

**WEST LINN PLANNING COMMISSION**  
**FINAL DECISION AND ORDER**  
**CUP-18-01/DR-18-04/VAR-18-02/VAR-18-03**

**IN THE MATTER OF A PROPOSAL TO DEVELOP THE MARYLHURST  
SCHOOL AT 19915/19803 OLD RIVER DRIVE**

**I. Overview**

At its meeting on February 6, 2019, the West Linn Planning Commission (“Commission”) held a public hearing to consider the request by Sheila Walker, Director of the Marylhurst School, to approve a proposal to develop the school in a two-phase process. The approval criteria for a conditional use permit, design review, and variances are found in Chapters 11, 41, 42, 44, 46, 48, 54, 55, 60, 75, 92, 96, and 99 of the Community Development Code (CDC). The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The hearing commenced with a staff report presented by Darren Wyss, Associate Planner. Sheila Walker, Beth Cantrell (DECA Architecture), Mark Wharry (KPF Engineering), Debra Pearson (OTAK Consulting), and Todd Mobley (Lancaster Engineering) presented on behalf of the applicant. Jasmine Fullman and Susan Zettergren testified in support of the application. Stan Christiansen lives down the street and testified he has no concerns with the issues raised and supports the application. Elizabeth Hayes lives adjacent to the subject property and testified she has no concerns, appreciated the willingness of the applicants to work with the neighborhood on the design, and supports the application. Eleanora Larson provided written testimony in support of the application.

The Commission discussed several topics with the applicant, including timing of traffic counts, the impact to the intersection of Cedaroak Drive and Highway 43, staggering of school start times to minimize traffic impacts, the need for a loading dock, Highway 43 improvements, impact of the new building on the neighboring property, asphalt versus concrete sidewalk, potential for infiltration of parking lot stormwater run-off, potential for solar panels on the new building, location/height/sewer connection for the modular classrooms, stormwater planters as a minor utility, and the timing of removal of the modular classrooms and completion of Phase Two. Commissioner Mathews requested feedback from City staff on options for conditioning the length of time the modular building could remain in use. Staff noted that the Conditional Use approval would be good for three years. Commissioner Mathews requested clarification on whether the Phase Two construction would need to be initiated or completed within the three years. Planning Manager John Boyd suggested a check-in at year two of the three-year process for the applicant to provide an update on the fundraising effort for Phase Two, address the length of time the modular classrooms will remain on site, and update the time needed to complete Phase Two. If Phase Two will not be completed within three years, the applicant

could then submit an application for an extension of the approval. The Commission asked the applicant if this action was acceptable and the applicant volunteered to meet this condition.

The public hearing was closed and a motion was made by Commissioner Mathews and seconded by Commissioner Farrell to approve the application with ten existing conditions of approval set forth by the Planning Department of West Linn in the 2/6/2019 Staff Report and one additional condition of approval. The motion was passed unanimously 6-0.

## **II. The Record**

The record was finalized at the February 6, 2019, hearing. The record includes the entire file from CUP-18-01/DR-18-04/VAR-18-02/VAR-18-03, including the material (with video) provided at the hearing.

## **III. Findings of Fact**

- 1) The Overview set forth above is true and correct.
- 2) The applicant is Sheila Walker.
- 3) The Commission finds that it has received all information necessary to make a decision based on the Staff Report and attached findings; Supplemental Findings Memo dated February 6, 2019; public comment, if any; and the evidence in the whole record, including any exhibits received at the hearing.

## **IV. Findings**

The Commission adopts the Staff Report for February 6, 2019, with attachments, and the Supplemental Findings Memo dated February 6, 2019 as its findings, which are incorporated by this reference. The Commission added one Condition of Approval identified as Condition 11, supported by the following finding:

Supplement Finding. The Commission was concerned about the length of time the modular building could remain in use. The Commission acknowledges the Conditional Use approval is in effect for three years, but wanted to clarify whether the Phase Two construction would need to be initiated or completed within the three years. The Commission received information from the applicant that their fundraising goal is to complete Phase Two in two years. The Commission finds it reasonable that if Phase Two is not complete in two years, then the applicant will check-in with the Planning Department at year two of the three-year-long Conditional Use approval to provide an update on the fundraising effort for Phase Two, address the length of time the modular classrooms will remain on site, update the time needed to complete Phase Two, and, if more time is needed, submit an application for an extension of the Conditional Use approval. The Commission asked the applicant if this action was acceptable and the applicant volunteered to meet this condition.

The Commission concludes that all of the required approval criteria are met subject to the following conditions of approval:

1. **Site Plans.** With the exception of modifications required by these conditions, the project shall substantially conform to all Tentative Plan Sheets.
2. **Engineering Standards.** All public improvements and facilities associated with the approved site design, including but not limited to street improvements, driveway approaches, curb cuts, utilities, grading, onsite and offsite stormwater, street lighting, easements, easement locations, and connections for future extension of utilities are subject to conformance with the City Municipal Code and Community Development Code. These must be designed, constructed, and completed prior to the issuance of occupancy permits for each phase of the project.
3. **Retaining Wall Fences.** The proposed three-foot fence surrounding the stormwater facility shall maintain a two-foot setback from top of retaining wall for any portion of the wall that exceeds five and one-half feet per Staff Finding 9.
4. **Parking Space Size.** The site plan shall be modified to reconfigure the parking spaces so that 50 percent are nine feet by eighteen feet per Staff Finding 19.
5. **Landscaping Installation.** All required landscaping shall be installed prior to final building certificate of occupancy for each of the two phases per Staff Finding 52.
6. **Property Line Adjustment.** The applicant shall consolidate Lots 2, 3, and 4 of the Cedaroak Park Subdivision prior to the issuance of building permits for purposes of meeting building code requirements per Staff Finding 100.
7. **15 Foot Sanitary Sewer Line.** The applicant shall vacate the existing sanitary sewer line easement on the south end of the property and record a new 15 foot easement centered on the existing sanitary sewer line prior to issuance of occupancy permits per Staff Finding 86.
8. **15 Foot Water Line Easement.** The applicant shall dedicate a 15 foot wide easement, centered over the water line on the north side of the property, to the City for on-going operation and maintenance of the existing water line. The easement shall be dedicated to the City, on a form provided by the City, prior to issuance of occupancy permits per Staff Finding 84.
9. **23 Foot Drive Aisle.** Prior to issuance of building permits, the applicant shall modify the site plan to redesign the curb bulb at the end of the student drop-off zone to create a minimum 23 foot drive aisle per Staff Finding 33.

10. **One-Way Drive Aisle.** The site plan shall be modified to show treatments that reduce conflict associated with wrong way movements from motor vehicles in the one-way drive aisles.

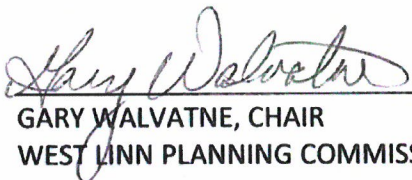
11. **2-Year Check-In on Phase Two Progress.** Within two years of the date of approval, (February 2021) the applicant shall submit a progress report to the Planning Department. The Planning Department shall schedule an agenda item before the next available Planning Commission meeting, to allow the applicant to provide an update on the project funding and how that funding status impacts the completion of Phase Two of the project.

a. This update should include a date when the modular classrooms will be removed.

b. If the applicant estimates the Phase Two timeline will extend beyond the two year period, the progress report should be submitted with a city application form (with appropriate fees) to request for extension of time to the Condition Use approval, which will also require review and approval by the Planning Commission.

**V. Order**

The Commission concludes that CUP-18-01/DR-18-04/VAR-18-02/VAR-18-03 is approved based on the Record, Findings of Fact, and Findings above.

  
GARY WALVATNE, CHAIR  
WEST LINN PLANNING COMMISSION

February 11, 2019  
DATE

This decision may be appealed to the City Council pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable rules and statutes. This decision will become effective 14 days from the date of mailing of this final decision as identified below.

Mailed this 12<sup>th</sup> day of February, 2019.

Therefore, this decision becomes effective at 5 p.m., February 26, 2019.