and my grandchildren there for 40+ years. Since the wading pool was filled in, this park gets very little use with the possible exception of 30 minutes after school dismissal. I have personally visited Sunset and Tanner Creek parks 5 times within 15 minutes of each other and Tanner Creek attendance generally exceeds Sunset by a huge amount. Eight months out of the year Sunset park it is too shaded and it is common practice to bring a towel to dry off the slides. It is a beautiful area but the park needs to be reinvigorated to be closer to the standards of other West Linn parks.

In conclusion, the conditional use approval should be upheld and the appeal denied.

A new school that is built to today's earthquake standards (in case the big one hits), with no asbestos or contaminated plumbing, and based on a sound plan will serve the community for generations to come. With an engineered approach to storm water management and the opportunity to reinvigorate a tired park, this is a win,win,win situation.

Thanks for your time and patience as I know this is a complicated matter.

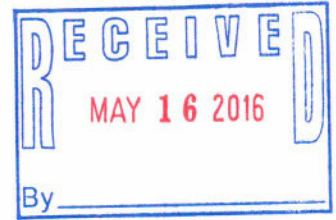
Bill Dahl  
Oregon City Blvd  
West Linn



## Wyss, Darren

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**From:** Otterman, Don  
**Sent:** Friday, May 13, 2016 4:16 PM  
**To:** Wyss, Darren  
**Subject:** Fwd: Support for Sunset Primary School



Sent from my Verizon Wireless 4G LTE smartphone

Don Otterman, City Manager  
Administration, #1422



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----- Original message -----

**From:** Andrea Boyd-Helm <jazt04@msn.com>  
**Date:** 05/13/2016 4:14 PM (GMT-08:00)  
**To:** City Council <ima\_citycouncil@westlinnoregon.gov>  
**Subject:** Support for Sunset Primary School

To the West Linn City Council Members,

I would like to add my voice of support for the rebuilding of Sunset School. Sunset School is a wonderful neighborhood school. My children attended this school from K-5, and I have very fond memories of their time there. I also work at Sunset School, and can see first-hand how hard the district works to maintain this building. I strongly feel that it is in the best interest of Sunset families and students and the Sunset community to have a new school. Safety issues include the lack of a sprinkler system and earthquake reinforcement. Parking is insufficient for the number of families and staff. The roof leaks and the basement floods during heavy rains. Technology updates are needed. The community has already spoken to the fact that a new school is wanted and needed. Please listen to our voices when making your decision for the future of this school.

Thank you,

Andrea and Thomas Boyd-Helm  
Current West Linn residents

## Wyss, Darren

---

**From:** Froelich, Caleen <Caleen.Froelich@nike.com>  
**Sent:** Friday, May 13, 2016 9:56 AM  
**To:** Wyss, Darren  
**Cc:** Froelich, Caleen  
**Subject:** Sunset Primary Appeal



Good Morning,

I am writing in hopes of helping to get this appeal denied. After reviewing the criteria for approval and the evidence that the school district has provided, there is no doubt that the best outcome for the school district is to stick to the current plans. The decision by the Planning Commission to approve the Conditional use Permit (CUP15-03) for Sunset School was the correct decision and the appeal should be denied. The hardship that would be placed on the surrounding schools would be unbearable.

West Linn is known for their wonderful schools and smaller class sizes, displacing these students by jamming them into larger classes during a 2 year construction period is not the answer. I know there has been talk about placing modular facilities on current school grounds but let's be honest here, that is an expensive band aid that would only disrupt the schools housing these modular facilities. The libraries, gymnasiums and cafeterias are not equipped to manage such a large volume of children. It would be chaotic and I can't help but think it would detour people from moving to this area. I moved to West Linn last year from Tigard for the school district, I am sure I am not the only one. I can honestly tell you that if I knew moving here would have put my child in a classroom stuffed with children, or a modular home on a field of a school that was over capacity I would not have moved here. I would like to hope that our community would hold our children and their education as a higher priority.

None of these alternate options have our kids best interest at heart. They definitely do not create solutions where all of the children are in the best learning environment. I hope that my letter and any other letters you get will be taken to heart, and this appeal will be denied. Our children, educators and community deserve better.

Caleen Froelich | Global Strategic Planning | 503.671.6428 desk | 503.459.9867 cell | one bowerman drive, JM2 | beaverton, or 97005

**Wyss, Darren**

---

**Subject:** FW: New Sunset School

**From:** Mark P Fearing [mark@markfearing.com]  
**Sent:** Friday, May 13, 2016 9:07 AM  
**To:** Axelrod, Russell  
**Subject:** New Sunset School



Mr. Mayor,

I am sending notes to a few of the city officials concerning the possible delays for the new Sunset School.

I want to lend my support to getting the new Sunset School construction started on time. With the growing population needs of these neighborhoods and the age and condition of the current school it seems ridiculous to begin a new round of delays. I have a daughter who attends Sunset and we very much love the staff and teachers. But the building has waited far too long to be brought up to modern standards.

Thank you for your time.

-Mark Fearing

AUTHOR + ILLUSTRATION

**Mark Fearing**

.....  
[www.markfearing.com](http://www.markfearing.com)  
[mark@markfearing.com](mailto:mark@markfearing.com)  
[mfearing@mac.com](mailto:mfearing@mac.com)  
(310) 614.5621



## Wyss, Darren

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**From:** Charles.Mathews@lamresearch.com  
**Sent:** Friday, May 13, 2016 8:49 AM  
**To:** Wyss, Darren  
**Subject:** Cedaroak / Sunset



Hello Darren,

Recently I have been made aware of the potential for the two above schools to combine on the Cedaroak campus while renovations take place at Sunset.

Absolutely this would be an unfortunate situation for all involved, especially for the children.

My wife and I specifically purchased our home in West Linn to avoid this type of mismanagement of our children's education.

We are excited for renovation of the schools, but not to the detriment of education and transportation.

Thank you,  
Charlie

**Charles Mathews**  
Project Manager Sr Staff | Pilot Materials  
(O) 503-885-6829 | (C) 503-488-9660

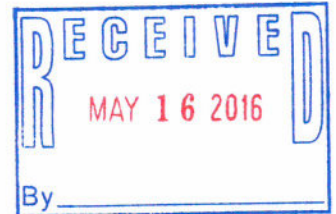
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## Wyss, Darren

---

**From:** Otterman, Don  
**Sent:** Friday, May 13, 2016 8:42 AM  
**To:** Wyss, Darren  
**Subject:** Fwd: Sunset Primary School - Please approve plan to move forward

Sent from my Verizon Wireless 4G LTE smartphone



Don Otterman, City Manager  
Administration, #1422



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----- Original message -----

**From:** Dawn Murai <dawn.murai@gmail.com>  
**Date:** 05/13/2016 8:16 AM (GMT-08:00)  
**To:** City Council <ima\_citycouncil@westlinnoregon.gov>  
**Subject:** Sunset Primary School - Please approve plan to move forward

Dear Council Members,

As a resident of West Linn, I am concerned to hear that after a great deal of thoughtful planning and consideration the plan to rebuild Sunset Primary school is now in jeopardy.

In any process the needs of every individual cannot often be met and this may be one of those cases. But the positive impact of rebuilding Sunset in its current location and the manner in which it will be done far outweigh the concerns or needs of the few who would like to overturn this already approved plan.

Rebuilding the school in its current location provide the following:

- A sustained and consistent location for the children who currently attend Sunset and who would be most impacted by any plan to rebuild the school
- Continues to maintain the quality of schools in our district - key for so many reasons beyond just having great facilities for our children
- An updated school for the neighborhood it serves
- The plan that was developed seemed the most budget efficient and also considered a variety of other factors and weighed them accordingly - this was not a plan that was hatched overnight and without great consideration

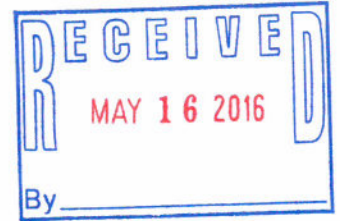
Please accept this note as support to continue forward with the already approved plan to rebuild Sunset primary.

Many thanks.  
Dawn Murai

**Wyss, Darren**

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**From:** Lisandra Mathews <lisandrao@gmail.com>  
**Sent:** Friday, May 13, 2016 8:31 AM  
**To:** Wyss, Darren  
**Subject:** Re: Conditional use Permit (CUP15-03)



Attention: City Council

As a taxpayer, registered voter and business owner based in West Linn, I am writing to urge the Planning Commission to stay the course and **approve the Conditional use Permit**

I reviewed the criteria for approval and the evidence provided by the district, the decision by the Planning Commission to **approve the Conditional use Permit (CUP15-03) for Sunset School was the correct decision** and the **appeal should be denied**.

Opposing would lead to an unfair burden on Cedaroak Primary and a displacement of jobs by teachers and staff. I shall be there to testify and I will also be rallying as many neighbors to do so at the council meeting on 5/23.

Sincerely,  
-Lisandra Mathews

3443 Chippewa Ct  
West Linn OR 97068



## Wyss, Darren

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**From:** Otterman, Don  
**Sent:** Friday, May 13, 2016 6:03 AM  
**To:** Wyss, Darren  
**Subject:** Fwd: A voice in support of the new Sunset Primary School



Sent from my Verizon Wireless 4G LTE smartphone

Don Otterman, City Manager  
Administration, #1422



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----- Original message -----

**From:** Jon <jon\_sorenson@hotmail.com>  
**Date:** 05/12/2016 11:00 PM (GMT-08:00)  
**To:** City Council <ima\_citycouncil@westlinnoregon.gov>  
**Subject:** A voice in support of the new Sunset Primary School

Dear City Council,

As a citizen of the city of West Linn and a parent of two Sunset Primary School children, I am respectfully writing to you today to voice my strong support for moving forward with the construction of our new school per the current plan, scheduled to break ground on construction this summer.

It has come to my attention, that a special interest group, the "Save Our Sunset park" group, is lobbying to delay/stop the construction of the new school with the current approved plans. The citizens of West Linn passed a bond to build a new Sunset Primary School back in 2014. The current plans were not drafted without involvement from the community, parents, teachers, engineers, architects and other experts to ensure that the location and land best meet the needs of our children and the Sunset community in a cost efficient manner. The Project teams have been intimately involved with the planning, as well as incorporating and leveraging lessons learned from the other new schools in the community, such as Trillium. Sunset Primary School lost a large number of students to Trillium Creek Elementary after it's construction.

Our school is in desperate need of an update, it is old (quite possibly the oldest school in Oregon) and is not up to date on wiring, plumbing and has tested positive for asbestos. Every time we have heavy rains, the lunch room floods. The building is not earthquake proof. These are all real dangers we as parents face, sending our

children to school everyday. We currently have no sidewalks for the children to safely walk on around the school property and there is no parking for parents during dropoff/pickup or other school events. The current plan would allow our children to stay in the current school for just one year while the new school is being built. The people of West Linn have spoken when they voted in favor of the measure to fund the new Sunset. Any delays will increase construction costs.

My number one priority is the safety of my children during construction as well as maintaining minimal impact to their learning environment. I am NOT in support of demolishing the current building and displacing our children to portables in Sunset or at other schools. This would be a major impact to our children's learning environment and would require a substantial amount of additional money from tax payers and the school district, frankly money that could be better used elsewhere. The children would have no gym or cafeteria being in portables and additional money spent for the portables or busing kids to other schools. There would be no sense of community for our children and teachers.

As a member citizen of West Linn and parent of two elementary aged children I respectfully request you proceed with the current plan. Please don't be swayed by a few squeaky wheels who have been using deception and propaganda to garner support for their cause. I hope you can see through the "Save Our Sunset park" group's smokescreen and trust the experts and all those involved in the design, research and planning of the new Sunset Primary School; it makes sense fiscally and it makes sense for the Sunset students. Sunset Primary will be a school that West Linn will be proud of and hopefully can be used for generations to come.

I am excited to see construction begin this summer for our new school and hope that there will be no unnecessary delays.

Respectfully yours,

Jon Sorenson



**Wyss, Darren**

**Subject:**

FW: Written Testimony for Sunset School Hearing File NO. AP-16-01



----- Original message -----

From: Rebecca Adams <radams014@gmail.com>

Date: 05/12/2016 10:00 PM (GMT-08:00)

To: CWL Council <cwl\_council@westlinnoregon.gov>, Rebecca <Radams014@gmail.com>

Subject: Written Testimony for Sunset School Hearing File NO. AP-16-01

PLEASE INCLUDE THE FOLLOWING IN ITS ENTIRETY AS PART OF THE WRITTEN TESTIMONY FOR THE CITY COUNCIL HEARING ON THE SUNSET SCHOOL APPLICATION FILE NO. AP-16-01

ALSO, IF ANY PORTION OF THIS OR ANY OTHER WRITTEN TESTIMONY IS REDACTED PLEASE RETAIN THE ORIGINALS SO THAT IF NEED BE WE CAN REQUEST AN INDEPENDENT REVIEW OF THE REDACTING PROCESS. MY STANDING IS BASED UPON A PREVIOUS LETTER. THANK YOU.

Dear Mayor Axelrod and City Councilors,

There are so many code related reasons to deny the School District's Sunset application, almost all of which grown out the District's implied necessity of building next to the original school while keeping it in operation. A mountain of evidence and justification has been built up around this one implied need. But consider this, this application depends on variances, and if the need for these variances is *applicant created*, then our code requires one thing: denial.

For a moment imagine that I am an applicant. Imagine I wanted to build a new house on my large double lot and live in my current house while I do so, then later tear down the old one. I ask for variances because there was not really quite enough space to meet the code requirements given where my existing house is centered. My variances would have to be denied because it was really my preference to reside in the old home that created the perceived "need" for the variances. But I insist, I need my old home and my new one simultaneously. It will cost too much otherwise. One of you passes a note to another about me wanting to have one's cake and eat it, too. Another speaks directly and breaks the news, "I'm very sorry, that's just not how our code works."

When it comes to the school district's plan, the situation is very much analogous. The need for the variances is not site driven and as such these "needs" would not meet the standard set forth in our code which is very clear on this matter. (75.020 B1 c. requires that :The need for the variance was not created by the applicant and/or owner requesting the variance. ). The school district has no more right to a self-contrived variance than I do, but in my case the contrivance is obvious, and in the District's it is not. The granting of this application's variances by the Planning Commission was an error which may have been based upon the overwhelming crush of paperwork justifying the plan, or some emotional factor, for example, sympathy for a district that has worked hard on the application or compassion for students who face being bused for one whole year. In any case, our code, by itself does not allow for variances based on sympathy, compassion, or poundage of paperwork submitted to record. While the poundage may obscure the contrivance of the need, it does not change the fact that our code explicitly prohibits such variances, therefore this application must be denied.

Additionally, it is hard to imagine how the extraordinary parking lot distance variance meets "the purpose of the regulation being modified" especially when one considers what that distance means when navigated by someone with a legitimate handicapping condition. There is no site specific reason for the granting of the parking lot variance, the "need" is clearly based on preference to use the old school an extra year, and the parking lot variance comes nowhere near approximating the intent or purpose of our code about parking lot distances. (75.020 B1 b. The variance will not result in violation(s) of any other code standard, and the variance will meet the purposes of the regulation being modified. )

The stormwater plan's problematic off-site impacts, also seem to grow from the District's insistence that they do not want to rebuild on the existing school's footprint because they don't want to bus students elsewhere for one year. This preference combined with a preference for impermeable parking lots has resulted in the large infiltration pond snugged into the downslope boundary of the site collecting the entire site's impermeable area run-off (4 acres worth was mentioned in the PC hearing).

Because of the topography of the site and the district's desire to build on what little is left after the original school's footprint is excluded, an inadequate stormwater system is proposed that shifts water damage risk and landslide hazard risk onto numerous adjacent and downslope properties. CDC 60.070 requires the site to be suitable to the intended development, but as proposed this site clearly puts downslope



properties at risk including a number of Sunset Park's significant trees. No one can say exactly how many properties are at risk, but this is not Kansas, and the plume of collected water will have to migrate downslope somewhere given the sheer volume of infiltration (18,000-19,000 gallons per hour during storm events as was stated in the third hearing) combined with gravity, steep topography, and a basalt foundation underlying it all. Our code requires that: The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features (CDC 60.070). The obligatory off-site impact management is not fulfilled by this application and off-site risk is shifted downslope, therefore the Planning Commission erred in approving.

I trust you are already aware our entire stormwater code chapter (33) was excised from our code as part of the "Cut the Red Tape" regulatory streamlining project. (West Linn Ordinance 1635, 2014-12- 08). The chapter was replaced by a few lines in design review requiring the applicant have an engineer submit a stormwater management plan along with factual proof that it is an adequate plan to prevent or mitigate for off-site impacts. Those of us opposing the District's plan believe the applicant's proof regarding off-site impacts was inadequate and the hydrologist report contracted by "Save Our Sunset" proves that significant unacceptable off-site impacts are inevitable if this design is ever built . The application should be denied because the district did not meet the standard of proof outlined in 55.130 B: A registered civil engineer shall prepare a plan and statement that shall be supported by factual data that clearly shows that there will be no adverse impacts from increased intensity of runoff off site, or the plan and statement shall identify all off-site impacts and measures to mitigate those impacts. The plan and statement shall, at a minimum, determine the off-site impacts from a 10-year storm.

The Planning Commission erred in accepting Director Boyd's advice that the existence of a signed stormwater plan was sufficient. I think in the public interest the Planning Commission was very much obligated to take a closer look when questions of public safety and off-site impacts are involved and our code does support this closer look at the factual data, not just the signature. Even in its damaged condition the code continues to empower the Planning Commission or City Council to consider the "overall needs of the community."

The community's need for a reasonable degree of protection from off-site impacts did not go away just because the stormwater chapter was repealed, just as water does not go away when it sinks into the ground. On a mountain of basalt in winter, what does water do? It flows down to the basalt mass then travels downhill until it pops out as springs and collects in surface waterways. One can see this quite readily all around us. Just a bit north of the Sunset site the community regularly witnesses the direct effects of failing to manage off-site stormwater. Did you ever wonder about the persistent flooding problem on the back side of the High School track? Of course the Windsor/Oregon City Loop developers did not set out to dramatically alter the hydrology of the basalt-based hillside and muck up the track years later. They were simply allowed to under the code of the times. Times change and so does the code, and damaged as it is, our code still provides some protection. In today's case, the applicant has failed to provide factual data to prove that the ongoing infiltration into the McLean drainage and the higher peak volumes in the Sunset Creek waterway will not harm downslope properties, therefore this application must be denied based on 55.130B.

One final basis of denial to consider is that neither the city staff, the PC, nor the district are holding themselves to the promises made in Ballot Measure 3-358 by which the voters consented to sell part of Sunset Park. "The overall needs of the community" were clearly expressed in the ballot language and the city staff and the PC erred regrettably in ignoring those needs ( 60.070 A3) under Ms. Thornton's and Mr. Boyd's misdirection. The community chose to sell park land which had strict City Charter protections, but only to sell under conditions which specifically extended some of those protections into the future. The District's failure to provide for "recreation while preserving significant trees" violates the "overall needs of the community" as expressed by ballot, but violates also the overall community need to live in a civil society in which publicly funded institutions operate in good faith. Certainly, there is a need for a new school. Our code explicitly states "overall needs," meaning not just one need, but a broader integrated set of needs. "The overall needs of the community" are not met by this final application which very little resembles the initial proposal shown to the neighborhood, and very much violates the promises of the ballot language. The application puts trees and property at risk, fails to fulfill the numerous code requirements, is based on a contrived need, and evidences a reluctance to play fair with the community.

Please deny.

Respectfully,

Rebecca Adams  
1941 Buck Street  
West Linn, Or 97068

**Wyss, Darren**

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**Subject:** FW: Sunset Primary Support!



----- Original message -----

From: Darcy Peak <darcypeak@hotmail.com>  
Date: 05/12/2016 5:02 PM (GMT-08:00)  
To: City Council <ima\_citycouncil@westlinnoregon.gov>  
Subject: Sunset Primary Support!

Members of West Linn City Council and Whom it May Concern,

I am writing to request that the West Linn city council REJECT the current appeal being put forth to modify the existing plans for the new Sunset Primary school. The current appeal put forth by a small, special interest group is truly a distraction, waste of money and time, full of false facts and it is unacceptable how these people are putting fears into people's heads, twisting facts and spreading inaccurate information, all for personal gain.

This community, with so many individuals working together have worked so hard to design, build and create a wonderful school for our children, the entire Sunset neighborhood/community as well as taking into account the future growth of our beautiful, thriving city! These plans were very well thought out with the neighborhood in mind, keeping the rich historical, traditional look of the Sunset neighborhood. This process started in 2007 and the current design went through many revisions after presenting many times at planning commission meetings, neighborhood meeting, city meetings etc. All concerns were taken into account and have been addressed, taking the neighbors feedback into consideration per the information that has been supplied by the school district on May 12, 2016 addressing all of the concerns by this group!

As a parent, citizen and member of the Sunset community, we need to build his school as planned. Our children have bare minimum safety standards in the current building. No sprinkler system, multiple flooding episodes during rainy season and the presence of asbestos, is unacceptable. To delay this project, would be costing all of us money, time, the safety and health of our children as well as unnecessary disruptions.

Thank you for taking the time to read this message and your continued support to make sure the new Sunset school is ready to go this summer by rejecting this appeal!!

Thank you,

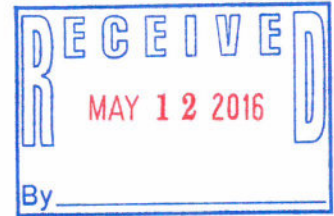
Darcy Peak  
4963 Ireland Lane  
(503) 819-0921



## Wyss, Darren

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**From:** Otterman, Don  
**Sent:** Thursday, May 12, 2016 4:35 PM  
**To:** Wyss, Darren  
**Subject:** Fwd: Sunset Primary School



Sent from my Verizon Wireless 4G LTE smartphone

Don Otterman, City Manager  
Administration, #1422



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.

----- Original message -----

**From:** Stacy Barger <stacybarger@mac.com>  
**Date:** 05/12/2016 4:33 PM (GMT-08:00)  
**To:** City Council <ima\_citycouncil@westlinnoregon.gov>  
**Subject:** Sunset Primary School

Dear Council Members,

I am the mother of three daughters who attend Sunset. Two of my daughters are in 1st grade and one is in 4th grade.

We fully support the plans to build a new school. It is incumbent upon us, as a community, to provide a safe, happy and healthy environment for our children to learn.

I am hopeful that the council will deny the appeal filed by SOSPark. We need to put the needs of our children and our community ahead of a handful of people who don't want a school built in front of their homes. Not building as planned would displace many children, saturate already over crowded schools, and place an undue burden on families who may see their children sent to different schools.

Sunset Primary is vital to our neighborhood and my children. The building should proceed as planned.

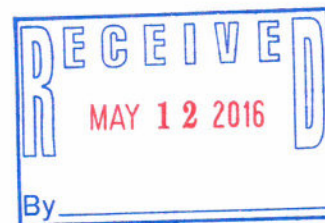
Thank you  
Stacy Barger



**Wyss, Darren**

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**Subject:** FW: Deny Appeal of SOS Park



**From:** Wayne Tilley [mailto:tilleybw@gmail.com]  
**Sent:** Thursday, May 12, 2016 2:32 PM  
**To:** Wyss, Darren <dwyss@westlinnoregon.gov>  
**Subject:** Deny Appeal of SOS Park

Attention: West Linn City Council

My wife and I have been involved with the planning process for a new Sunset Primary School since 2008. After attending the recent Planning Commission hearings, we would like to comment on the testimony given by hydro-geologist, Malia Kupillas, hired by the SOS Park. She proposed an alternative plan using rain gardens and permeable surfaces. The example of a comparable project given was the Oregon Water Resources Department building in Salem. The topography of this site is very different from Sunset Primary School site. The Salem site is surrounded by flat land, 1/3 of which is city park, one side by a highway, and another side by a state building. There are no homes around the Salem site. In contrast, the Sunset Primary School site has sloping land on three sides and is in a neighborhood surrounded by homes. The Salem site is not an appropriate site for comparison.

The hydro-geologist hired by the appealing group was only concerned about the south portion of the school property. However, there are homes on the north side of the school property that experience water issues presently. We find it odd the hydro-geologist would recommend using rain gardens that would increase ground water without contacting all neighbors involved with the impact of their alternative proposed plan. She also testified that without more testing, she does not know what's truly under the surface. Clay deposits, rock formations and soil composition will determine where the ground water flows. Since we and our neighbors have issues now, more ground water could become a serious problem. Once storm water runoff is underground all control is lost.

In the Notice of Appeal, Mr. Dodds states the applicant relied heavily on a Presumption of Approach Calculator (PAC). This was not the case as stated by the civil engineer Mark Wharry, from Kpff, who did the analysis using other tools, including CAD programs. We feel that the concerns of storm water were adequately addressed by the civil engineer at the April 6 meeting of the West Linn Planning Commission. Kpff's engineers have drilled bore holes and check rates of flow and soil samples. Their analysis shows over 10, 25, and 100 years rain cycle the ground water will be less than present levels. The SOS group keeps raising the same issues and refuses to believe the engineer's analysis.

We encourage the City Council to reject the appeal and proceed with the building of a new Sunset Primary School. If the appeal is rejected, the Sunset community will get a desired neighborhood school, an engineered plan for storm water, and an upgraded Sunset Park with new play ground equipment, new restrooms, etc. This will benefit everyone!

Thank you for your consideration,

Maggie and Wayne Tilley

2580 Oregon City Blvd  
Sunset Neighborhood