



# CITY OF West Linn

## Memorandum

Date: July 6, 2021

To: Chair Walvatne  
West Linn Planning Commission

From: Chris Myers, Associate Planner

Subject: Public Comments Received for CUP-21-02/DR-21-04/WRG-21-02/MISC-21-04/VAR-21-01/VAR-21-06/LLA-21-02

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Fifteen additional public comments were received after the publication of the staff report on June 24, 2021, for CUP-21-02/DR-21-04/WRG-21-02/MISC-21-04/VAR-21-01/VAR-21-06/LLA-21-02.

Those fifteen comments were either sent via email or dropped off at City Hall, the comments are attached. Comments were made by:

Shannen Knight  
Richard Krippaehne (two comments)  
Ashley Short, Tualatin Riverkeepers  
John Boyd  
Ron & Jan Mobley  
Alice Richmond  
John McCabe (three comments)  
Dean Riddle

Respectfully,  
Chris Myers  
Associate Planner

## Myers, Chris

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**From:** Schroder, Lynn  
**Sent:** Tuesday, July 6, 2021 8:48 AM  
**To:** Myers, Chris  
**Subject:** FW: West Linn-Wilsonville School District request for a conditional use permit to construct a new Athey Creek Middle School at 840 and 945 Dollar Street

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**From:** John Boyd [mailto:johnboyd911@gmail.com]  
**Sent:** Thursday, July 1, 2021 9:17 PM  
**To:** Planning Commission (Public) <askthepec@westlinnoregon.gov>  
**Cc:** Willamette Neighborhood Association President <willamettena@westlinnoregon.gov>  
**Subject:** West Linn-Wilsonville School District request for a conditional use permit to construct a new Athey Creek Middle School at 840 and 945 Dollar Street

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Planning Commissioners

I am writing to address my concerns regarding the Staff Report posted for the above listed project.

CDC 99.040.A requires the City to ““Make the staff report available at least 10 days prior to the scheduled date of the public hearing(s);”

The staff report as posted on the meeting website contains the following index (Partial listing of Exhibits only):

“EXHIBITS

PC-1 APPLICANT SUBMITTAL .....	50
PC-2 SUPPLEMENTAL TRANSPORTATION SUBMITTALS .....	439
PC-3 PUBLIC COMMENT .....	445
PC-4 COMPLETENESS LETTER.....	477
PC-5 AFFIDAVIT AND NOTICE PACKET .....	480”

The Staff Report text ends on page 110, the exhibit cover sheets are listed on pages 111 to 115. These exhibits have no content (except for the cover page).

The Staff report contains the record for the Planning Commission to consider. Hopefully you have the full record. However, the staff report and all listed contents have not been posted to the meeting page and made available 10 days prior to the scheduled date of the public hearing.

It seems only reasonable to reschedule this public hearing and make the full staff report available as required ten days in advance of that rescheduled public hearing.

I am also requesting party status and a response to the questions raised in this email.

When the full staff report with attached exhibits are made available with adequate time to respond, I will have additional comments to provide for the record.

Thank you

John Boyd

An eight year resident of the Willamette Neighborhood, West Linn Oregon.

Sent from [Mail](#) for Windows 10

Dear Planning Commission

Thanks in advance for taking the time to read what will be lengthy testimony to this massive project.

I will summarize my points first, then go into further detail as I realize this is lengthy.

First, I'm asking that we not let the heart string argument come into this decision. Most people are supportive of schools and want to do things for the schools and the kids. Heart strings are pulled when we bring kids into this application. I'm asking that we don't let heart strings be a factor here.

Also, this is not a normal land use application where you have a private landowner's right to develop their own property. The "applicant" is a public body. This is public money on public land. A denial of the application is not a denial of any citizen's right to use the property. It is simply a message to the school district to do more due diligence and find a better solution that meets the needs of the West Linn taxpayers.

Lastly, the district represents both Wilsonville and County taxpayers, not solely West Linn citizens. Because this is a conditional, non-housing use application, it do believe that the new ORS standards for "clear and objective standards" does not apply. Conditional use language is subjective. When the district talks about the "community", they may mean the larger non-resident community. Approval of this application should be what best fits the West Linn community, not the district's "community" as it encompasses more than just West Linn.

Here are the biggest concerns:

- Trees
  - Land hasn't been a tree farm in 40+ years. Mature fir trees should be considered "tree clusters"
  - Tree buffers are in place on Willamette Falls Dr. but shouldn't tree buffers be more towards residents to reduce noise?
  - Can more natural parking-scapes be utilized to save trees?
- Traffic:
  - Already failing intersection
  - Entrances on local roads not arterial per the Comprehensive Plan. Measure taken to mitigate traffic, but pushes traffic onto local, residential roads
  - Brandon Place extension, while what the city staff may want, with 205 tolling, may just create another way people divert to avoid traffic and push commuter traffic into local neighborhoods
- Light and Noise Pollution.
  - Ball fields creates noise up until 10pm at night. The point of lights is to keep kids playing on fields. Playing creates noise.
  - Best planning practices state that schools should be built first, with communities developed around them so noise is to be expected. This does the opposite.
- Conditional use requires a benefit to the "City".
  - As much as 62% of Athey Creek students don't live in West Linn. Is moving a school within West Linn city limits to serve less than 40% of the West Linn kids a "benefit" to the "City"?

- Shouldn't the school be moved to the other side of town where more development will occur to serve the future needs of West Linn kids instead of non-resident kids?
- The school claims West Linn wanted it per bond. But the bond was passed by Wilsonville. 69% of Wilsonville passed this bond as there were many Wilsonville projects on the docket. Only 51% of West Linn passed this bond with only 45% of the people voting.
- Only 44 kids per the district's numbers will walk to school. A big cost, financially and environmentally to serve essentially 44 kids in West Linn
- Will distance learning and future technological advances make this an empty ghost town in 15 years?
- Is a better use of this land for needed housing considering the housing shortage and very little residentially buildable land in the city?
- Other questions in the application:
  - Community involvement limited to only those with school age children
  - Is entrance to school per code
  - Sensitive land concerns neighbors had
  - Use of pollutants near a river

Since the application has to meet the criteria of the CDC, Conditional Use code specifically, as well as the Comprehensive Plan, I will be referencing both things throughout the application where applicable.

**Trees:**

I will start with trees as this is what comes in order of the application. Pages 57 to 67 of the applicant's submittal deals a lot with trees.

The school district (and arborist) claim it was a "Christmas tree" farm so those trees are agricultural use and can be cut down without a permit. It hasn't been a tree farm in 40 years. The city code applies to a working tree farm. Per CDC definition:

"ORCHARD TREES, TREE FARMS, AND COMMERCIAL NURSERIES EXEMPTION: The City shall not require a permit for removal of trees that **are** being grown for orchard trees, tree farms and commercial nurseries."

Key word here is "are". "Are" is present tense. It does not protect trees that "were" a tree farm. The code is specific to current use. These are no longer Christmas trees that can be cut down and used for agricultural purposes. They are full-fledged forest trees and should be subject to the same rules as any other forested area in the city are treated. Chapter 55 states that:

"Non-residential and residential projects on Type I and II lands shall protect all heritage trees and all significant trees and **tree clusters** by limiting development in the protected area... Development of Type I and II lands shall require the careful layout of streets, driveways, building pads, lots, and utilities to avoid tree clusters, and other natural resources pursuant to this code."

Since these are not agricultural trees anymore, I believe these wooded areas should be considered "tree clusters". Efforts should be made to preserve as many clusters of trees as possible.

Per the Comprehensive plan Goal 5, sec. 2, policy 3:

“3. Provide buffer areas around heritage trees, significant trees, and tree clusters to ensure their preservation.

4. Require that areas containing tree clusters, significant trees, and native vegetation along natural drainage courses and waterways in areas of new development be maintained to the maximum extent possible to preserve habitats, prevent erosion, and maintain water quality.”

5. Preserve important wildlife habitat by requiring clustered development or less dense zoning in areas with wetlands and riparian areas, natural drainageways, and significant trees and tree clusters. “

Again, since these trees have been there 40+ years, they are home to many wildlife which isn't the case with tree farms. If this was developed as residential, could more tree clusters and wildlife habitat be preserved?

Also, most of the trees per the application (pg 76 of the application) show trees will be saved on Willamette Falls Dr side of the property. Per the Comprehensive Plan Goal 2 policy 8:

8. Protect residentially zoned areas from the negative impacts of commercial, **civic**, and mixed-use development, and other potentially incompatible land uses

This is a civic use and more effort should be taken to preserve large trees on the Dollar side to keep residents current views and scenery.

This has asphalt parking. Near river area, should it not be permeable per the Comprehensive Plan? Goal 6, Policy 8:

8. Encourage the use of alternative permeable materials for construction of parking areas to reduce stormwater runoff and improve water quality.

Also, could more tree clusters be preserved if they did a more natural parking lot area instead of all asphalt/concrete?

Bottom line, if this build is to take place, there should be more care taken to preserve the fir tree clusters to preserve these very mature fir trees, and keep natural wooded views for neighbors.

### **Light and Noise Pollution:**

The biggest concern for me, as someone who lives diagonally across from a school and a block from a park, is noise and light pollution. Luckily, I live next to an elementary school so the noise is mostly during the day. But this application is asking for lights on field. These neighbors are going to have to deal with both noise and light pollution.

Again, per the Comprehensive Plan:

Policy 8 - Protect residentially zoned areas from the negative impacts of commercial, civic, and mixed-use development, and other potentially incompatible land uses.

Let's start with the light pollution. I followed the application for the soccer fields being proposed for the Borland property just down the road. There are rural farm properties just across the river from the property. While I understand that the technology is very good for the new lights on fields, the glow cannot be contained. The light may not be shooting out the sides and in neighbor's windows, but the glow up is the concern.

I bet if I flew a drone above the property, it would be well lit from above. This "glow" affects sleep of farm animals as well as birds and others that live in the trees surrounding the property. While I appreciate the district is locating the school below the Dollar St. properties to minimize height differentials, the residential area will now be looking down on this glow. So instead of having a nice view of the night sky that these neighbors have now, they will be looking at a big, glowing field. Again, there is no way to control the glow. The field is lit. It will be seen. The argument is not that the light will be bleeding into the neighbor's property, it is that the view will be different for all those around there at night. There are many scientific articles on this "glow". See the article cited in my appendix.



You can see in this picture that though it is dark just a foot from the field area, this is the view. Instead of total darkness. It is not that the light will be lighting up their bedroom so they can't sleep. It is that they have to look at this view from now on instead of total darkness.

My request, should you allow this application to move forward, is that you don't allow lights on the field. Lights mean that there are kids yelling and screaming on those fields until 10pm. There is no rest for those neighbors. The noise pollution cannot be controlled to any real effect. If you are going to allow the noise, then limit the noise to daylight hours only.

Sound studies take into account the decibels but not the frequencies. The freeway is white noise that people have gotten used to. Versus screams at higher decibels is more piercing to animals and human ears than the white noise of the traffic at the same decibels. Like I said, living next to a school I can tolerate it because at night it is quiet. I can't even imagine what it would be like to live with that noise well into the evening.

The city is currently dealing with noise levels at Skyline Ridge park where the pickleball court is below and it resonates sound up. Again, while I appreciate this design kind of sinks the building so it is not very visible from the street level, this actually may make sound radiation worse. Once this project is complete, we can't just lock the courts like we can with pickleball. The school will have full control and will do as they please. Which could include installing more noise making equipment. A few years ago, the school I live across from decided to install noise making play structures. Now I get to listen to bad xylophone playing during recess. This is why it is important to really think about these ball fields and what they will do to the neighbors. I understand Fields Bridge Park is right there. But they don't have

lights. Field noise can be tolerated during daylight hours. But having to listen to “crowd noise” well into the evening is the issue for me.

**Conditional Use:**

There is a reason schools are a conditional use, not an outright use. This allows the community to address if there is a need for a school, or if it fits the character of community. Per our code “Conditional Use” approval criteria in question are:

1. The site size and dimensions provide:
  - b. Adequate area for aesthetic design treatment to mitigate any possible adverse effect from the use on surrounding properties and uses.
2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features.
3. The granting of the proposal will produce a facility that provides an overall benefit to the City.

Let’s look at all these criteria and how this application does not fit the conditional use criteria.

1:

“Adequate area for aesthetic design treatment to mitigate any possible adverse effect from the use on surrounding properties and uses.”

All the urban planning research I did specifically state that the schools should be built first, then the surrounding area is built around them. With a school site already built out, when one purchases a home, they know they are moving close to a school and the negatives that come with it like noise, traffic, etc. This application is imposing a school on neighbors who don’t want it and never expected to live next to a school, especially a middle school with ball fields and lights meaning noise, as discussed, to 10pm at night.

I believe traffic may also fall into this category, but I think many others are going to testify on traffic. Ostman is already a failing intersection that will just be made worse. With I-205 tolling, Willamette Falls will also be getting worse. Traffic studies don’t take into account the future, I get that, but I believe since you know these things are on the horizon, and are “sure things”, not possibilities, they should be addressed.

#2:

2. The characteristics of the site are suitable for the proposed use considering size, shape, **location**, topography, and natural features.

Location is the key word here. The application must also conform to the city’s Comprehensive Plan. Per the Comprehensive Plan, and this also has to do with location:



## POLICIES

1. Encourage the School District to build schools on collectors or arterial streets and, where possible, along transit lines.

The definition of the “arterial” per the CDC:

“Arterial. A street whose primary function is to provide for the movement of through traffic between areas and across portions of the City or region ...”

While the school has one side along Willamette Falls Dr, there are no entrances to the school on Willamette Falls Dr. This fails this criterion of the CDC. Perhaps it was the direction of city staff to not locate the entrance on Willamette Falls Dr. But staff sometimes doesn't consider what is necessarily best for the residents. They come more from an engineering perspective of traffic flow, etc. Here is where we as citizens get to voice our concerns with having an entrance to a school on a street that is not designed to handle the extra traffic of a school.

If the school is to be located here, the entrance should be on the arterial to minimize traffic on local streets for these neighbors. Brandon extension would still be considered a local road, not an arterial. If the purpose of Brandon extension is to offer the residents an alternative out of the neighborhood due to the failing intersection at Ostman, this doesn't help to make an entrance to a school on a small, local road. I live on the backside of an elementary school that is much smaller in scale and size. I cannot drive up or down my street during drop off and pick up times. The road is too narrow with parents parked on both sides of the road. If another car comes, there is nowhere to pull over due to cars parked on the street. You just end up with 2 cars being face to face with nowhere to go until a parked car moves. If Brandon Place is going to be the entrance, then the street needs to be wide enough to allow for parking on both sides and to allow two lanes of traffic to also flow. Or no parking should be allowed at all on Brandon and again at least 3 lanes to allow for traffic to flow, while Brandon is backed up with cars waiting to enter or exit the school area.

While I understand it is city staff that may prefer to have the Brandon place extension, from what I understand, the residents don't. Per the Comprehensive Plan Goal 12 Policies:

“6. Minimize local streets being used for pass-through traffic.”

Making Brandon go through will just mean more traffic on Dollar as people look to divert off Willamette Falls Dr. with their GPS apps and find another way around I-205 traffic. With tolling, more people are going to look for short cuts through the neighborhood streets, and Brandon will just become another short cut. Perhaps a better option for the Brandon Place extension would be a cul-de sac that starts off Willamette Falls Dr and ends before Dollar. This would keep traffic off Dollar, and Brandon would be used primarily as a road to divert traffic in and out of the school site only. It is almost impossible to make a left on Dollar already starting at 3pm. This is when school would be getting out. I know others will testify on the traffic so I'll leave it at that.

We have a housing shortage. Looking at the Comprehensive Plan again under Goal 2: Land Use Development,

Goal #1: Maintain land use and zoning policies that continue to provide for a variety of living environments and densities within the city limits.

This land is zoned residential. Goal #1 is to preserve residential land for living. Goal 10 of the Comprehensive Plan focuses on needed housing. With HB2001/2003 and the UBG, would this land be better served as housing during a housing crisis than a school? When it was sold to Renaissance in 2006, it was slated to be 90 to 100 homes. Could we not use 100 homes (or 400 or more residences now under HB2001/2003) in West Linn instead of a school?

The district sold this property back in 2006 because they determined this was not a good site for a school. If the economy had not dropped out at that time, there would be homes there, not a school. The transaction sale failed as Renaissance filed for bankruptcy. That is the only reason this property is still in the school district's inventory. While not relevant to the application, the school district, in my opinion, only looked at Dollar now 15 years later as a viable site because they needed to find a way to ask voters to renew the bond. I listened to the public hearings leading up to the bond. The school district flat out said that if they don't find a way to come up with \$150 million to spend, then it will be hard to renew the bond in the future as it will be looked at as an increase, not staying at the same rate it is now. A \$20M school build was a way to max out the bond.

The district will not directly answer why the property was sold in 2006. From my understanding, part of it had to do with difficult topography and lack of need. I realize that technology has come a long way and topography may not be the obstacle it once was. As early as 5 years ago, though, in the 2014 Long Range plan<sup>8</sup>, they had no new schools in West Linn, and had no use for this Dollar Street property. In 5 short years, there is now a need when enrollment is dropping? Even in their 2019 long range plan (pg 77), the district states that the middle schools don't need any capacity until 2028. Why this site, now when capacity isn't an issue? This needs a better explanation if we are to decide if this is better for West Linn to have a school here, or hundreds of residences.

Also, with COVID, some kids preferred the hybrid, distance learning options. Could the future of education be more virtual with less demand for large schools like this? Will this property just end up being abandoned due to lack of enrollment for physical classrooms? Do we need to build new schools? Or will traditional schools just become ghost towns, and instead of hundreds of residences we have a big empty building that is an eye sore to the community 15 years from now.

### **#3**

Now let's look at #3. This is where most of the issues with this plan are. I'll break it up in sections as I think there are several different arguments against this being an ideal location.

3. The granting of the proposal will produce a facility that provides an overall benefit to the City.

#### ***Definition of "City":***

Let's look at the definition per the CDC of "the City".

“City. The City of West Linn, Oregon.”

This means the taxpayers of West Linn. This means someone who lives within the city limits of West Linn. This does not mean all the people who live in the outskirts of West Linn in unincorporated Clackamas County whose kids go to Athey Creek. The conditional use permit should be for what best fits West Linn residents. It should not be factoring in what is best for non-residents.

Per the WLWV 2019 long range plan (pg 139), a 62.4% of students that attend Athey Creek are not West Linn residents. <sup>1</sup> Thus, most of the kids that go to Athey Creek Middle School right now, and who will continue to go to this school if built, don't actually live in the City. This school serves mostly unincorporated Clackamas County residents. So, it begs the question, if a school needs to be built to best serve West Linn residents, shouldn't it be built where it will serve more West Linn residents? Relocating a school from the outskirts of town to STILL the outskirts of town doesn't benefit any additional West Linn students.

Let's look at some other language that pertains specifically to schools in the Conditional Use code.

“Schools and other government facilities that attract a regular and significant volume of users shall, to the greatest extent possible, be centrally located relative to the majority of the population that they will serve and be serviceable by sidewalks and bike routes/lanes.”

Shall means “must”. “Centrally located to the majority of the population” does not mean the outskirts of town, or only for Willamette residents.

When I first moved here, I assumed Rosemont was the local junior high for my neighborhood. It is only about 2 miles from my house. Rosemont has to be an inconvenient location to a lot of West Linn. The Hidden Springs, Bolton, Marylhurst communities are 2-3 miles away. Again, moving Athey Creek to Dollar Street makes it more convenient only for Willamette residents. If we are talking about “to the MAJORITY of the population” would it not make more sense, if you are going to “move” a school, to locate a new school on the other side of town where more West Linn students are? Willamette residents could go to Rosemont Ridge instead, which is still closer than the current Athey site, if the ultimate goal is to make the schools closer to where students live.

If you look at the buildable lands inventory <sup>2</sup> you will see very few infill or vacant land properties in Willamette. This means the majority of the growth will be in these other areas of town. Rosemont Ridge has a capacity of 713 with 10 year projections of 743 students. (pg 68 of the School District's 2019 Long Range document<sup>1</sup>) Thus, Rosemont Ridge will be over capacity, and more growth is expected on other parts of the city. Again, wouldn't it better serve West Linn to move the school where it best serves the “majority” of West Linn residents?

Remember the conditional use code should be what benefits the “City”. 62% of the students at Athey are not West Linn residents. If the school district is really honoring their student population, leaving the school where it is best serves their students. It is not as convenient for Willamette residents, but is the best site for the county residents it mostly serves.

### ***Walking to School:***

The school district, in their application (pg 93), claims that this is an ideal “location” because kids can walk to school where zero can walk now. This is true, but again, is this a benefit to the WEST LINN

community? The school district shows 157 students in the “walkable” area. This was from a public records request. The district tells us that 30% of kids will walk to school (seems high in the rain but ok we’ll buy this number). This means 47 kids. So if the whole reason that they justify that the school should be built where the kids actually live, we are doing this for 47 students who will walk to school? The school district, in their presentation told us that it would be 250 kids walking. But this is not what the actual public record request showed. The homes in this area are often blocked with a direct route by cul-de-sacs or are across minor arterials that parents will not let their kids cross. So again, it begs the question, if the point of moving the school is to get more kids to walk/bike to school, shouldn’t the school be moved to a location more central to where “the majority” of West Linn (not county) kids can walk and bike to?

Also, right now, at Athey, kids are leaving the campus with an adult and not affecting the immediate neighborhood. If you look at Rosemont, the kids infest Safeway and that shopping district causing mayhem and leaving trash around. With a walkable school, the kids will walk to the park or even up to the historic shopping district and create havoc for neighbors and business owners. We know that part of the reason that the residents don’t want street parking near the high school is all the trash and stuff the kids leave behind in their yards. Again, these residents did not move to their homes expecting a school and all the problems associated with it. I don’t complain about the school because I knew the tradeoffs of living next to a school. But these residents on Dollar are not being given a choice, and per the Comprehensive Plan, as we want to limit the impact of civic buildings on the residential areas. This is why, as mentioned, schools are usually built first and the neighborhoods built around the schools.

#### ***Bond Dollars:***

Pg 93/94 of the application states:

“The relocation of the school was approved by West Linn – Wilsonville voters as part of Measure #3-554, the 2019 West Linn-Wilsonville School District Capital Bond Program”

They put it in the application so we get to talk about it. Again, we need to ask is this what the West Linn residents, aka the “City” wanted? I don’t believe so. Wilsonville passed this bond. If you look at the breakdown per district <sup>5</sup>, the bond passed 69% with Wilsonville and Tualatin voters. In West Linn it only passed by an average of 51% in the affected neighborhoods. The Willamette Neighborhood precincts were merged recently, so the numbers the county gave me don’t really show the votes of the area closest to Dollar. But Sunset and Bolton neighborhoods voted 59% and 61% respectively, and the bond also had high school parking which would be a positive effect for Bolton neighborhood. Also only 45% of the registered voters voted in this election so can we say this is what West Linn really wanted based on this? The school district sent letters home to parents telling kids that their school would be unsafe if they did not vote for the bond, a pretty sly tactic. This is why many probably voted yes. Also, The Dollar location was not clearly listed on the ballot. I believe West Linn residents did not think they were voting for a school to be built in a residential neighborhood with a traffic issue, and that is used as a park right now. Bottom line, the bond passing is not a good indicator that West Linn residents wanted this school.

#### ***Benefit for the City of West Linn, not Wilsonville:***

When we are looking at if this is a “benefit” to the City, I think it is fair to consider if this “move” is necessary. The district told us in all the planning meetings that mentioned that this is not a school being created due to capacity. In their 2014 Long Range Plan, it specifically states that “Assuming that existing capacity is fully utilized before building new school capacity” (pg 45 <sup>6</sup>) It then goes on to mention the 4 schools that would need to be built, all in Wilsonville. None in West Linn. Which again, goes to question, why just 5 years later, they think a school build in West Linn is necessary if the previous long range planning assumed builds are only necessary when schools are at capacity? Was it just to get the bond money?

Is using the very few acres of developable residential land we have left for a school that is not needed for capacity, only so a few kids can walk to school, really a “benefit to the City”? The district in their Long Range Planning document goes on to talk about sustainability. Is it sustainable to build a new school that is not needed for enrollment? Just because you like a more convenient location, is that a reason to build a new school that destroys a lot of natural resources in doing so?

If the growth is happening in Wilsonville, the new school builds should take place in Wilsonville, not West Linn. The district has not proven there is this need to locate a school in West Linn at this time.

### ***Is the Arts & Tech School a Better Fit for this Location?***

So why this move? At the WNA meetings, the district stated that moving the Athey school makes room for the the Arts & Tech school at the Athey site and this will also benefit West Linn as an alternative high school option for West Linn students. If that is the case, why not build the Arts & Tech school on the Dollar property? This would be a better fit for the neighborhood. A building with low traffic with only 400 students and no sports field for noise. If the ultimate objective is to build the Arts & Tech school, as that is what the immediate need is, then build the Arts & Tech school. The Arts & Tech school doesn’t need the fields at Athey. Why build more fields when you have sufficient fields already?

Going back to the buildable lands inventory, if a smaller school was built, we could then also build more needed housing on this land, which is what it is zoned for. If you can’t tell, my biggest issue with this school is the ball fields. Again, living next to softball fields in the park and an elementary school, I would not want to impose this noise on any neighbor who did not already expect the noise would be part of their experience when they purchased the home.

We asked the WNA meetings, we also asked about expanding Athey to also house the Arts/Tech school as it is a large campus. The district said that they couldn’t build because the county would not allow them to. I called the county and they pointed me to the last land use permit the district pulled in 2004 (see footnote <sup>3</sup>). Per that application, it allowed additional build of 13,950 square feet on the existing footprint. That equates to 10 classrooms and about 400 kids <sup>4</sup>. When we asked the school district about this at the WNA meeting, they said the “real” issue was that their septic tank could not be expanded. So I called the county back. The county did say the septic was under DEQ at that site, so I again reached out to DEQ who said there are no notes on the file that the site can’t be expanded but they would need an active application to know for sure. Hmm.

The other reason the school district stated that they wanted the middle school moved instead of expanding the current site is that in the future, the district would need another high school built (10+

years) and that this would be the best site for a high school. But if I'm following what they said about expansion, they can't expand for 400 students for an Arts & Tech school, but would be able to expand in 10 years to a high school which I'm assuming will be more than 400 students? Something isn't adding up.

If the district wants to claim that Athey Creek must be moved in order to house the Arts/Tech school, they need a letter from the county proving this fact. We cannot accept just their word for it as we have seen in the past with the Sunset school expansion that the school district has not been forthcoming and honest with residents in the past. And even still, I don't think district's need for an Art/Tech school location is enough of a reason to build a gigantic new Jr. High school with fields that only serves essentially 47 kids that can walk to school. If Athey must move, it should move to a more central location per our Comprehensive Plan.

### **Other Application Concerns:**

Here are a few more concerns I had reading the application. Per their application (pg 96):

Goal 2 - Land Use Planning Policy 3 - Develop incentives to encourage superior design, preserve environmentally sensitive open space, and include recreational amenities."

Let's look at what this goal says, and how they responded. "Preserve environmentally sensitive open space". Right now, this is an open space where residents use as a nature park. Kids observe birds, look at old growth trees, trail walk and bike through this area as recreation. This application takes all of this away in favor of "hardscape play areas, an athletic track and field". How does this meet this criteria? Hardscape play areas and athletic tracks made of toxic materials is not preserving environmentally sensitive open space.

Yes, schools help kids in the community. Ball fields and other recreational activities already exist on or near this site. Building the school here doesn't increase any access to these things. Right now kids walk through this area and learn about nature. I realize there could be other development there instead. As I mentioned, earlier, with the housing shortage, perhaps housing is a better use. Or if the community wants it as an open space, a group of citizens could finance and purchase the land to leave as a park similar to Savannah Oaks did, or what is being proposed for the purchase of Oppenlander for city use, a ballot measure could be utilized to buy the property from the school district. As mentioned before, the difference in the school district being the "applicant" versus a private landowner is that the taxpayers own this property.

In the Comprehensive Plan Goal 5 Policies:

15. Preserve natural resource areas through public acquisition and other methods such as conservation easements.

Yes, the school district technically owns it, but it was purchased with taxpayer dollars. Taxpayers should have a say in how it is developed. Thus, the "applicant" is the school district but they are acting on behalf of the taxpayers. We need to look at what the taxpayers want as well. These other uses better fit the comprehensive plan for the city.

In regards to Policy 3 (pg 97 of the application):

“Policy 3 - The City shall participate in the siting of future school facilities, per the currently approved Intergovernmental Agreement with the School District.”

This is the district’s response:

“The City and West Linn-Wilsonville School District participated in siting of future schools through staff conversations, safe-routes-to-school planning, and the Bond Summit. “

The district admitted to us that you were only noticed about the bond summit if you were on their Listserv. You are really only on the Listserv if you have kids currently in school. This left out a large percentage of taxpayers, those who have no kids (like myself) or those whose kids are no longer in school. Proper notice was not given to all the residents to participated so many of our voices were never heard. Was this really participation by residents?

On page 65 of their application:

f. At least one entrance to the building shall be on the main street, or as close as possible to the main street. The entrance shall be designed to identify itself as a main point of ingress/egress.

I don’t believe this is met. There is a long driveway that you have to go down to access the front. This is not having an entrance close to the street. How close is the entrance to Brandon? Looks like you have to drive a while to access the front. If the point is to encourage 200+ students as they claim to walk to school, shouldn’t it be as least of a walk as possible to the entrance?

Pg. 96 of the application refers to :

“Policy 8 - Protect residentially zoned areas from the negative impacts of commercial, civic, and mixed-use development, and other potentially incompatible land uses.”

We already discussed this part of the Comprehensive Plan. I’m not sure how they think they meet this code just because the school is closer . Again, if they were building the Arts/Tech school here without ball fields, this would be an easy application. But when you introduce a ton of traffic and noise and light pollution, this is doing quite the opposite of what Policy 8 states.

**A Few Last Notes:**

These are just some things that came up during the neighborhood meetings on this project. I don’t know the validity of them but I’m putting them here so they could be researched, and the applicant can answer these questions for the community.

- Neighbors said there is a historical well nearby. One of two hand dug brick wells left in the entire state. It is in Fields Bridge park but construction must not damage this well of historical significance.



- There are heritage apple trees on the property dating back to the 1800's. It is a special variety that can't really be found anymore. It is important that at the very least that an arborist looks at these trees and if healthy they are preserved as they have historical significance.
- Neighbors had concerns about how close a street can be to a bridge per ODOT
- Traffic study was based on existing enrollment—if capacity for 850, should the traffic study be based on 850 students.
- On the meeting Feb 10<sup>th</sup> school district admits that they still need to rely on roundup for weeds. They said that they are limiting it and because of previous efforts they have been able to reduce it. But this would be a new location that is full of invasive species. And near a river. Neighbors are concerned about the use of roundup polluting the river. I have dogs and dogs have been dying from drinking water from rivers polluted from roundup. Also nearby community garden growing veggies where the roundoff can run off into. Per Goal 6 of the Comprehensive Plan: Coordinate with Metro and other appropriate agencies to establish best management practices that minimize the introduction of pollutants into ground and surface water.
- Going back to distance learning and whether a traditional school is even necessary in the future, the school board stated in a recent meeting that the Arts & Tech school will be offering classes like cook at home. Drama classes in the new Wilsonville auditorium. They said that instead of 6 units of classes, it becomes 4 with learn at home classes and more like college. So again, why do the need a brand new school to be built for no reason to house many “at home” or “off campus” classes? It is not being smart with taxpayer money. <sup>7</sup>
- There were concerns over sandbar and being seismically sound when built on a sandbar (public testimony at joint work session with school board)
- Why doesn't the traffic study include Willamette Falls Dr. at Dollar? This is currently the only way out of the neighborhood so where most of the traffic goes right now. This is the only way to have the numbers on the traffic on Dollar. IT is a dead end street on Dollar. If Brandon Place will take the traffic alternatively, it is important to know how many cars will drive that road.
- School did tell the community they would be leaving trails accessible from the subdivision to the school that exists now. How can this not apply? (pg 66 of the application states they will not have a trail)
- Goal 7: State Planning Goal 7 “prohibits locating developments subject to damage or loss of life in known areas of natural disasters and hazards without appropriate safeguards. Physical Limitations. Combinations such as steep slopes, unstable soils, landslide areas, and drainageways create significant development constraints. Excessive development in such physically limited areas increases the potential severity of landslides, soil erosion, earthquake damage, and flooding.” There are parts of this property with 25% slope. Are any of these steep areas graded that may cause issues for other property owners in the future?

### **In Summary:**

In conclusion, I think that there are several reasons in both the CDC and the Comprehensive Plan to deny this application. The school has the burden of proof to show that they have met the conditional use criteria, and their only answer for how this benefits the City seems to be that this will allow 40 kids to walk to school. They have not proven that there is a future need for a new school, that there is a good enough reason the school has to move from the current location, nor that this location is the best fit for the majority of West Linn students. More athletic fields are also not a good trade off for a natural forested area that supports dozens of wildlife and provides more natural recreational opportunities to



kids. It also takes away potential buildable land for needed housing. I don't believe the conditional use criteria has been met.

However, if you choose to approve, I ask that you approve with some serious conditions. First, and foremost, do not allow lights on the fields. This just changes the whole character of the neighborhood. I would like to see more trees protected to keep the wooded look and feel for those neighbors affected. I would also look at that Brandon Place extension and how the traffic may be diverted not just during school hours, but all the time after tolling happens on I-205.

Thank you as always for taking the time to ready my lengthy testimony. This is a big land use application with what I sure will be a lot of testimony. I know you will do what you think is best for the community.

Sincerely

Shannen Knight

West Linn

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<sup>1</sup> [https://www.wlww.k12.or.us/cms/lib/OR01001812/Centricity/Domain/100/WLWV\\_LRFP\\_2019\\_FINAL%20LR%20Links.pdf](https://www.wlww.k12.or.us/cms/lib/OR01001812/Centricity/Domain/100/WLWV_LRFP_2019_FINAL%20LR%20Links.pdf)

<sup>2</sup> [https://westlinnoregon.gov/sites/default/files/fileattachments/maps\\_gis/page/8479/rubl\\_01\\_map.pdf](https://westlinnoregon.gov/sites/default/files/fileattachments/maps_gis/page/8479/rubl_01_map.pdf)

<sup>3</sup> <https://www.dropbox.com/s/bufim7wc75t1nud/middle%20school.pdf?dl=0>

<sup>3</sup> <https://spaces4learning.com/Articles/2015/12/01/School-Capacity.aspx>

<sup>4</sup> <https://www.clackamas.us/elections/results.html>

Prec	Area	Yes	No	Cast Votes		Undervotes	Overvotes	Vote By Mail	Total Ballots
131	Willamette South (SA)	1,629	1,306	2,935	55.50%	12	3	2,950	2,950
132	Sunset	1,313	909	2,222	59.09%	15	2	2,239	2,239
133	Bolton	554	346	900	61.56%	3	0	903	903
135	Marylhurst	1156	1063	2659	43.47%	14	0	2673	2673
201	Wilsonville West	1151	472	1623	70.92%	5	0	1628	1628
202	Wilsonville (Charonneau)	1228	480	1708	71.90%	5	1	1717	1714
204	Wilsonville South	681	368	1049	64.92%	2	1	1052	1052
252	Tualatin	155	85	240	64.58%	2	0	242	242
320	Rosemont/Stafford	45	26	71	63.38%	1	0	72	72

- 5 <https://www.wlww.k12.or.us/cms/lib/OR01001812/Centricity/Domain/100/Webview-WLWSD-Long-Range-Plan%20-01-13-14.pdf>
- 6 <https://www.wlww.k12.or.us/cms/lib/OR01001812/Centricity/Domain/58/January-13-2020-Regular-Board-Meeting-Segment-4.txt>
- 7 <https://www.bostonglobe.com/ideas/2019/09/20/goodnight-night-sky-and-everything-else-losing-our-over-illuminated-world/Eex5BuZ5dVhfDslpPYrC1L/story.html?fbclid=IwAR1JbJxv3FbS5sY7km-3tF5IiWuWDxHERc-kk3pbcWsfomGT7xoundaLSzk>

RICHARD J. KRIPPAEHNE  
TAMARA A. MISLEY-KRIPPAEHNE  
2125 RIVER HEIGHTS CIRCLE  
WEST LINN, OR 97068

November 18, 2020

RE: West Linn-Wilsonville School District  
Proposed Dollar Street Middle School  
Conditional Use Application

Dear Planning Commission and City Council Members:

We believe the West Linn-Wilsonville School District did not need to lower capacities of existing facilities to create the need for new schools in our region. We've heard that a portion of the excessive student population is due to allowing out-of-district students to attend our schools. The District is not proposing to use taxpayer resources responsibly.

The West Linn-Wilsonville School District owns land adjacent to our neighborhood in a R-10 Residential zoning district. We believe the District's plan for a school on the Dollar Street site does not meet the criteria for Conditional Use approval. We are requesting the City deny the application for Conditional Approval to construct and operate a school on the Dollar Street property in West Linn.

The City's Community Development Code approval criteria state:

1. The site size and dimensions provide adequate area for the proposed use and provide adequate area for aesthetic design treatment to mitigate any possible adverse effect from the use on surrounding properties and uses.
  - *The school district claims the site is appropriately sized and shaped for school use, but it does not take into account unusable areas due to steep slope and its triangular shape. The site will not accommodate enough parking to mitigate adverse effect of using neighborhood streets for parking during school events such as "curriculum nights", sports activities, and arts/entertainment activities.*
  - *The proposed athletic field lighting will negatively impose on the adjacent neighborhood. There is no way to screen or block the aesthetic impact of the light poles or luminaires.*
2. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and natural features.
  - *We question the claim that the size and shape of the site are suitable for a middle school. See Item 1 above.*
  - *We question the claim that the proposed school is in a suitable location. The district covers West Linn, Wilsonville, and a portion of unincorporated Clackamas County, yet the population growth in the area is in Wilsonville, not West Linn. Between 1990 and 2020, West Linn's population approximately doubled from 13,000 to 26,900, while Wilsonville's growth was about 360%, increasing from 7,100 to 25,400. Their current rates of growth of 0.35% and 1.55% respectively indicate Wilsonville is still growing at a rate nearly 4.5 times that of West Linn. Growth in school capacity should be closer to the place where population is growing most and where available land for residential development is greater.*

- *Topography and natural features are not appropriate for the school use. The site slopes approximately 50 vertical feet from Dollar Street toward Willamette Falls Drive, while school facilities such as athletic fields, parking, floor areas, and ADA access require relatively flat conditions. We question the proposed location of a school adjacent to the Tualatin River as a possible safety hazard to middle school students.*
3. The granting of the proposal will produce a facility that provides an overall benefit to the City.
    - *Granting of the proposal will be a detriment to the City, not an overall benefit. The benefit of additional school capacity in this area goes to Wilsonville, not West Linn. The school will be a detriment to the City because it's location will contribute to a traffic nightmare when coupled with ODOT's pursuit of freeway tolling in the region. Willamette Falls Drive is already a heavily used alternate to the I-205 freeway, and the combination of school traffic with impacts of freeway tolling will cripple this portion of the City's transportation system. Temporary parking impacts to the adjacent neighborhood will include a negative impact to this portion of the City.*
  4. Adequate public facilities will be available to provide service to the property at the time of occupancy.
    - *We suspect the school district's traffic report will state there will be no impact, but we know that students in this City rarely walk to school. In fact, there is a large percentage of the student population that will not even take the bus. They will instead be dropped off at the site by their parents or relative in cars. We've seen this and experienced it during our children's tenure here in the West Linn School District.*
    - *If the case is made for walking or biking to school, the entire Willamette neighborhood area will need road improvements to install appropriate sidewalks and bicycle transportation facilities. Willamette Falls Drive has only intermittent sidewalks on one side of the road and no shoulders. Dollar Street has sidewalks on one side of the road and no shoulders. Ostman Road has intermittent sidewalks north of Dollar Street and totally inadequate sidewalks south of Dollar Street. 19<sup>th</sup> Street and Britton Street have no sidewalks.*
    - *We've lived in the River Heights neighborhood for 26 years, and the public water system is questionable. We would expect that off-site public water and sanitary sewer systems would need upgrading to accommodate the needs of a school facility.*

The tool kit of approval conditions for Conditional Use are inadequate to mitigate problems created by a school in this location.

1. Limiting the hours, days, place, and manner of operation.
  - *Not possible for a school facility.*
2. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor, and dust.
  - *Not possible for a school facility.*
3. Requiring additional setback areas, lot area, or lot depth, or width.
  - *Not impactful enough to make a difference to surrounding neighborhood.*
4. Limiting the building height, size or lot coverage, or location on the site.
  - *Not impactful enough to make a difference to surrounding neighborhood.*
5. Designating the size, number, location and design of vehicle access points.
  - *This could be helpful to the surrounding neighborhood if no access were to be allowed from Dollar Street.*
  - *This would not solve potential regional traffic and pedestrian issues.*



6. Requiring street right-of-way to be dedicated and the street to be improved including all steps necessary to address future street improvements identified in the adopted Transportation System Plan.
  - *There is not enough land on this site to solve the regional transportation and pedestrian issues created by a school located here.*
7. Requiring participation in making the intersection improvement or improvements identified in the Transportation System Plan when a traffic analysis (compiled as an element of a conditional use application for the property) indicates the application should contribute toward.
  - *This use creates a regional traffic and pedestrian system problem the school district would not be prepared to solve.*
  - *We've heard talk of adding a round-about at Willamette Falls Drive and the new street connecting to Dollar Street. Space is very limited in the location next to Fields Bridge Park, the Tualatin River, and adjacent property to the north. We question the ability of a round-about to function given the amount of regional traffic on the road system and excessive number of 4-way stop signs being installed on adjacent intersections in the Willamette area.*
8. Requiring landscaping, screening, drainage, and surfacing of parking and loading areas.
  - *No amount of this type of improvement would mitigate visual, parking, and traffic impacts to the surrounding neighborhood.*
9. Limiting the number, size, location, height, and lighting of signs.
  - *Not applicable.*
10. Limiting or setting standards for the location and intensity of outdoor lighting.
  - *Dis-allowing athletic field lighting would be one condition of approval that would actually be beneficial to the surrounding neighborhood.*
  - *Limiting parking lot lighting to short poles with night-sky friendly and full cut-off luminaires would also be beneficial to the surrounding neighborhood.*
11. Requiring berming, screening, or landscaping and the establishment of standards for their installation and maintenance.
  - *No amount of this type of improvement would mitigate visual, parking, and traffic impacts to the surrounding neighborhood.*
12. Requiring and designating the size, height, location, and materials for fences.
  - *This could be helpful to the surrounding neighborhood if the site was fenced from Dollar Street access.*
13. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, and drainage areas.
  - *There is an extensive grove of trees and habitat on this site. It will be impossible to protect and preserve the trees, soils and vegetation because of site grading needed to level the site for school, parking, and athletic field facilities.*

We respectfully request your consideration of this information in your decisions relating the Conditional Use approval request being submitted by the West Linn-Wilsonville School District.

Sincerely,



Richard J. Krippaehne



Tamara A. Misley-Krippaehne

## Myers, Chris

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**From:** Richard Krippaehne <rtkrippaehne@msn.com>  
**Sent:** Tuesday, July 6, 2021 2:04 AM  
**To:** Myers, Chris  
**Cc:** Wyss, Darren; Willamette Neighborhood Association President  
**Subject:** 945 Dollar Street Conditional Use, Proposed Athey Creek Middle School, Project ID: CUP-21-02/DR-21-04  
**Attachments:** Letter WL Planning Commission-City Council RE Dollar St School 2020-11-18.pdf

Dear Mr. Myers:

RE: 945 Dollar Street Conditional Use, Proposed Athey Creek Middle School  
Project ID: CUP-21-02/DR-21-04

Attached is a copy of a letter previously sent to the West Linn Planning Commission and City Council regarding the request for Conditional Use approval from the West Linn-Wilsonville School District to build and operate a middle school at a site on Dollar Street in West Linn. We are writing again to request that the City deny the school district's application for Conditional Use approval.

We would like to highlight a few Conditional Use approval criteria that have not been adequately addressed by the School District.

**Approval criteria require adequate site area for the proposed use and for design treatment to mitigate any possible adverse effect from the use on surrounding properties and uses.**

1. We are concerned the site will not provide adequate parking to accommodate needs during after-hours activities. Parent nights, arts and entertainment events, and school sports events will overwhelm the parking lots, and attendees will park in the adjacent neighborhood.
2. If the school district allows club sports to use the athletic facilities, then this parking problem will extend into weekends as well.
3. The lighting on the proposed school athletic field is comprised of 8-head, 575 watt, 52,000 lumen LED gang lights, mounted on 70-foot tall poles which are located 30-50 feet from the Dollar Street right-of-way, looming high above the adjacent homes.
4. Noise from athletic events will certainly adversely affect the livability of the adjacent neighborhood.

**Approval criteria require the characteristics of the site, including location, to be suitable for the proposed use.**

1. The proposed location of this facility is in the middle of one of the worst traffic bottlenecks in the region. There are only two primary east-west traffic routes in the area, those being Interstate 205 and the Borland Road-Willamette Falls Drive corridor. The State of Oregon and Metro are attempting to socially engineer their system with tolling strategies, and these strategies will only drive commuters to the local roadways. The City has been trying its own strategy of adding four-way stop controls to intersections along the route to discourage drivers from using their roads. Even without a school, traffic has been known to back up for miles during the evening rush-hour. Traffic and parking for after-school activities will only add to this problem. You should note that lack of available parking at Fields Bridge Park currently forces users to park along the inadequate shoulder of Willamette Falls Drive at the park frontage.
2. The school district is proposing a location in West Linn at a time when regional growth is in Wilsonville.

**Approval criteria require that adequate public facilities will be available to provide service to the property at the time of occupancy.**

1. The school district claims in their application, on many occasions, that a primary reason for the proposed school on Dollar Street is its walk and bike-friendly location. In fact, the area west of the proposed school location, across the Tualatin River bridge, is not walk or bike-friendly at all, no more than that of the existing Athey Creek school. Borland Road has no shoulders and a 45 mph speed limit. Even highly experienced riders and runners cause vehicular traffic to move into on-coming traffic while passing. The remainder of the Willamette neighborhood is without adequate sidewalks or bike lanes. Walking through the neighborhood requires crisscrossing streets to stay on sidewalks that are narrow, overgrown, broken, and terminate at walls of vegetation, trees and topography. There are no designated bike lanes in the Willamette neighborhood except for those in the incomplete project being constructed by the City in the 10<sup>th</sup> Street – Willamette Falls Drive area.
2. The school district is not proposing “off-site” improvements to the sidewalk and biking infrastructure along safe routes to school. They are only proposing improvements on and immediately adjacent to their property. The City does not have a good track record in the timely completion of this type of project. If the school district is planning to “partner” with the City on this, the timing of completion would likely not pre-date occupancy.

Please enter these comments and our previously sent letter into the record for this Conditional Use review. Thank you for your attention to this matter.

Sincerely,

Richard J Krippaehne  
Tamara A Misley-Krippaehne  
2125 River Heights Circle



**From:** [John J. McCabe](mailto:John.J.McCabe)  
**To:** [cmeyers@westlinnoregon.gov](mailto:cmeyers@westlinnoregon.gov); [Wyss, Darren](mailto:Wyss, Darren)  
**Subject:** Dollar Street Item  
**Date:** Friday, June 25, 2021 9:53:23 AM

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Below is an email I received from Jerry Greenfield of the Wilsonville Planning Commission. If this is submitted as testimony will the highlighted area be left highlighted or must I submit the information in a different method?

John McCabe  
[REDACTED]

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**From:** Jerry Greenfield [REDACTED]  
**Sent:** Friday, September 6, 2019 3:53 PM  
**To:** John J. McCabe [REDACTED]  
**Cc:** Kathleen Greenfield [REDACTED]  
**Subject:** Re: regarding the elementary school issue

Hi John,

Thanks for bringing me your concern last night about references to the future school site in Frog Pond West. Since Kate was included in our conversation and she followed up in her own email to you this morning to which you have responded, I'm sending to you both.

I have looked again at Page 23 and surrounding pages in the 2017 Frog Pond West Master Plan document, which seem clear in their identification of land designated for future school use in the development. Page 23 specifically says, "The 10-acre property that fronts on Boeckman Road is planned for a future school..." In fact, throughout this and other planning documents relating to Frog Pond West the school anticipated for this site is not named, although in our discussions we have understood that it would be a neighborhood elementary school immediately serving the developing Frog Pond area. The West Linn-Wilsonville School District is the owner of that property as well as an additional 15 acres in Frog Pond West that the district is land-banking for future use, most of which is expected to develop as residential. Of course, the school district, not Wilsonville, is primarily responsible for planning that school.

Page 18 of the same document refers to a "30-acre middle school and future school site south of Advance Road" in what we are calling Frog Pond South. That proposed school site next to the then-unbuilt middle school, was envisioned to be where a new Art-Tech High School would be built. As you know, the school district currently plans to relocate that school from its present leased facilities in Wilsonville Town Center to the Athey Creek School site, pending approval of the capital bond measure in November. Of course, the Meridian Middle School has since been built on the Frog Pond South site.

All of this planning has been public and orderly, done in collaboration with the school district and following the usual progression including amendments to the city's Comprehensive Plan, adoption of the 2015 Frog Pond Area Plan, the 2017 Frog Pond West Master Plan, annexation to the city, and finally zoning as the last stage before development. Through this process the location of a future elementary school on the former Crest Farm site has been a consistent element, although the language referring to it in city documents has been as nonspecific as it has because that planning is in the purview of the school district.

As far as I can tell, there is no contradiction in the planning documents as they have evolved nor any misdirection or deception. Any developer or prospective homeowner exercising due diligence would immediately see from the 2015 and 2017 documents that a school is planned to be built along Boeckman Road in Frog Pond West in the vicinity of the residential neighborhood anchored by the 2019 Street of Dreams. If that is of interest to the party, a quick check with the school district will clarify details of what is being planned on that site. In short, I don't see a source of concern in the webpages you point to. If I am missing something or you still have a concern, do let me know so that I can convey it to an appropriate person in City Hall.

Best,

Jerry

On Sep 6, 2019, at 1:36 PM, Kate Greenfield [REDACTED] > wrote:

Begin forwarded message:

**From:** "John J. McCabe" [REDACTED]  
**Subject:** Re: regarding the elementary school issue  
**Date:** September 6, 2019 at 4:55:37 AM PDT  
**To:** Kate Greenfield [REDACTED]

[https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/29111/masterplanreport\\_final\\_july2017\\_reduced.pdf](https://www.ci.wilsonville.or.us/sites/default/files/fileattachments/planning/page/29111/masterplanreport_final_july2017_reduced.pdf)

It's the 2017 plan. It shows "Institutional Civic" (which is the school property.) it does not show that Crest is the site for the Frog Pond Primary.

John McCabe

Sent from [Outlook](#)

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**From:** Kate Greenfield [REDACTED]  
**Sent:** Friday, September 6, 2019 4:39 AM  
**To:** [REDACTED]  
**Subject:** regarding the elementary school issue

Jerry and I are trying to follow up on the information you gave us this evening regarding maps showing the placement of the elementary school in the Frog Pond Area. I have looked at some Street of Dreams materials that correctly show the location of the elementary school in Frog Pond West (north of Boeckman Rd.).

If you could send a URL that contains a map placing the elementary school southeast of the corner of Advance and Stafford/Wilsonville Rd., that would save some time.

Kate

**From:** [John J. McCabe](#)  
**To:** [Wyss, Darren](#); [Myers, Chris](#)  
**Cc:** [Williams, John](#)  
**Subject:** Re: Dollar Street Item  
**Date:** Wednesday, June 30, 2021 12:12:32 PM

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neighboring local jurisdictions(Page 109 of 115). The Stafford CPO has not been notified of the hearing or any other activity of this project. The Stafford CPO is within 500 feet of this site and will have traffic patterns affected with no input. Is this not a violation of Measure 56 that Mr. Wyss recently informed the public of recently?

John McCabe  
503-351-5319

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**From:** Wyss, Darren <dwyss@westlinnoregon.gov>  
**Sent:** Wednesday, June 30, 2021 9:41 AM  
**To:** 'John J. McCabe' <dbjmcm@msn.com>; Myers, Chris <CMyers@westlinnoregon.gov>  
**Cc:** Williams, John <JWilliams@westlinnoregon.gov>  
**Subject:** RE: Dollar Street Item

Mr. McCabe,

The email was submitted after the staff report was published, but will be forwarded to the Planning Commission and placed into the record along with all other written comments submitted after the staff report was published. The highlighted section will remain. Thanks.

---

**From:** John J. McCabe [mailto:dbjmcm@msn.com]  
**Sent:** Wednesday, June 30, 2021 9:13 AM  
**To:** Myers, Chris <CMyers@westlinnoregon.gov>  
**Cc:** Williams, John <JWilliams@westlinnoregon.gov>; Wyss, Darren <dwyss@westlinnoregon.gov>  
**Subject:** Fw: Dollar Street Item

Mr. Myers;

As a follow up has this email from Jerry Greenfield of the Wilsonville Planning Commission been placed into the packet for the Dollar Street hearing scheduled for next Wednesday? With the section highlighted left in the email?

John McCabe  
503-351-5319

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**From:** John J. McCabe <dbjmcm@msn.com>  
**Sent:** Friday, June 25, 2021 9:54 AM  
**To:** Myers, Chris <CMyers@westlinnoregon.gov>  
**Subject:** Fw: Dollar Street Item

Below is an email I received from Jerry Greenfield of the Wilsonville Planning Commission. If this is submitted as testimony will the highlighted area be left highlighted or must I submit the information in a different method?

John McCabe  
503-351-5319

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**From:** Jerry Greenfield <jerrygreenfield@gmail.com> on behalf of Jerry Greenfield <jer.greenfield@gmail.com>  
**Sent:** Friday, September 6, 2019 3:53 PM  
**To:** John J. McCabe <dbjmcm@msn.com>  
**Cc:** Kathleen Greenfield <gr33kat@gmail.com>  
**Subject:** Re: regarding the elementary school issue

Hi John,

Thanks for bringing me your concern last night about references to the future school site in Frog Pond West. Since Kate was included in our conversation and she followed up in her own email to you this morning to which you have responded, I'm sending to you both.

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**Subject:** Re: regarding the elementary school issue  
**Date:** September 6, 2019 at 4:55:37 AM PDT  
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Sent from [Outlook](#)

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**Darren Wyss**  
*Planning Manager*  
Planning

22500 Salamo Rd.  
West Linn, Oregon 97068  
[dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov)  
[westlinnoregon.gov](http://westlinnoregon.gov)  
503-742-6064



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## Myers, Chris

---

**From:** John J. McCabe <DBJMCM@msn.com>  
**Sent:** Tuesday, July 6, 2021 10:14 AM  
**To:** Wyss, Darren; Williams, John; Myers, Chris  
**Cc:** Willamette Neighborhood Association President  
**Subject:** 7/7/21 WEBEX link?

**CAUTION:** This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

**Since the COVID Emergency has been lifted as of 6/30/21 shouldn't the meeting of the planning commission be open to have the public at the meetings?**

I have attached additional item for the citizen activity on the Dollar Street manner. Could I please be informed of the items that I have emailed since November, 2020 that have been attached to this planning item?

John McCabe  
503-351-5319

<https://www.facilitiesnet.com/maintenanceoperations/audiovideo/Lessons-in-Educational-Funding-with-Tim-Woodley--20369>



Lessons in Educational Funding with  
Tim Woodley - Facility Management  
Maintenance & Operations Information  
- Facilitiesnet

fnPrime™ is our new member community. Each month, new resources will be available to help facility professionals advance their careers, save their organizations money, and tackle key trends facing the industry.

[www.facilitiesnet.com](http://www.facilitiesnet.com)

<https://www.facilitiesnet.com/designconstruction/article/Funding-for-the-Next-Generation--8593>



## Funding for the Next Generation - Facilities Management Insights

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[www.facilitiesnet.com](http://www.facilitiesnet.com)

## Myers, Chris

---

**From:** John J. McCabe <dbjmcm@msn.com>  
**Sent:** Wednesday, June 30, 2021 12:25 PM  
**To:** Wyss, Darren; Myers, Chris; Willamette Neighborhood Association President  
**Cc:** Williams, John  
**Subject:** Re: Dollar Street Item

Staff Finding 253: Staff incorporates applicant findings. "The proposed location of Athey Creek Middle School will be more centrally located to the population it serves than the existing location of Athey Creek Middle School, which is in unincorporated Clackamas County. The current location has no walking boundary due to the lack of pedestrian and bicycle routes and lanes. The new location will be accessible by sidewalks and bike routes. New right-of-way improvements including pedestrian and bicycle routes and lanes are included in the proposed design. This standard is met."

Mr. Myers;

Who provided this information to staff? There are less than 100 students that will live within One mile of this school in a neighborhood with almost no sidewalks.

John McCabe  
503-351-5319

---

**From:** Wyss, Darren <dwyss@westlinnoregon.gov>  
**Sent:** Wednesday, June 30, 2021 9:41 AM  
**To:** 'John J. McCabe' <dbjmcm@msn.com>; Myers, Chris <CMyers@westlinnoregon.gov>  
**Cc:** Williams, John <JWilliams@westlinnoregon.gov>  
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**Sent:** Wednesday, June 30, 2021 9:13 AM  
**To:** Myers, Chris <CMyers@westlinnoregon.gov>  
**Cc:** Williams, John <JWilliams@westlinnoregon.gov>; Wyss, Darren <dwyss@westlinnoregon.gov>  
**Subject:** Fw: Dollar Street Item

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John McCabe  
503-351-5319

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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

West Linn-Wilsonville School District Students who were previously enrolled in a district primary school (or out of district) who were enrolled at ACMS as of 9/30/2019

Grade Level	Total	From Willamette	From Stafford	From Out of District	From Bolton	From Sunset	From Trillium	From Cedaroak	From Stafford/Boeckman Choice	From Boeckman	From Boones	From Lowrie
6	212	88	67	29	6	6	4	5	4	2	1	
7	268	97	75	22	21	13	17	18	2	2	1	
8	203	82	66	5	9	15	11	6	5	1	1	2
Total	683	267	208	56	36	34	32	29	11	5	3	2
		39.1%	30.5%	8.2%	5.3%	5.0%	4.7%	4.2%	1.6%	0.7%	0.4%	0.3%

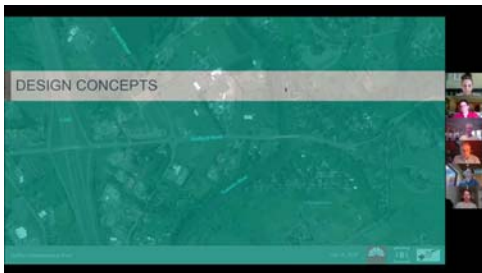
## Myers, Chris

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**From:** John J. McCabe <DBJMCM@msn.com>  
**Sent:** Thursday, July 1, 2021 11:18 AM  
**To:** Myers, Chris; Gabrielatos, Jerry  
**Cc:** Williams, John; Wyss, Darren  
**Subject:** Item for Dollar Street File

**CAUTION:** This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

<https://www.youtube.com/watch?v=epHuQr2SsEQ>



### Stafford Hamlet & CPO Community Meeting - July 14, 2020

Find more videos at:

[https://www.youtube.com/user/ClackamasCountyLiveStream:](https://www.youtube.com/user/ClackamasCountyLiveStream)

<http://www.clackamas.us/cable/streaming.html>Website:

<http://www.clackamas.us/Fa...>

[www.youtube.com](http://www.youtube.com)

This youtube video contradicts portions of the planning department staff findings for the Dollar Street Site. Will the staff findings be corrected based on statements made on this youtube public record video?

John McCabe  
503-351-5319

Who has been contacted with Clackamas County Transportation as to the effect to traffic on the Fields Bridge?

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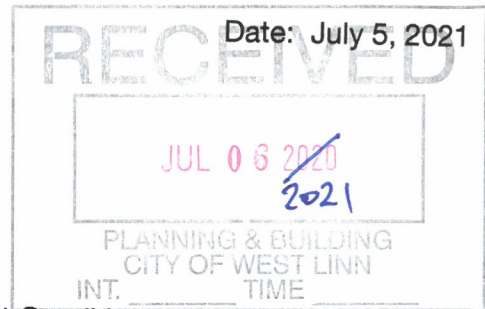
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Kate

To: Chris Meyers  
City of West Linn Planning Commission  
22500 Salamo Road  
West Linn, OR 97068

From: Ron & Jan Mobley  
854 Nicole Ct.  
West Linn, OR 97068

Subject: Athey Creek Middle School at Dollar Street Conditional Use Application



Our backyard is on Dollar Street, across the street from the school property. We have lived on this site since 1992, thus we have a good understanding of the site, traffic patterns, and the habits of middle school aged students. We both had careers in education and understand the need and support of strong educational programs, and so we have strong concerns about a middle school at this location.

#### **West Linn City Council Final Order 11/14/1994**

Following many meetings, hearings with the West Linn City Planning Commission, and filing an appeal to the West Linn City Council. The following Final Order (CUP-93-02) was made on 11/14/1994;

NOW, THEREFORE, based on the findings above, the City Council hereby overturns the August 23, 1994 Planning Commission decision and approves this appeal, and thereby, denies the West Linn/Wilsonville School District Conditional Use application (File No. CUP-93-02) to build a middle school on Tax Lot 600, Assessor's Map 2 1E 34C and Tax Lots 900, 990 and 1001, Assessor's Map 2 1E 34DC.

A copy of the Final Order is attached. There were valid reasons to deny the conditional use application in 1994 and there are even more valid reasons to deny this application in 2021.

#### **2006-2007 Sale of Property**

Early in 2004 the West Linn/Wilsonville School District declared the property surplus and put it up for sale. **The administrator for West Linn/Wilsonville School District stated in the local newspaper "The site is not suitable for a school"**. The entire property was sold to Renaissance Homes. Renaissance Homes made several payments before having financial difficulties and returned the property back to the school district.

#### **Wrong Location and Not a Suitable Site— CDC Section 60.070(A)(1)(b) and CDC Section 60.070(A)(2)**

The size, shape, and slope of the property are not suitable for a middle school. The current plans for the site will not meet setback requirements, traffic flow requirements, and safe student access for students walking or biking to school.

The Willamette Neighborhood Association passed the following resolution:

**The Willamette Neighborhood Association is opposed to having a school at the Dollar St. property.**

The Dollar Street location for the middle school is not a suitable site for the city of West Linn or the West Linn/Wilsonville School District. The West Linn's infrastructures in this section of the city are not adequate to serve a school of 800 students. The common sense answer is to



locate the "third high school"(Career and Technical Education High School) in Wilsonville, adjacent to more opportunities for internships and cooperative programs with Clackamas Community College. Keep Athey Creek Middle School at the current location.

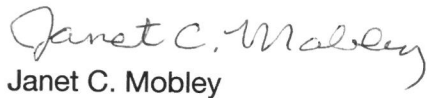
Two potential sites for the Career and Tech High School could be the Fry's Building or the "World of Speed Motorsports Museum". This building might become "Columbia Tech High School".

**Other Thoughts**

Encourage the City of West Linn to develop a bond issue to purchase the Oppenlander Property and the Dollar Street property for parks and recreation.

We know that this is a tough decision, but one that is very important not only to our River Heights neighborhood, but the City of West Linn and all citizens in the West Linn/Wilsonville District. Thank you for considering our concerns.

Sincerely,

  
Janet C. Mobley

  
Ronald T. Mobley

**FINAL ORDER**

**In the Matter of the appeal )  
of the MIDDLE SCHOOL )  
CONDITIONAL USE before )  
the West Linn City Council )**

CUP-93-02

**FINDINGS OF FACT**

1. The West Linn City Council held hearings on October 24, November 1, and November 7, 1994, on the request of Buffalo Zobel (hereafter referred to as the appellant), appealing the Planning Commission's decision of August 23, 1994 to deny the West Linn/Wilsonville School District's (hereafter referred to as the applicant) application for a Conditional Use permit to allow the construction of a middle school at the southwest end of Dollar Street.
2. The hearing was directed solely to the specific grounds for the appeal identified in the "Letter to Accompany Development Review Application Form," by Buffalo Zobel dated September 23, 1994.
3. Under grounds for appeal No. 1, the appellant concluded that the applicant for the middle school failed to meet approval criteria of the Community Development Code (CDC) Section 60.070(A)(1)(b), which states, "The site size and dimensions provide adequate area for aesthetic design treatment to mitigate any possible adverse effect from the use on surrounding properties and uses." The City Council makes no independent findings on this ground of appeal. Therefore, the Planning Commission decision regarding this approval criterion is affirmed.
4. Under grounds of appeal No. 2, the appellant concludes that the applicant for the middle school failed to meet approval criteria CDC Section 60.070(A)(2), which states, "The characteristics of the site are suitable for the proposed use considering size, shape, location, topography and natural features." The City finds that there is a lack of evidence in the record, as submitted by the applicant, to satisfy this criteria. There is no evidence which addresses the possible transportation impacts within the surrounding neighborhood, along the east and north sides of the City, and along Highway 43 during the interim period between the construction of this (third) middle school and last (fourth) middle school. All evidence in the record is predicated on both the third and fourth middle schools being operational. Since the Dollar Street site is to be located at the southwest end of the City, longer bus rides are anticipated, resulting in lower ridership per bus and more automobile use. As a consequence, serious transportation impacts will likely occur during this interim period, yet such interim impacts have not been addressed. Therefore, the Planning Commission decision regarding this approval criteria is overturned.

5. Under grounds of appeal No. 3, the appellant concluded that the applicant for the middle school failed to meet approval criteria CDC Section 60.070(A)(3), which states, "the granting of the proposal will provide for a facility that is consistent with the overall needs of the community." The City finds that there is insufficient evidence in the record to satisfy this criteria. The applicant's evidence is based upon the construction of two (2) versus one (1) new middle school and, therefore, has not addressed the interim transportation impact to the immediate neighborhood, nor the north and east areas of the City and specifically along Highway 43. Although the Planning Commission decision did establish specific conditions of approval (namely Conditions #9, 10 and 11) that are intended to address in the future, identified transportation issues, such issues should be addressed at this point in time. Further, Conditions #9, 10 and 11 do not address the transportation impacts during the interim period between construction of the third and fourth middle schools. Therefore, the Planning Commission decision regarding this approval criteria is overturned.
  
6. Under grounds of appeal No. 4, the appellant concluded that the applicant for the School District failed to meet approval criteria CDC Section 60.070(A)(4), which states, "all required public facilities have adequate capacity to serve the proposal." The City finds that there is a lack of evidence in the record to address this approval criteria. Again, the applicant's submittal is based upon the construction of both the third and fourth middle schools and lacks any evidence as to the impacts upon public facilities during the interim construction period between the two schools. This interim period could extend from five (5) to eight (8) years, and there is no evidence nor plans submitted by the School District which address these interim impacts nor interim mitigation measures proposed for public facilities, specifically transportation. Therefore, the Planning Commission decision regarding this approval criteria is overturned.

NOW, THEREFORE, based on the findings above, the City Council hereby overturns the August 23, 1994 Planning Commission decision and approves this appeal, and thereby, denies the West Linn/Wilsonville School District Conditional Use application (File No. CUP-93-02) to build a middle school on Tax Lot 600, Assessor's Map 2 1E 34C and Tax Lots 900, 990 and 1001, Assessor's Map 2 1E 34DC.

This decision shall become final 21 days from the date of the signing of this document. Any appeals by parties with standing must be filed with the Oregon Land Use Board Of Appeals.

11/14/94  
DATE

Jill Thorn  
JILL THORN, MAYOR

Mailed this 15<sup>th</sup> day of November, 1994.





# CITY OF West Linn

22500 Salamo Road  
West Linn, Oregon 97068  
<http://westlinnoregon.gov>

## PLANNING COMMISSION AGENDA

Wednesday, July 7, 2021  
6:00 pm – Pre-Meeting Work Session  
6:30 pm - Regular Meeting

Staff Liaison: Darren Wyss - [dwyss@westlinnoregon.gov](mailto:dwyss@westlinnoregon.gov)

1. Call To Order and Roll Call (6:30 pm)
2. Public Comment Related To Land Use Items Not On The Agenda (6:35 pm)
3. Approval of Meeting Notes: [5/19/21](#) and [6/16/21](#) (6:40 pm)
4. Public Hearing: [CUP-21-02/DR-21-04/WRG-21-02/MISC-21-04/VAR-21-01/VAR-21-06/LLA-21-02, a proposal to construct a new middle school at 849/945 Dollar Street](#) (6:45 pm)



5. Items Of Interest From The Planning Commission (9:00 pm)
  6. Items Of Interest From Staff (9:10 pm)
  7. Adjourn (9:20 pm)
- Residents have already passed the bond on this item, however is dollar street now the safest and proper site to build an elementary middle school? - because since the bond passed, heavier traffic changes and other issues have submerged all aspects and latest issues this area presents now and near future growth. - Good job staff. Alice Richmond 7-6-21 -*

### Meeting Notes:

**\*COVID Update:** All public meetings are currently being held online. The public can watch all meetings at [www.westlinnoregon.gov/meetings](http://www.westlinnoregon.gov/meetings). The Planning Commission meetings are also shown on Cable.



Submit written comments by email to the [cmyers@westlinnoregon.gov](mailto:cmyers@westlinnoregon.gov) All comments must be received before 12:00 pm on the meeting day.

To speak during the meeting, please complete the form located at <https://westlinnoregon.gov/citycouncil/meeting-request-speak-signup> by noon the day of the meeting to be input into our system. Instructions on how to access the virtual meeting will be provided to you by email before the meeting.

If you require special assistance under the Americans with Disabilities Act, please call City Hall 48 hours before the meeting date, 503-657-0331.



## Myers, Chris

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**From:** Dean Riddle <dean.riddle@me.com>  
**Sent:** Tuesday, July 6, 2021 11:58 AM  
**To:** Myers, Chris  
**Subject:** Health and Welfare concerns.

**CAUTION:** This email originated from an External source. Do not click links, open attachments, or follow instructions from this sender unless you recognize the sender and know the content is safe. If you are unsure, please contact the Help Desk immediately for further assistance.

Hello Chris,

I would like to submit the below, my concerns regarding the proposal for moving Athey Creek Middle School to the Dollar St site.

I have voiced these concerns below a number of times and feel that these massively important underpinning factors have been dismissed in the rush to spent money because this is a “done deal”.

When talking about Health and Welfare of the student I am asking about the optimal physical activity required for heathy living and the social environment for supporting the welfare of the students. I have asked multiple times “have these factors been assessed?” I keep getting the response saying "the pupils, parents and teachers have been surveyed" this is very important but far from the appropriate duty of care that should be in place with such a huge amount of money being spent and the possible negative impacts that may evolve in the future for all involved that once the move is made, there is no going back and the damage is done.

Any studies listed are all about the current site and talk to various aspects of concern that of course should be looked at. But zero looking at a comparison of the current site and the new dollar street site with this lens. Has there been an evaluation by an **independent body** of the current site and the proposed future site looking at the **heath and welfare** of the students? The new site on Dollar Street has much less sports activity and social spaces, it is not just a question of “with smart design we can incorporate every aspect required for a school of this size”, it is not good enough to say this as has been mentioned a number of times. Is the Dollar street site as **good or better** than the current Athey Creek site?

One response was “ I don’t even know that this type of evaluation could be done or who would do it?” Really! There are multiple consultancy agencies who solve complex problems exactly like these, they bring the rigor and independence required to make sure the right thing is being done. I feel sometimes listening to the meetings the “pride” emanating from the presenters about the design etc... Is this a monument to the people involved in making these decision or the best thing for the children?

A reply to my question on a community Zoom meeting was, “if the children want to play baseball competitively they can be bused to the old site” This is a very poor answer, children need to "play" not just play competitively, especially in this age range, not to mention the ability for the other children to go along and watch, this is a reflection of not understanding or valuing the Health and Welfare aspects in making the change to a schooling environment with the child at the centre.

I also want to be clear that our children are very well served by the fabulous education they receive in the district, There is a lot of very talented people leading this district to make this happen, we are very lucky. Just because the district has a land bank option and the money is available in the bond does not mean we should proceed. Stop, take a min and have a good look please.

Further to this the need for the best placement for the Art Tech school should be looked at, this has been a large driver in the thought process. With the paths of study for the Art Tech student in Wilsonville align largely to the industry in the area. Surely you keep these closer? This allows for deeper connections for the students to be developed both in the class room and in the workplace. The convenience of the commuter distance is almost irrelevant as it is so small and so the case for putting this school in the middle makes no sense for this age group.

The designs look very impressive, I understand a lot of work is going in here but from everything I have seen for the new site is substandard from what the children currently enjoy that support health and welfare of these students. The ability for children being able to walk or bike to school has to be weighed against the quality of the school environment. I feel this is being ignored at the health and welfare costs to the children.

I hope this helps a many thanks for your consideration.

Dean



## TUALATIN RIVERKEEPERS®

11675 SW Hazelbrook Road • Tualatin, Oregon 97062

phone 503-218-2580 • fax 503-218-2583

[www.tualatinriverkeepers.org](http://www.tualatinriverkeepers.org)

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July 6, 2021

City of West Linn Planning Commission  
22500 Salamo Road  
West Linn, Oregon 97068

*Submitted via Email*

**Re: Public Comment on 945 Dollar Street Conditional Use Permit Project ID: CUP-21-02/DR-21-04/WRG-21-02/MISC-21-04/VAR-21-01/VAR-21-06/LLA-21-02**

Tualatin Riverkeepers (TRK) is a community-based organization that protects and restores the Tualatin River watershed. We build watershed stewardship through engagement, advocacy, restoration, access, and education. We write to comment on the 945 Dollar Street Conditional Use Permit. Our concerns are primarily related to the Drainage Report. Given how close the proposed school is to the Tualatin River we recommend further work and thought be put into the stormwater plans before any construction is completed to avoid unintended consequences to the river and to avoid cost overruns. Stormwater mistakes can cost millions of dollars, so it is important to get the stormwater plans right. We have included our concerns below by topic and hope they will be addressed before any construction is started.

### **I. Preliminary Drainage Report Is Insufficient**

The Drainage Report is *very preliminary* with many notes about the need to refine treatment designs in subsequent submittals. Therefore, the "Engineering Conclusion" that the stormwater system should be approved as designed is very premature. Additionally, the preliminary designs of features such as swales look good in theory, but TRK would prefer a 50-year design standard versus the proposed 10-year design standard. Using a 50-year storm will better prepare the system for the expected impacts of climate change.

TRK also has concerns that all the stormwater is not planned to be treated on-site. The City of Portland's Stormwater Management Manual states: "Onsite stormwater management is required to the maximum extend feasible unless stormwater management is provided in a regional facility as part of a larger plan or project."<sup>1, 2</sup> The drainage report has not clearly demonstrated that this requirement has been met. It is not clear that any stormwater planned to be treated off-site is part of a larger plan or regional facility.

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<sup>1</sup> 2020 City of Portland Stormwater Management Manual Section 1.3.1



## II. Stormwater Canisters Should Be Avoided If Possible

While many of the stormwater treatments proposed can be considered LID features, TRK is particularly concerned about the use of Stormwater Canisters to treat water quality. Canisters can function adequately if properly sized, placed and maintained, but they are not sustainable. How such canisters will be maintained and by whom is not clear as the Operation and Maintenance Plan has yet to be prepared. TRK is currently dealing with many inadequate stormwater facilities that followed regulations at the time they were permitted. The resulting extreme erosion at many of these sites is ongoing and there is no money to implement very expensive fixes.<sup>3</sup> It is hoped the Operation and Maintenance Plan will clearly state who will monitor the proposed stormwater system and what the annual budget is likely to be and who/what entity is responsible for fixing *any* aspect of the stormwater system that is not functioning as proposed.

TRK does not advocate for non-sustainable water quality treatments such as canisters, but if canisters cannot be practicably avoided TRK asks that a figure explicitly show and label the location of each canister. It is hoped the applicant will clearly state why a sustainable alternative to each of the canisters is not practicable.

## III. Other Considerations Relevant to the Stormwater Plan

TRK encourages the applicant to justify why the Infiltration System Design must wait until construction. Waiting until construction for data seems problematic as unexpected data could lead to costly construction delays and budget overruns. TRK encourages the applicant to do all the soil sampling prior to construction and base the design and construction budget and schedule on the data collected.

Finally, as the final design is prepared TRK encourages the applicant to choose a permeable alternative for paved surfaces. Permeable alternatives help increase the filtration capacity of the site.

## IV. Conclusion

In conclusion, it is clear more work should be done on the drainage report before any construction is allowed. It is not clear from the existing report that the stormwater system as designed will be sufficient to meet the City of West Linn Public Works Design Standards and the 2020 City of Portland Stormwater Management Manual. Therefore, we ask the planning commission to take any steps necessary to ensure these concerns are addressed before any construction is completed at the site.

Sincerely,



Ashley Short  
Tualatin Riverkeeper & In-House Counsel  
Tualatin Riverkeepers  
[Ashley@tualatinriverkeepers.org](mailto:Ashley@tualatinriverkeepers.org)

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<sup>2</sup> Note that U.S. EPA recommends treating all stormwater onsite in their Stormwater Management Guidance: <https://www.epa.gov/greeningepa/stormwater-management-practices-epa-facilities>

<sup>3</sup> Restoration of these extreme erosion sites in the Tualatin River basin have been estimated to cost several million dollars each.