

WEST LINN PLANNING COMMISSION

FINAL DECISION AND ORDER

CUP-21-02/DR-21-04/WRG-21-02/MISC-21-04/VAR-21-01/VAR-21-06/LLA-21-02

IN THE MATTER OF A PROPOSAL FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A NEW ATHEY CREEK MIDDLE SCHOOL AT 840/945 DOLLAR STREET. THE PROPOSAL INCLUDES A CLASS II DESIGN REVIEW, TUALATIN RIVER GREENWAY REVIEW, FLOOD MANAGEMENT AREA REVIEW, TWO CLASS II VARIANCES, AND A LOT CONSOLIDATION REVIEW.

I. Overview

At its meeting on July 7, 2021 the Planning Commission (Commission) opened the public hearing to consider the request by the West Linn-Wilsonville School District to approve a conditional use permit to construct a new Athey Creek Middle School at 840/945 Dollar Street. The approval criteria for the application are Community Development Code (CDC) Chapter 11, chapter 28, Chapter 32, Chapter 34, Chapter 41, Chapter 42, Chapter 44, Chapter 46, Chapter 48, Chapter 52, Chapter 54, Chapter 55, Chapter 60, Chapter 75, Chapter 92, Chapter 96, and Chapter 99. The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The Planning Commission held the initial evidentiary hearing on July 7, 2021. The hearing commenced with a staff report presented by Chris Myers, Associate Planner. Remo Douglas, applicant, and Mercedes Serra, 3J Consulting, presented on the applicant's behalf. The initial hearing was continued to August 4, 2021 in order to receive the correct Geo-Technical report. The applicant was given until July 14, 2021 at 5pm to produce the report. A further 7 days through July 21, 2021 at 5pm was granted for review and comments about the Geo-Technical report. Lastly, another 7 days were granted to the applicant for final written rebuttal.

After closing the public hearing on August 4, 2021 the Planning Commission entered into deliberations. After deliberations a motion was made by Commissioner Mathews and seconded by Commissioner Metlen to approve the application with 3 additional conditions of approval. The motion failed on a 3-3 vote. Then a motion was made by Commissioner Pellett and Seconded by Commissioner King to deny the application, the motion failed on a 3-3 vote. Chair Walvatne made a motion and Commissioner Erwin seconded, to postpone the vote until the August 18, 2021 Planning Commission meeting. The motion passed with a 5-1 vote.

The Planning Commission entered into deliberations on August 18, 2021. After deliberations a motion was made by Commissioner Mathews and seconded by Commissioner Carr to approve the application with 3 additional conditions of approval. The motion passed on a 4-3 vote.

Written testimony was submitted by Wade Clarke, John McCabe, John Boyd, Shannen Knight, Richard Krippaehne and Tamara Mисley-Krippaehne, Ron and Jan Mobley, Alice Richmond, Dean Riddle, and Ashley Short (Tualatin Riverkeepers), Kathie Halicki (Willamette Neighborhood Association President), Diane and Don Kunstel, Laura Wirth, Bogdana Clarke, Debbie Meyers, and Julie O'Rourke.

Some of the community concerns raised at the public hearing include:

1. Impact of increased traffic on surrounding area
2. Concern regarding the removal of trees from the site
3. Concern that tree buffers aren't close enough to the neighborhood
4. Light pollution from the playing field lights
5. Noise pollution from the track and ball fields
6. The proposed school will not be a benefit to the City of West Linn
7. The site would be better served as housing
8. The site has inadequate infrastructure to serve a middle school
9. Concern regarding adequate parking on the site
10. Concern that the proposed roundabout is not appropriate for the site

II. The Record

The record was finalized at the August 18, 2021 hearing. The record includes the entire file from **CUP-21-02/DR-21-04/WRG-21-02/MISC-21-04/VAR-21-01/VAR-21-06/LLA-21-02**

III. Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The applicant is West Linn-Wilsonville School District.
- 3) The Commission finds that it has received all information necessary to make a decision based on the Staff Report and attached findings; public comment; and the evidence in the whole record.

IV. Findings

The Commission adopts the Staff Report for June 24, 2021, with attachments, as its findings, which are incorporated by this reference with ten conditions of approval. After review of the entire record of the proceedings, including the applicant submittal, staff report and findings, both oral and written public testimony, applicant rebuttal, and the applicant's final written argument, the Planning Commission found the application to meet the applicable review criteria with ten conditions of approval. Findings for conditions of approval one through seven are contained in the staff report dated July 7, 2021. The Commission added three additional conditions of approval as part of the motion to approve. The three conditions and associated findings are:

1. Condition of Approval #8 Roundabout Pedestrian Safety. The Commission found the application did not satisfy CDC 60.070.A.4 and CDC 2.030 (Adequate Public Facilities) regarding pedestrian safety at the roundabout. The DKS TIA recommended crosswalk markings at five intersections, but did not include the roundabout. This condition of approval requires the applicant to install pedestrian crosswalk markings at the proposed

roundabout located at Willamette Falls Drive and Brandon Place. The Commission found with this condition CDC 60.070.A.4 and CDC 2.030 (Adequate Public Facilities) are met.

2. Condition of Approval #9 School Speed Zone and flashing beacons. The Commission found the application did not satisfy CDC 48.025. The addition of a 20 mph school speed zone and flashing beacon indicators be implemented and installed. The commission found with the condition that CDC 48.025 is met.
3. Condition of Approval #10 Brandon Place Extension. The commission found the application did not satisfy CDC 60.070.A.4 and CDC 2.030 (Adequate Public Facilities). This condition of approval expresses that the Brandon Place extension only be utilized for emergency vehicle access and not as a public through street. With this condition of approval, the Commission found that CDC 60.070.A.4 and 2.030 (Adequate Public Facilities) are met.

V. Order

The Commission concludes that **CUP-21-02/DR-21-04/WRG-21-02/MISC-21-04/VAR-21-01/VAR-21-06/LLA-21-02** is approved based on the Record, Findings of Fact and Findings above.

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. **Landscaping Installation.** All landscaping improvements, including but not limited to planting of trees and shrubs, are subject to the conformance with the City Municipal Code and Community Development Code. Landscaping must be installed prior to the issuance of occupancy permits.
4. **Erosion Control.** The applicant shall submit an Erosion Prevention and Sediment Control Plan prior to issuance of site development permit.
5. **Curb Cuts.** The applicant shall redesign the two vehicle accessways to comply with the maximum curb cut requirements of 36 feet, per Staff Finding 128, and to also meet West Linn Public Works Standards.

6. **Street Improvements.** The applicant shall complete half street improvements, including pavement improvements, curbs, planter strips, street trees, street lights, sidewalks, pedestrian crossings, cycle tracks where required, and street storm drainage for those portions of Dollar Street and Willamette Falls Drive abutting the subject properties. The applicant shall complete full street improvements on the extension of Brandon Place. The City may partner with the applicant to fund additional improvements as part of the project.

7. **Landscaping Installation.** All landscaping improvements, including but not limited to planting of trees and shrubs, are subject to the conformance with the City Municipal Code and Community Development Code. Landscaping must be installed prior to the issuance of occupancy permits. (Staff Findings 62 and 73)

8. **Roundabout Pedestrian Safety.** At the proposed roundabout at Brandon Place and Willamette falls drive the applicant will have construct appropriate marked pedestrian crossings.

9. **School Speed Zone.** The applicant shall implement a school speed zone limit of 20 mph on Willamette Falls Drive, Brandon Place, and Dollar Street. Flashing beacons will be installed to alert vehicle traffic of the school speed zone.

10. **Brandon Place Extension.** The proposed Brandon Place extension will not be built as a through street. The extension will only be built for emergency vehicle access.



 CHARLIE MATHEWS, VICE CHAIR
 WEST LINN PLANNING COMMISSION

8/23/21

 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 23 day of August, 2021.

Therefore, this decision becomes effective at 5 p.m., September 7, 2021.